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Committee on the Rights of the Child**Concluding observations on the combined fourth to fifth reports of Türkiye*****I. Introduction**

1. The Committee considered the combined fourth and fifth periodic reports of Türkiye¹ at its 2714th and 2715th meetings,² held on 17 and 18 May 2023, and adopted the present concluding observations at its 2728th meeting, held on 26 May 2023.

2. The Committee welcomes the submission of the combined fourth and fifth periodic reports of the State party and the written replies to the list of issues, which allowed for a better understanding of the situation of children's rights in the State party, and further expresses its appreciation for the constructive dialogue held with the State party's high level and multisectoral delegation.

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

3. The Committee welcomes the progress achieved by the State party in various areas, including the ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, and the various legislative, institutional and policy measures taken to implement the Convention, including the creation of the Human Rights and Equality Institution and the adoption of a Human Rights Action Plan (2021-2023).

III. Factors and difficulties impeding the implementation of the Convention

4. The Committee recognizes the obstacles to the implementation of the Convention in the South east of the country given the dire humanitarian situation resulting from the February 2023 earthquake and its aftershocks, resulting in 2.5 million children in the State party experiencing extreme deprivation including homelessness and without access to essential services. The Committee shares the State party's commitment to providing immediate and durable solutions to prioritize the affected children's enjoyment of all the rights in the Convention.

* Adopted by the Committee at its ninety-third session (8 – 26 May 2023).

¹ CRC/C/TUR/4-5.

² See CRC/C/SR.2714 and 2715.

IV. Main areas of concern and recommendations

5. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: non-discrimination (para. 19), all forms of violence (para. 29), children with disabilities (para. 35), education, including vocational training and guidance (para. 43), asylum-seeking, refugee and migrant children (para. 45) and administration of child justice (para. 50).

6. **The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention and the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography throughout the process of implementing the 2030 Agenda for Sustainable Development. It urges the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.**

A. General measures of implementation (arts. 4, 42 and 44 (6))

Reservations

7. While noting the explanations given for retaining the reservations the Committee nevertheless reiterates its previous recommendations³ that the State party consider withdrawing its reservations to articles 17, 29 and 30 of the Convention.

Legislation

8. While welcoming the positive developments in the State party's legal, regulatory and policy framework strengthening protections for children, the Committee recommends that the State party develop child rights-based holistic legislation to ensure the cohesive incorporation of all provisions of the Convention and its Optional Protocols.

Comprehensive policy and strategy

9. Noting the finalization of the Children's Rights Strategy Document and Action Plan (2023-2028) and the child rights targets in the Human Rights Action Plan (2021-2023), the Committee recommends that the State party ensure that the plans provide a comprehensive implementation framework for the overall realization of the Convention and its Optional Protocols, including by establishing the priorities, targets and respective responsibilities and adequate resources for their implementation and are reviewed through a consultative process to determine their effectiveness in achieving set targets.

Coordination

10. The Committee recalls its previous recommendations⁴ and further recommends that the State party ensure that the Ministry of Family and Social Services possesses the authority and resources needed to effectively coordinate all activities related to the implementation of the Convention at cross-sectoral, national, regional and local levels.

Allocation of resources

11. Concerned about the lack of public data on the budget allocation to advance children's rights, the Committee recalls its general comment No. 19 (2016) on public

³ CRC/C/TUR/CO/2-3, para. 9.

⁴ CRC/C/TUR/CO/2-3, para. 13.

budgeting for the realization of children's rights and, taking note of target 16.5 of the Sustainable Development Goals, recommends that the State party:

(a) Strengthen a child rights-based approach in the elaboration of the State and municipal budgets, by implementing a tracking system for the allocation and the use of resources for children throughout the budget;

(b) Use this tracking system for impact assessments on how investments in any sector may serve the best interests of the child, ensuring that the different impact of such investment on particular groups of children, including those in situations of vulnerability, is measured;

(c) Ensure transparent and participatory budgeting through public dialogue, especially with children and for proper accountability of local authorities.

Data collection

12. Recalling its general comment No. 5 (2003) on general measures of implementation, the Committee recommends that the State party:

(a) Expeditiously improve the data collection system managed by the Turkish Statistical Institute and ensure that data collected on children's rights covers all areas of the Convention and the Optional Protocols thereto, and is disaggregated by age, sex, disability, geographical location, ethnic and national origin, religious affiliation and socioeconomic background, in order to facilitate analysis of the situation of children, especially those in particular situations of vulnerability;

(b) Systematically carry out at regular intervals the Türkiye Child Profile Survey to collect data on established child well-being and vulnerability indicators and ensure this is shared among the ministries, other relevant central and local state agencies concerned and used for the formulation, monitoring and evaluation of policies and activities for the effective implementation of the Convention.

