



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Sixtieth session

### Summary record of the 1705th meeting

Held at the Palais Wilson, Geneva, on Friday, 1 June 2012, at 3 p.m.

*Chairperson:* Mr. Zermatten

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*Combined second and third periodic reports of Turkey*

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*The meeting was called to order at 3.05 p.m.*

**Consideration of reports by States parties** (continued)

*Combined second and third periodic reports of Turkey* (continued) (CRC/C/TUR/2-3; CRC/C/TUR/Q/2-3; CRC/C/TUR/Q/2-3/Add.1)

1. *At the invitation of the Chairperson, the delegation of Turkey took places at the Committee table.*
2. **Ms. Aidoo**, recalling that in 2001 the Committee had asked Turkey to conduct a comprehensive study on all aspects of adolescent health with a view to drawing up an effective policy in that area, asked if measures had been taken to that end.
3. She wished to know if a comprehensive reproductive health policy had been introduced for adolescents and if reproductive health was included in school curricula.
4. Turkey's rapid economic growth masked significant regional disparities. Children in the east, and particularly the south-east, of the country, which was populated for the most part by Kurds, were particularly disadvantaged. According to the Turkish Institute for Statistics' annual poverty study, in 2009, 25.8 per cent of children under the age of 15 had been living under the national poverty line, while the figure for the general population had been 18 per cent. In rural areas, 50.1 per cent of children were living in poverty. That situation had serious consequences on their health and, thus, their development. She wished to know what measures had been taken to accelerate the sustainable reduction of child poverty. The cash assistance programme that had been introduced was commendable, but was not sufficient to have a tangible effect on the lives of poor children, and it would be necessary to establish a comprehensive programme of support for families.
5. **Ms. Lee**, noting that public education was free, requested details of the additional costs families had to bear in order to ensure that their children received a satisfactory standard of education.
6. She noted that neither the report nor the written replies to the list of issues contained any details on the application of the Optional Protocol on the sale of children, child prostitution and child pornography, particularly on the follow-up to the recommendations made by the Committee — in its concluding observations following consideration of Turkey's initial report on the application of the Optional Protocol — with regard to the drafting of a national action plan to combat child trafficking and the amendment of the legislation in force, which did not take account of all of the offences provided for in the Covenant.
7. **The Chairperson** asked for a status update on the process of ratification of the Council of Europe conventions on cybercrime and combating human trafficking, which Turkey had signed.
8. **Mr. Kaya** (Turkey) said that 38 centres currently provided education, vocational training and health services to some 8,800 street children, 644 of whom boarded at the centres. Approximately 60 children were enrolled in a detoxification programme.
9. **Ms. Maurás Pérez** asked for details of prevention and reintegration measures.
10. **Mr. Kaya** (Turkey) said that prevention and protection measures had been prioritized. Activities were organized to raise awareness among families, and sanctions were imposed on those that did not take care of their children properly. Patrols had been introduced to identify street children so that the competent services could provide them with assistance and facilitate their social reintegration.