Independent monitoring

13. Welcoming the establishment of the Human Rights and Equality Institution and noting the engagement of the Ombudsperson Institution in handling children's complaints, the Committee recommends that the State party:

(a) Adopt further steps to guarantee their independence, including with regards to funding, mandate, immunities and membership, in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

(b) Further strengthen the mechanisms to receive, investigate and address complaints by children in a child-sensitive and child-friendly manner, ensuring the privacy and protection of child victims; undertake monitoring and follow-up and ensure the visibility of the mechanism among children across the country.

Dissemination, awareness-raising and training

14. The Committee recommends that the State party:

(a) Ensure systematic, mandatory and ongoing training on children's rights for teachers, social workers, law enforcement officials, health-care personnel, immigration and asylum officers, professionals and staff working in all forms of alternative care, and the media;

(b) Raise awareness among children on their rights, including the right to remedies at the national level and under the Optional Protocol to the Convention on a communications procedure, integrating this into the "Human Rights, Citizenship, and Democracy" course delivered to school children.

Cooperation with civil society

15. Deeply concerned about the challenging environment in which civil society organisations working on children's rights operate following the attempted coup in 2016, the Committee reminds the State party that human rights defenders deserve special protection as their work is critical for promoting children's rights, and thus strongly recommends that the State party:

(a) Take immediate action to allow journalists, human rights defenders and all CSOs working on children's rights to exercise their right to freedom of expression and opinion without threats and harassment;

(b) Promptly and independently investigate all reported instances of intimidation and harassment against these entities, ensuring the accountability of those found responsible for such acts;

(c) Ensure implementation of the Vision Document and Action Plan on Civil Society to foster systematic cooperation with CSOs promoting children's rights.

Children's rights and the business sector

16. Recalling its previous recommendations⁵ and its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights and to the Guiding Principles on Business and Human Rights, endorsed by the Human Rights Council in 2011, the Committee recommends that the State party examine and adapt its legislative framework for legal accountability of business enterprises and their subsidiaries operating in or managed from the State party to ensure that their operations are in line with the Convention and the Optional Protocols thereto.

B. Definition of the child (art. 1)

17. The Committee recalls its previous recommendations⁶ and further recommends that the State party amend its legislation to remove all exceptions that allow marriage, including religious unions, for those under 18 years of age.

C. General principles (arts. 2–3, 6 and 12)

Non-discrimination

18. The Committee is deeply concerned that discrimination persists against children in situations of particular vulnerability, including children with disabilities, asylum-seeking, refugee and migrant children, children of ethnic and religious minorities, LGBTI children and children whose parents are accused of links to terrorist organizations, noting especially their restricted ability to benefit from basic services, including education, health and protection from violence, and to enjoy an adequate standard of living. It also remains deeply concerned that no urgent and systematic efforts have been undertaken to combat and change the persistence of adverse and traditional attitudes and norms which drive the discriminatory attitudes and practices.

19. Recalling its previous recommendations⁷ and taking note of targets 5.1 and 10.3 of the Sustainable Development Goals, the Committee recommends that the State party, upholding the Constitutional principle of equality, combat discrimination against children in marginalised and disadvantaged situations, including by:

(a) Collecting and analysing data on the disparities experienced by such children and developing a strategy to confront the barriers to and measure the progress achieved in respect of improving outcomes for them;

⁵ CRC/C/TUR/CO/2-3, para. 23.

⁶ CRC/C/TUR/CO/2-3, para. 27.

⁷ CRC/C/TUR/CO/2-3, para. 29.

(b) **Strengthening legislation, institutional arrangements and programmes to address negative social norms and stereotypes and promote attitudinal change in society, also by monitoring and combating discrimination and ensuring accountability and redress;**

(c) **Taking measures against stigmatisation and discrimination of children on the ground of their parent's political or other opinion and provide remedies to these children.**

Best interests of the child

20. **The Committee recalls its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, and recommends that the State party:**

(a) **Ensure, in the ongoing review of its legal framework, that the right of the child to have his or her best interests taken as a primary consideration is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions, in particular in court rulings regarding parental guardianship, the granting of consent for medical procedures and interventions, and in migration decisions, as well as in all policies, programmes and projects that are relevant to, and have an impact on, children;**

(b) **Develop harmonized national procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child and ensuring that such interests are taken as a primary consideration.**

Right to life, survival and development

21. **The Committee recalls its previous recommendations⁸ and the recommendations of the Committee on the Elimination of Discrimination against Women⁹, and urges the State party to:**

(a) **Ensure implementation of the prohibition of so-called honour crimes provided in article 82(1)(k) of the Criminal Code and related provisions, including by collecting and publishing data on the number of investigations and prosecutions undertaken and the nature of punishments applied to perpetrators of such crimes;**

(b) **Ensure that effective protection, including shelter and other measures, are provided to women and children victims of crimes committed in the name of so-called honour, and to those in particular situations of vulnerability which heighten their risk to such crimes;**

(c) **Prevent the killing in the name of so-called honour by strengthening awareness-raising efforts targeting the general public, the media, religious and community leaders, law enforcement officials and judicial authorities, in order to eliminate all misogynistic and other harmful attitudes relating to this crime;**

(d) **Publish the outcomes of the investigations into the injuries and deaths of children during security operations carried out since 2015, including as a result of exposure to explosive remnants and mines and use of lethal force by law enforcement agencies and by armoured vehicles in urban areas, including how those accountable were brought to justice.**

Respect for the views of the child

22. **The Committee recalls its general comment No. 12 (2009) on the right of the child to be heard and recommends that the State party strengthen, inter alia, the operation of Provincial Committees on the Rights of the Child and Municipal Children's Councils,**

⁸ CRC/C/TUR/CO/2-3, para. 33.

⁹ CEDAW/C/TUR/CO/8, para. 31.

to increase opportunities for children, especially those who are marginalised and disadvantaged, to meaningfully participate in decision-making processes.

D. Civil rights and freedoms (arts. 7–8 and 13–17)

Birth registration and nationality

23. The Committee is concerned that refugees and undocumented migrants in the State party experience disproportionately lower birth registration rates and that children of parents facing terrorism-related charges whose nationality has been withdrawn may be at risk of statelessness. Taking note of target 16.9 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Ensure the issuance of birth certificates in addition to hospital reports for all children born in its territory, immediately after the birth, with special attention to refugee, asylum seeking and undocumented migrant children, including through the use of mobile registration units, and no-cost birth registration;

(b) Repeal legislation and prohibit practices effectively depriving children of their Turkish citizenship if they or their parents are accused or convicted of terrorism-related charges and provide remedies to children affected.

Freedom of expression, association and peaceful assembly

24. The Committee is deeply concerned about the ongoing repression of children's freedom of expression, association and peaceful assembly in the name of combatting terrorism, noting that since 2016 thousands of children have been arrested, detained and convicted on terrorism-related charges. It recalls the recommendations of the Human Rights Committee¹⁰ and further recommends that the State party:

(a) Ensure that the 1991 Anti-Terrorism Law (Law No. 3713) is not used to suppress the right to freedom of expression and assembly of children, that anti-terrorism measures are proportionate and in line with the rule of law, human rights and fundamental freedoms, and that all violence inflicted on children by the security forces in the course of counter-terrorism actions is investigated, perpetrators are prosecuted and punished accordingly;

(b) Review legislation restricting children's full enjoyment of freedom of expression, in particular articles 220, 299, 300 and 301 of the Criminal Code;

(c) Remove age-related barriers for children's enjoyment of their right to freedom of association and assembly under the Law No. 5253 on Associations and Law No. 2911 on Assemblies and Demonstrations.

Protection of privacy

25. The Committee is concerned that platforms for online education do not sufficiently protect and respect children's personal data and recommends that the State party develop and enforce comprehensive child data protection legislation.

Access to appropriate information

26. Recalling its general comment No. 25 (2021) on children's rights in relation to the digital environment, the Committee recommends that the State party:

(a) Expand access of children to the Internet, particularly in remote and rural areas, enhance the digital literacy and skills of children, teachers and families, and protect children from information and material harmful to their well-being;

(b) Ensure that all children have access to diverse information and materials in languages they can understand.

¹⁰ CCPR/TUR/CO/1, para. 17.

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Torture and other cruel, inhuman or degrading treatment or punishment

27. Deeply concerned about reports of torture and inhuman and degrading treatment and incommunicado detention of children by prison guards in closed institutions, including in the Diyarbakir closed penal institution, the Committee recalls its previous recommendation¹¹, takes note of target 16.2 of the Sustainable Development Goals, and recommends that the State party:

(a) Enforce the Constitutional prohibition of torture and ensure that allegations of torture or cruel, inhuman or degrading treatment or punishment of children are duly investigated, perpetrators are punished in a manner commensurate with the gravity of their acts and child victims receive adequate remedies;

(b) Publish data on the outcomes of all investigations carried out by judicial and administrative authorities for such complaints;

(c) Facilitate access of children to confidential, child-friendly complaint mechanisms for the reporting of complaints in any place of deprivation of liberty.