11. **Ms. Şahin** (Turkey) said that the policy of cash assistance was supplemented by a social assistance programme for families, which focused on combating domestic violence.
12. **Mr. Kaya** (Turkey) said that Turkey's adoption policy was centred on the best interests of the child. Every effort was made to ensure that children were brought up by their parents or extended family; adoption was envisaged only as a last resort.
13. A board made up of representatives of nine ministries and representatives of non-governmental organizations (NGOs), under the auspices of the office of the Prime Minister, was tasked with monitoring respect for children's rights.
14. Although the number of children in institutions remained high, there was a downward trend, with 14,800 children having been placed in institutions in 2011, as compared to 15,500 in 2012.
15. "Affection homes" were children's homes that provided a family-style environment. They were run by a "caregiving mother" and housed between five and seven children.
16. **The Chairperson** asked how many children were adopted in Turkey, how many were in the *kafala* system, and how many were placed in foster homes, children's homes and institutions.
17. **Mr. Kaya** (Turkey) said that there were currently 1,210 children living with foster families and 2,696 in the 469 children's homes throughout the country. Children under the age of 3 were never placed in institutions but were either placed in foster families or adopted.
18. Data were collected by the Institute for Statistics and other services, but as that was not sufficient, it had been decided to create family and social services information centres. A strategic policy document on children's rights had been drafted with the participation of NGOs, universities and civil society.
19. A telephone helpline was available for children, and their complaints were followed up immediately; civil or criminal proceedings were initiated against the persons responsible for violations of children's rights. The police and the gendarmerie also ran helplines.
20. The private life of children was protected under the Constitution, the Law on the Protection of Children and the Penal Code. Anyone who violated those provisions was subject to very severe sanctions.
21. Children could participate in decisions that affected them through school and provincial assemblies. The website of the Ministry of Family and Social Policies included a section reserved for children, where they could post their opinions.
22. **The Chairperson** requested clarification on the participation of children in civil, criminal and administrative proceedings.
23. **Mr. Kotrane** (Country Rapporteur), noting that Turkey had a sizeable Muslim population, asked whether all adoptions were full adoptions or whether the figures provided by the delegation also included the *kafala* system. He would also welcome further details on cases of early marriage, forced marriage and polygamy.
24. **Mr. Kaya** (Turkey) said that adoption was regulated by articles 305 and 306 of the Civil Code. The child's opinion was always taken into account throughout the adoption procedure. Adopted children were full members of their adoptive families, and bore the same name and had the same inheritance rights as the other children in the family.
25. **Ms. Şahin** (Turkey) said that early marriages were becoming less common and that currently only 9 per cent of marriages involved persons under the age of 18, compared with

20 per cent in 2001. One of the aims of the decision to extend the duration of compulsory education to 12 years was to eradicate early marriage entirely.

26. **Ms. Çiftçi** (Turkey) said that persons with disabilities, particularly children, received care at home, allowing them to remain in their family environment. Children with disabilities who were cared for at home received the same psychological support as children in institutions. The families of persons with disabilities whose income was deemed insufficient received assistance from social services.

27. Children were tested for early detection of disabilities, including hearing impairments. Turkey had signed a protocol with UNICEF, which made provision for research on early detection methods and an increase in the budget allocated to detection programmes.

28. **Ms. Ozbaş** (Turkey), referring also to the prevention of disabilities among children, said that newborns were screened for hypothyroidism, congenital cataract, retinoblastoma and hip dysplasia, among other conditions. There was also a screening programme in 33 provinces to detect haemoglobinopathies and thalassaemias in couples before they got married.

29. **Ms. Orsel** (Turkey) said that Turkey had been implementing an early detection mechanism for development disorders in children in all 81 provinces since 2005. At-risk children were referred to the secondary and tertiary health-care services. Turkey was in the process of setting up screening centres for mental disabilities, such as autism, and one was already operational.

30. **Mr. Cardona Llorens** noted that the fact that there was only one such centre in the entire country must make the situation rather complicated for those who did not live near it. He invited the delegation to comment on information provided to the Committee to the effect that there was a long waiting list for the early detection of mental disabilities other than autism.

31. **Ms. Orsel** (Turkey) said that there were a number of hospital and outpatient services for children with development disorders. The centre that had been mentioned was not the only mechanism offering screening for mental disabilities in Turkey, but it differed from the other facilities in terms of its diagnostic, treatment and research capacity. Turkey wished to increase the number of such centres.

32. **Mr. Yiğittir** (Turkey) said that Turkish policy aimed to keep children with disabilities in the mainstream school system as far as possible. Students and teachers were informed in advance that a child with disabilities would be joining their class and were prepared to welcome and integrate the new pupil.

33. **Mr. Cardona Llorens**, noting that the number of children with disabilities who were educated in special classes and establishments remained high, asked whether the State party had introduced a training policy for teachers and allocated the necessary resources to make schools genuinely inclusive.

34. **Mr. Yiğittir** (Turkey) said that, of the 238,000 children with disabilities registered in Turkey, 148,000 attended mainstream schools, while the remainder had not been considered suitable for regular schooling on account of their disability. Thus, children who were deaf or hard of hearing attended one of 49 special schools, where the teachers had been specially trained and used methods adapted to their needs.