Violence against children

28. The Committee is seriously concerned about the lack of due recognition, underreporting and insufficient investigation of violence against children, including corporal punishment and domestic violence and the limited professional capacity and procedures to prevent, identify, report and respond to such cases in a child-sensitive manner, including the provision of victim support and access to remedies.

29. Taking into account its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and also its general comment No. 8 (2006) on corporal punishment, and targets 5.2, 16.1 and 16.2 of the Sustainable Development Goals, the Committee urges the State party to:

(a) Enforce the implementation of legal provisions prohibiting corporal punishment in all settings, including in the home, schools, childcare institutions and alternative care settings;

(b) Establish accessible, confidential and child-friendly mechanisms to facilitate and promote the mandatory reporting of violence against children including by strengthening the capacity of relevant professionals, including social workers and teachers, to recognize and effectively respond to such incidents, including sexual exploitation and abuse;

(c) Strengthen the effectiveness of the Specialized Child Home Sites and Child Monitoring Centres providing child-friendly and multisectoral investigations, including support during procedures and the provision of services for child victims, including child witnesses to domestic violence, by ensuring they are adequately resourced and able to provide wide coverage across the State party, including by increasing the number and capacity of professionals, amongst others, social workers and psychologists;

(d) Ensure that the forensic interview with child victims is audio-visually recorded and accepted as evidence in court proceedings and consider that cross-examination, if needed, can take place without delay at the pre-trial stage with the view of avoiding that the child needs to give further testimonies;

(e) Finalize the intersectoral National Strategy Document and Draft Action Plan on Combating Violence against Children;

¹¹ CRC/C/TUR/CO/2-3, para. 43.

(f) Establish a guiding framework for coordination and collaboration between NGOs and public institutions in child protection, also facilitating the outreach activities of NGOs.

Harmful practices

30. Noting the persistence of child marriage in the State party, disproportionately experienced by Syrian refugee girls, the Committee, in line with the recommendations accepted during the third cycle of its Universal Periodic Review¹², further recalling joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, and taking note of target 5.3 of the Sustainable Development Goals, recommends that the State party:

- (a) Enforce the minimum age of marriage of 18 years without exception;
- (b) Adopt the National Strategy and Action Plan for the Prevention of Early and Forced Marriage ensuring that it addresses the gaps in coordination mechanisms, establishes protection schemes for victims, ensures all provinces adopt action plans for combating child marriage and strengthens awareness-raising campaigns on the harmful effects of child marriage on the physical and mental health and well-being of girls, targeting refugee communities.

F. Family environment and alternative care (arts. 5, 9–11, 18 (1)–(2), 20–21, 25 and 27 (4))

Family environment

31. The Committee recommends that the State party:

- (a) Evaluate the effectiveness of and revise parenting programmes accordingly, considering the development of a national standardised programme with a strong monitoring and quality assurance mechanism that is tailored to the individual needs of families with children in situations of vulnerability;
- (b) Further strengthen its policies to ensure work life balance, including the availability and affordability of quality childcare and encourage and promote the role of both parents in the upbringing of children.

Children deprived of a family environment

32. Drawing the State party's attention to the Guidelines for the Alternative Care of Children,¹³ the Committee recommends that the State party:

- (a) Adopt, without delay, a national cross-sectoral strategy and action plan for deinstitutionalization and systemic transformation of the childcare, welfare and protection systems, ensuring adequate resources for its implementation;
- (b) Enact an immediate moratorium on the institutionalization of children under three years of age;
- (c) Ensure sufficient alternative family and community-based care for children who cannot stay with their families, including children with disabilities and unaccompanied children in situations of migration;
- (d) Ensure a regular review of all placements with a view to facilitating family reunification when possible;
- (e) Strengthen independent and periodic monitoring of the quality of alternative care, in particular in residential care institutions, in compliance with the Minimum Standards for Children Deprived of Parental Care;

¹² A/HRC/44/14, paras. 45.34, 45.227, 45.241, 45.242, 45.243, 45.247, 45.248, 45.263.

¹³ General Assembly resolution 64/142, annex.

(f) **Provide accessible and child friendly channels for reporting, monitoring and remedying violence against children.**

Children of incarcerated parents

33. **Concerned with the negative effects on children whose parents have been deprived of liberty on terrorism-related charges, the numbers of which have drastically risen following the attempted coup in 2016, the Committee recommends that the State party:**

(a) **Seek alternatives of custodial sentences for pregnant women and parents with young children;**

(b) **Ensure that, when the incarceration of caregivers is unavoidable, children have access to adequate early childhood education, nutrition and health services, enjoy the right to play and are visited regularly by social workers to guarantee their physical, mental and social development;**

(c) **Address the denial of transfers to closest facilities in line with the amended Regulation on Visits to Convicts and Prisoners.**

G. Children with disabilities (art. 23)

34. The Committee is concerned that despite the existence of a legislative and policy framework to advance the rights of children with disabilities, they do not benefit from sufficient services and assistance; an adequate allowance allotted by objective assessment criteria; early identification and treatment of developmental risks; and physical and transportation accessibility, particularly in rural and remote areas.

35. **Recalling its general comment No. 9 (2006) on the rights of children with disabilities and the recommendations of the Committee on the Rights of Persons with Disabilities¹⁴, the Committee recommends that the State party fully integrate and implement a human rights-based approach to disability in its policy and adopt a comprehensive strategy for the inclusion of children with disabilities and:**

(a) **Strengthen implementation of Law No. 5378 on Persons with Disabilities (2005), in particular with regard to the accessibility of public spaces and services, and allocate adequate resources to the provincial Accessibility Monitoring and Auditing Commissions, including for regular publication of their activity reports;**

(b) **Allocate sufficient resources to ensure implementation of the National Action Plan on the Rights of Persons with Disabilities (2023-2025) and achievement of the goals in the 2030 Barrier-Free Vision, prioritizing access of children with disabilities to early childhood development programmes and inclusive education, ensuring increased classroom resources and trained school personnel, access to healthcare including early detection assessment and intervention, social protection and community-based support services;**

(c) **Strengthen awareness-raising campaigns to combat the stigmatization of, and prejudice against, children with disabilities and promote a positive image of children with disabilities as rights-holders;**

(d) **Establish and facilitate access to a confidential complaints mechanism for children with disabilities to report violations of their rights in all settings;**

(e) **Strengthen the collection and publication of disaggregated data on children with disabilities to inform policy making and monitoring of policy objectives.**

¹⁴ CRPD/C/TUR/CO/1, paras. 14, 16, 43, 47(b).

H. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)

Health and health services

36. While welcoming the provision of free health services to all children in the State party, the Committee recalls its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health and taking note of targets 3.1, 3.2 and 3.8 of the Sustainable Development Goals, recommends that the State party take targeted measures to further reduce the infant and under-5 mortality rate, in the south-eastern, eastern and central provinces and among refugee communities including by strengthening the supply of mother and child health services in rural and remote areas and disassociating health care delivery from migration status, to remove fear of being reported to the police when accessing health services.

Nutrition

37. Taking note of target 2.2 of the Sustainable Development Goals, the Committee recommends that the State party further improve the nutrition of children, in particular to address stunting among children under-5 and malnutrition among schoolchildren, including by systematically collecting data on food security and nutrition, including those relevant to breastfeeding, stunting, overweight and obesity, in order to identify the root causes of child food insecurity and malnutrition.

Mental health

38. Taking note of target 3.4 of the Sustainable Development Goals, the Committee recommends that the State party strengthen mental health programmes aimed at children, including by offering tailored services to children at the Community Mental Health Centres across the country, provided by specialized child mental health-care professionals.

Adolescent health

39. Recalling its general comment No. 4 (2003) on adolescent health and general comment No. 20 (2016) on the implementation of the rights of the child during adolescence, and taking note of targets 3.5, 3.7 and 5.6 of the Sustainable Development Goals, the Committee recalls its previous recommendation¹⁵, the recommendations of the Committee on the Elimination of Discrimination against Women¹⁶ and further recommends that the State party strengthen:

(a) Investment in the Healthy Life Centres operated by the Ministry of Health and ensure that all girls and boys, including those who are out of school and those in rural areas, receive confidential and child-friendly sexual and reproductive health information and services, including access to contraceptives and to safe abortion, with special attention on preventing early pregnancy, sexually transmitted infections and HIV/AIDS;

(b) Delivery of specialized and youth-friendly treatment for children and young people who are dependent on the use of tobacco, alcohol, drugs or gambling.