35. **Mr. Cardona Llorens**, noting that in many countries children with hearing impairments attended mainstream classes, suggested that it might be necessary to strengthen the resources allocated so that teachers could receive the necessary training to cater for more children with disabilities in regular classes. Inclusive education was

important not only for children with disabilities, but also for abled-bodied children, who realized, through contact with those with disabilities, that difference enriched human relations.

36. **Ms. Şahin** (Turkey) acknowledged that in order to improve the situation of children with disabilities, it was necessary to strengthen the policy of inclusive education, which Turkey was committed to doing.

37. **Mr. Koçak** (Turkey) explained that the homes for pregnant women currently only provided accommodation for women with high-risk pregnancies, who could stay there with their families if they so wished. Admission to the homes was on a purely voluntary basis, so no discriminatory practice was involved.

38. The programme launched in 2002 to address, inter alia, regional disparities in maternal and infant mortality had yielded excellent results. Turkey had reached the Millennium Development Goals in relation to reducing infant mortality and improving maternal health in 2009.

39. Turkey attached high priority to children in its public health policy, as was demonstrated by the fact that the position of Minister of Health had been held by a paediatrician since 2002. Although the health budget had increased, it remained relatively low compared to other countries.

40. All inhabitants, whether Turkish citizens or foreigners, were entitled to free primary health care, while all health care for children was entirely free. The health authorities had provided vaccinations to refugee children in the provinces of Gaziantep and Killis. Refugees were entitled to preventive health services and emergency care and had access to water and sanitation facilities as well as to the services of an interpreter.

41. **Ms. Şahin** (Turkey) said that she had visited many of the refugee camps in the provinces of Gaziantep, Killis and Şanlıurfa. Ninety per cent of the 20,000 to 25,000 refugees in Turkey were women and children. The Ministry of Family and Social Policies provided teachers for refugee children and childcare and professional training for the women.

42. **Mr. Kotrane** (Country Rapporteur) asked for information on the reproductive health education provided by the State party.

43. **Mr. Koçak** (Turkey) said that the issue of early pregnancy had been the subject of a major public debate, but that a legislative process had not been initiated and no political decision had been taken on the matter.

44. **Mr. Özbaş** (Turkey) said that, since 1987, hospitals that applied internationally recognized standards in the area of child health and that promoted breastfeeding had been awarded the “Newborn-Friendly Hospital” label. The label had been awarded to 437 hospitals nationwide, which handled 92 per cent of births each year. At provincial level, municipalities that were particularly active in promoting breastfeeding were designated “Newborn-Friendly Cities”.

45. According to a survey conducted in 2010–2011, 60 per cent of mothers practised exclusive breastfeeding until their babies were 6 months old. The health authorities provided vitamin D and iron supplements to 1 million children each year. Since the distribution of nutritional supplements had been introduced, the rate of iron deficiency had dropped from 30 per cent to 6.3 per cent, and the incidence of iron deficiency anaemia had also decreased.

46. Under the 2005–2012 action plan on sexual and reproductive health, health-care personnel received specific training in order to respond to the needs of adolescents. Sexual and reproductive health centres provided young people with information on sexually

transmitted diseases, including HIV/AIDS, reproductive health and safe motherhood. In addition, the programme on life skills for adolescents launched in 2001, which was based on peer-to-peer knowledge sharing, had yielded very positive results.

*The meeting was suspended at 4.30 p.m. and resumed at 4.45 p.m.*

47. **Mr. Koçak** (Turkey) said that the maternal and child health centres had not been closed but that, as part of the restructuring being carried out by the Ministry of Health, they had been placed under the aegis of a new centralized institution that managed all maternal and child health matters in an integrated manner.

48. He pointed out that electroshock therapy was strictly prohibited in health facilities and invited the Committee to inform the delegation of any cases of which it was aware so that an inquiry could be initiated. Dissatisfied patients could make complaints by calling the emergency telephone number (147) or approaching one of the units tasked with defending patients' rights within health facilities. Surveys indicated that almost 70 per cent of users were satisfied with the health services, as compared to 39 per cent in 2002.

49. To avoid the added trauma of having to give testimony before the courts, child victims of abuse were referred to special centres where they were kept under observation by a team made up of a paediatrician, a child psychiatrist, and a psychologist, who prepared a report on the child for the courts. The method, which was still in the experimental stage in the province of Ankara, was to be replicated in other provinces.