Child rights and the environment

40. Raising its concern about the substantial risks facing the State party to climate-changed induced and other natural disasters and consequent forced displacement and food insecurity, the Committee takes note of targets 1.5 and 13.3 of the Sustainable Development Goals and recommends that the State party:

(a) Ensure active child participation in decision-making on environmental issues, in particular, developing an ambitious mitigation plan and implementing the

¹⁵ CRC/C/TUR/CO/2-3, para. 55.

¹⁶ CEDAW/C/TUR/CO/8, para. 48.

National Climate Change Adaptation Strategy and Action Plan to ensure its responsiveness to children's special needs and vulnerabilities;

(b) **Increase children's awareness and preparedness for environmental degradation including climate change and natural disasters by incorporating it into all levels of school curricula and teachers' training programmes;**

(c) **Elaborate a policy to address the high risk of natural disasters and emergencies, including the creation of an early warning system, with a view to protecting child rights in such situations.**

Standard of living

41. **Taking note of targets 1.2 and 1.3 of the Sustainable Development Goals, the Committee recommends that the State party address the socioeconomic impact of the coronavirus disease (COVID-19) pandemic and related measures as well as the earthquake in February 2023, paying attention to increased poverty among children and the severe impact on children already in situations of vulnerability, including by extending the coverage of financial support and provision of services, particularly targeting children of parents working in agriculture and/or informal sectors, children in the east and southeast regions, rural and remote areas and poor urban neighbourhoods, in earthquake-affected areas, and refugee households.**

I. Education, leisure and cultural activities (arts. 28–31)

Education, including vocational training and guidance

42. The Committee notes the substantial improvements in educational performance in recent years and efforts of the State party to integrate refugee children in its national education system. It is concerned, however, about:

(a) The quality, relevancy, and delivery of education on an equitable basis for all children in the State party, with poorer educational performance disproportionately impacting groups of children in marginalized and disadvantaged situations;

(b) The continuing impact of pandemic-related school closures in terms of lower school enrolment, attendance and retention, and continuity of learning;

(c) The low rates of participation at upper secondary level, also due to the withdrawal of mostly boys for work outside the home, and girls for household work and preparation for marriage;

(d) The high number of refugee children who remain out of school for reasons including the insufficient capacity of schools in locations densely populated by refugee communities, financial difficulties, language and cultural barriers;

(e) The exclusive use of Turkish as the language of instruction, adversely impacting children of other cultural and linguistic backgrounds;

(f) Insufficient resources allocated to early childhood education, disproportionately affecting children with disabilities and children in situations of poverty.

43. **In line with the recommendations accepted during the third cycle of its Universal Periodic Review¹⁷, and taking note of targets 4.1, 4.2, 4.3, 4.4, 4.6, 4.7, 4.a of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Assess the effectiveness of the measures taken, including the Information Programme for Children, to increase the enrolment and attendance rates, especially in upper secondary education, of all children, in particular asylum-seeking and refugee children and Roma children;**

¹⁷ A/HRC/44/14, paras. 45.205, 45.207, 45.211, 45.212, 45.213, 45.214.

- (i) Evaluate the effectiveness of the Ministry of Education Strategic Plan for 2015–2019, and renew it to enhance the accessibility, quality, relevance and inclusiveness of education delivery;
 - (ii) Develop interventions to prevent non-completion of schooling including by strengthening systems for monitoring attendance and completion rates and learning outcomes, disaggregating this data to assess ethnic, socio-economic, regional, cultural, linguistic and gender-related barriers;
 - (iii) Facilitate the provision of education in languages other than Turkish, in areas where other languages are prominent, including by publishing schoolbooks and materials in local languages ;
 - (iv) Step up investment for the development and expansion of early childhood education and improved primary school readiness, focusing on children in marginalized and vulnerable situations.
- (b) Strengthen efforts to address the shortcomings on learning outcomes as a result of the COVID-19 pandemic, targeting children with disabilities, from poor households, in rural areas and from Roma communities;
 - (c) Ensure that human rights education and the principles of the Convention, also emphasizing the freedom of religion or belief, are integrated into the mandatory school curriculum and in the training of teachers and education professionals, with a view to promoting tolerance and understanding among children from all communities and religious or non-religious backgrounds;
 - (d) Develop and promote quality vocational training to enhance the skills of children, targeting groups with poor school completion rates.

J. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d) and 38–40)

Asylum-seeking, refugee and migrant children

44. The Committee acknowledges that the State party hosts approximately 5.1 million migrants, of which 4 million are registered refugees, and 1.7 million are children, mostly from Syria. However, it is deeply concerned that asylum-seeking, refugee and migrant children, including those who are unaccompanied and separated, experience discrimination, limited access to basic services, and are at a high risk of statelessness, being held in immigration detention, and subjected to violent forced returns (or “pushbacks”).

45. Recalling the joint general comments No. 3 and No. 4 of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 22 and No. 23 of the Committee on the Rights of the Child (2017) on the human rights of children in the context of international migration, its General Comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin, and its previous recommendations¹⁸, the Committee urges the State party to:

- (a) Immediately halt the practice of “pushbacks” of children and their families from the territory of the State party and ensure that they are individually identified, registered and protected against deportation in violation of international law, in particular, articles 6, 22 and 37 of the Convention, including through age-appropriate examination of child asylum claims, taking the best interests of the child as a primary consideration, by specially trained adjudicators;
- (b) Strongly condemn the mistreatment of child migrants and asylum seekers and thoroughly investigate all such allegations, ensuring adequate punishment of those responsible;

¹⁸ CRC/C/TUR/CO/2-3, para. 61.

(c) **Strictly enforce the Regulation on Alternative Measures to Administrative Detention (2022) to ensure that children are not held in immigration detention or in centers together with unrelated adults;**

(d) **Ensure that the age determination procedure is multidisciplinary, scientifically based, respectful of children's rights and harmonized across the country; provide access to effective appeal mechanisms and ensure that that children who have not yet undergone age assessment or are appealing the determination are not placed in removal centers for accommodation purposes;**

(e) **Assess the impact of the programs in place to protect unaccompanied and separated children to ensure these children are supported in benefiting from quality accommodation, adequate hygiene, education, health and social services, also by instructing all medical facilities to provide emergency medical treatment to any child in need, access to vaccines and regular check-ups, and instructing schools to allow enrolment of child asylum-seekers regardless of their registration status;**

(f) **Ensure that child asylum seekers and their families are not assigned to cities without job opportunities or available aid, provide information about the support available, and allow asylum seekers to choose the locality of residence;**

(g) **Strengthen actions taken under the Regional Refugee and Resilience Plan and the Action Plan to implement the National Strategy on Harmonization to foster social cohesion and interaction between child refugees and migrants with local host communities.**

Economic exploitation, including child labour

46. **While welcoming the engagement of the State party to eliminate child labour, the Committee notes that children continue to be engaged in worst forms of child labour, exacerbated during the pandemic. It takes note of target 8.7 of the Sustainable Development Goals, recalls the recommendations of the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families¹⁹ and recommends that the State party:**

(a) **Accelerate the implementation of the National Program on the Elimination of Child Labour (2017-2023), with a sufficient focus on asylum-seeking and refugee children and Roma children;**

(b) **Strengthen labour inspection particularly to identify and prosecute child occupational accidents and improve the monitoring of agricultural production and intermediaries who arrange seasonal employment, further ensuring application of labour laws to all workplaces including agriculture and forestry workplaces and entities with under 50 employees;**

(c) **Engage the private sector, consumers, trade unions and the general public in raising public awareness of child labour, its exploitative character and its consequences.**

Sale, trafficking and abduction

47. **Noting that the State party is a destination and transit country for human trafficking, it is particularly concerned about the high proportion of children in Türkiye trafficked for the purpose of sexual and labour exploitation and reports of official complicity. In line with the recommendations accepted during the third cycle of its Universal Periodic Review²⁰, and recalling the recommendations of the Committee on the Elimination of Discrimination Against Women²¹, also taking note of target 8.7 of the Sustainable Development Goals, the Committee recommends that the State party assess the effectiveness of referral protocols and coordination mechanisms upholding**

¹⁹ CMW/C/TUR/CO/1, para. 44.

²⁰ A/HRC/44/14, paras. 45.137, 45.186, 45.196, 45.197.

²¹ CEDAW/C/TUR/CO/8, para. 36.

care and protection standards for child victims of trafficking to identify and remedy any protection gaps.

Children affected by armed conflict

48. The Committee is deeply concerned about the killing of children and the destruction of schools and other infrastructure in the course of security operations carried out in South-East Türkiye and urges the State party to:

(a) Take measures to prevent children, including children of Kurdish origin and children residing in the south-eastern border zones, from a heightened risk of collateral injury resulting from security operations, and to protect these children and the related social infrastructure;

(b) Endorse and implement the Safe Schools Declaration and provide explicit protection in law for schools and universities from military use during armed conflict in the State party.