50. **Mr. Yiğittir** (Turkey) said that, with a view to promoting the Convention, courses on democratic citizenship and human rights, including children's rights, were included in secondary school curricula. The courses were currently optional, but were due to become compulsory at the beginning of the next academic year.

51. **Mr. Kotrane** (Country Rapporteur) asked what measures the State party had taken to reduce the disparity between girls' and boys' access to secondary education, given that their respective enrolment rates were 66 and 77 per cent.

52. **Mr. Yiğittir** (Turkey) said that the duration of compulsory education was soon to be extended to 12 years, and would apply equally to boys and girls, with sanctions envisaged for parents who did not send their children to school. At primary level, the goal of 100 per cent school attendance for girls by 2014 was attainable, as the figure currently stood at 97.3 per cent. A decision had also been taken to bring the preschool starting age forward by a year, and in order to promote access, 16.8 million euros had been allocated for the establishment of mobile crèches to serve disadvantaged areas.

53. **Ms. Aidoo** noted that, while the enrolment rate of 97.3 per cent at primary level was indeed high, it masked genuine inequalities between regions where school enrolment was universal and others, such as the rural areas in the east of the country, where the rate was much lower. She wished to know whether the State party planned to take additional measures for the benefit of those disadvantaged regions.

54. **Mr. Yiğittir** (Turkey) said that several projects aimed to promote schooling for girls and that the campaign launched in 2002 to that end had considerably reduced the number of girls not in school, from 1.4 million in 2002 to 52,000 currently. Many other incentives had been introduced in the field of education, such as the award of more scholarships, Government defrayal of school meal and boarding costs, the establishment of a school bus service, and distribution of free textbooks at all levels of education.

55. Corporal punishment in schools was prohibited by a number of laws and regulations, which made teachers liable to sanctions if they hit or verbally abused a student.

56. **Ms. Mauras Pérez** asked how many complaints of corporal punishment had been lodged in 2011, how many inquiries had been initiated and what sanctions had been

imposed on the perpetrators. She also requested information on corporal punishment within the family.

57. **Mr. Yiğittir** (Turkey) said that an inspection mechanism had been established in schools and that 957 complaints had been lodged in the 2011/12 school year, compared with 3,014 in 2006/07. Students who misbehaved at school could be suspended under the school rules, but they could never be subjected to corporal punishment, which was prohibited by law.

58. The children's parliament was composed of children selected from districts and provinces, who attended sessions of the Turkish Grand National Assembly. Children had used that forum to make their voices heard in the discussion process leading up to the drafting of the new Constitution.

59. Addressing regional disparities in respect of access to education was one of the Government's main priorities, and children who lived too far from a school — currently 6,600 children — were provided with home teaching services. The children of seasonal workers were allowed to change schools during the year or were placed in a boarding school in their region of origin. The children of Arabic-speaking refugees could be schooled in their mother tongue.

60. **Mr. Kotrane** (Country Rapporteur) noted with concern that a large number of children were placed in pretrial detention and asked whether that was not indicative of functional weaknesses in the justice system, where the presumption of innocence was apparently given little attention. In addition, it seemed that the quality of the services provided by court-appointed lawyers was somewhat inadequate, there were not enough youth courts and the length of proceedings was excessive. He invited the delegation to comment on reports of rape and ill-treatment in the Pozanti prison, in which children were detained — sometimes together with adults — as part of the fight against terrorism.

61. **Ms. Kurnaz** (Turkey) explained that 45 per cent of the budget allocated to combating poverty went towards children's education and health, in the framework of the national programme to combat child poverty implemented in partnership with the United Nations Children's Fund (UNICEF). Conditional cash transfers, which were the key component of the holistic programmes to combat poverty, primarily benefited the inhabitants of eastern and south-eastern Anatolia, who received 45 per cent of the benefits paid under social welfare programmes.

62. Studies on conditional cash transfers in relation to almost 200,000 children had revealed that the system had resulted in a 50 per cent reduction in the school dropout rate and an 80 per cent increase in the school attendance rate for girls. It was planned to extend the programme to children of preschool age. The long-term objective was to allocate 3 per cent of gross domestic product (GDP) to combating poverty, as opposed to 1.38 per cent currently, and to ensure that each inhabitant received a subsistence income of 4.3 dollars per day.

63. **Ms. Herczog** asked what other social measures were envisaged other than cash assistance.

64. **Ms. Kurnaz** (Turkey) said that material support was provided to families in need, in the form of food and fuel as well as accommodation.

65. **Ms. Maurás Pérez** wished to know which social and economic policies complemented and strengthened the anti-poverty policies, bearing in mind that in order to combat poverty it was necessary to address the root causes and not only remedy the effects. In particular, she asked whether there was a guaranteed minimum wage that allowed families to meet their basic needs.

66. **Ms. Kurnaz** (Turkey) said that all those who requested social assistance were automatically registered with the national employment agency, where they could enrol in vocational training programmes. Under an employment promotion programme launched in 2008, companies were exempted from paying social contributions if they hired young people or women, which contributed to reducing unemployment among women.

67. **Mr. Kamer** (Turkey) explained that a distinction had to be made between pretrial detention and post-conviction detention. Of the 241 children currently serving sentences, 225 were awaiting the outcome of an appeal. The 1,736 minors in pretrial detention, representing barely 1 per cent of the total number of minors involved in judicial proceedings, would be tried by youth courts. Pretrial detention was a measure of last resort in Turkey. Under the Code of Criminal Procedure, children under the age of 15 could not be placed in detention, regardless of the seriousness of the offence committed, and alternative measures were systematically applied. The youth justice system provided for a range of alternatives to imprisonment for offences punishable by a sentence of up to two years.

68. In total, there were some 1,590 minors in “training centres”, where they could continue with regular schooling, start an apprenticeship or take university courses. Most of them were street children who had never attended school.

69. **Mr. Kotrane** (Country Rapporteur) pointed out that children should benefit from the presumption of innocence and should not be placed in preventive detention without a valid reason.

70. **The Chairperson** asked why proceedings were so lengthy.

71. **Mr. Kamer** (Turkey) said that the slow pace of judicial proceedings was due in part to the time needed to prepare a detailed file and receive expert reports in cases involving sexual abuse of children. Changes were to be made to the law with a view to reducing the length of proceedings. Minors who reached the age of majority while in pretrial detention were transferred to an adult detention centre, but they still came under the authority of the juvenile justice system and could continue the studies they had begun in the training centre.

72. **Ms. Şahin** (Turkey) explained that a comprehensive project aimed at preventing juvenile delinquency was currently being implemented jointly by UNICEF, the Ministry of Justice and the Ministry of Family and Social Policies.

73. **The Chairperson** said that minors placed in pretrial detention should not be transferred to adult prisons.

74. **Mr. Kamer** (Turkey) pointed out that such children were never housed together with adults, but were kept in a wing reserved for minors and benefited from special prison conditions. One third had individual rooms, while the remainder were housed in communal areas with other young people of the same age. There were plans to provide individual rooms in all detention facilities for minors within three years at the latest.

75. **Mr. Balo** (Turkey) said that 80 per cent of the judgements delivered by the youth courts did not involve prison sentences, as preference was given to alternative measures – fines or suspended sentences.

76. **Mr. Kotrane** (Country Rapporteur) commended the open-mindedness of the delegation and the quality of the dialogue with the Committee. In its concluding observations, the Committee would emphasize a number of points. Firstly, the State party should withdraw its reservations in respect of articles 17, 29 and 30 of the Convention and take measures to raise awareness of the Convention among professionals who came into contact with children and among families. Efforts should also be made to reduce the major disparities between children and eradicate discrimination against minorities, in particular



the Kurds and Roma. Measures should also be taken to put an end once and for all to corporal punishment in the home and to further improve children's health, particularly reproductive health. The education of minorities in their own language should be improved, as should the education of the children of asylum seekers. In addition, several problems in relation to the youth justice system needed to be resolved and more effective measures taken to effectively combat child labour.

77. **Ms. Şahin** (Turkey) thanked the Committee for its very useful recommendations and said that Turkey was fully committed to implementing them. The competent authorities would send written replies to the questions that the delegation had been unable to answer. Turkey would spare no effort to improve the situation of children and ensure that their rights were respected.

*The meeting rose at 6 p.m.*