Administration of child justice

49. Welcoming the recent child justice system reforms including the enhancement of judicial support and victim services, the Committee remains seriously concerned about:

(a) The high numbers of children in the criminal justice system as accused persons, also under anti-terrorism measures;

(b) The minimum age of criminal responsibility remains at 12;

(c) The long periods of pre-trial detention, inadequate alternatives to imprisonment and insufficient use of diversion measures;

(d) The need to further strengthen safeguarding processes, for clear referral pathways and for coordination between the social welfare and the justice sectors;

(e) Systematic quality issues regarding legal assistance to children, including the lack of standard operating procedures and training programmes for lawyers.

50. Recalling its general comment No. 24 (2019) on children's rights in the child justice system the Committee urges the State party to bring its child justice system fully into line with the Convention and other international standards and in particular to:

(a) Ensure that children under 18 years of age are not detained or prosecuted under anti-terrorism laws, including the 1991 Anti-Terrorism Law No. 3713;

(b) Raise the minimum age of criminal responsibility to at least 14 years of age;

(c) Continue to strengthen its child justice system by increasing the number and geographical coverage of specialised child courts, improving the systematic delivery of comprehensive training for all professionals who deal with cases involving children;

(d) Strengthen the restorative justice measures such as diversion, mediation, counselling, community service wherever possible and ensure allocation of appropriate resources;

(e) Strengthen coordination and collaboration between the justice and social welfare sectors and adopt measures to promote and develop support networks in the community and at local levels and quality programmes adapted to adolescents and their situation;

(f) Decrease the duration of pretrial detention to the shortest appropriate period of time and apply it as a measure of last resort and under strict and regular review;

(g) For the few situations where deprivation of liberty is justified as a measure of last resort, ensure that children are not detained together with adults and that detention conditions are compliant with international standards, including with regard to access to education and health services,

(h) Strengthen the monitoring of places where children are deprived of liberty, ensuring periodicity of visits by the national preventive mechanism, and effective safeguards to protect the integrity of victims and witnesses of violence;

(i) Collect, disaggregate and publish data concerning children in the justice system, respecting children's privacy.

K. Follow-up to the Committee's previous concluding observations and recommendations concerning the implementation of the Optional Protocols to the Convention

Optional Protocol on the sale of children, child prostitution and child pornography

51. Recalling its 2019 guidelines on the implementation of the Optional Protocol,²² and its previous concluding observations on the report of the State party submitted under article 12 of the Optional Protocol,²³ the Committee urges the State party to:

(a) Explicitly criminalize all the acts under article 3, paragraph 1 (c) of the Optional Protocol, when committed online, and the acts of obtaining and procuring children for prostitution under article 3, paragraph 1 (b) of the Optional Protocol;

(b) Strengthen the coordination and cooperation between child protection sectors to improve the early detection and identification of child victims of all offences under the Optional Protocol, with special attention to unaccompanied migrant, asylum seeking and refugee children, children in street situations and also in the context of travel and tourism.

Optional Protocol on the involvement of children in armed conflict

52. Recalling its previous concluding observations on the report of the State party submitted under article 8 of the Optional Protocol,²⁴ the Committee urges the State party to reinforce the identification mechanisms for refugee, asylum-seeking and migrant children, in particular, unaccompanied Syrian children, who may have been recruited or used in hostilities, ensuring these children are not criminalized and are supported for their recovery and social reintegration.

L. Ratification of international human rights instruments

53. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the Convention for the Protection of All Persons from Enforced Disappearance.

M. Cooperation with regional bodies

54. The Committee recommends that the State party strengthen its cooperation with the Council of Europe on the implementation of the Convention and other human rights instruments, both in the State party and in other Council of Europe member States.

IV. Implementation and reporting

A. Follow-up and dissemination

55. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations

²² CRC/C/156.

²³ CRC/C/OPSC/TUR/CO/1.

²⁴ CRC/C/OPAC/TUR/CO/1.

are fully implemented and that a child-friendly version is disseminated to, and made widely accessible for, children, including the ones in the most disadvantaged situations. The Committee also recommends that the combined fourth and fifth periodic reports, and the present concluding observations be made widely available in the languages of the country.

B. Next report

56. The Committee will establish and communicate the due date of the combined sixth and seventh periodic reports of the State party in line with a future predictable reporting calendar based on an eight-year review cycle and following the adoption of a list of issues and questions prior to reporting, if applicable, for the State party. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines²⁵ and should not exceed 21,200 words.²⁶ In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

²⁵ [CRC/C/58/Rev.3](#).

²⁶ General Assembly resolution 68/268, para. 16.