

## TURKEY

### CRC/C/108 (2001)

81. The Committee considered the initial report of Turkey (CRC/C/51/Add.4), received on 7 July 1999, and additional information (CRC/C/51/Add.8) at its 701st and 702nd meetings (see CRC/C/SR.701-702), held on 23 May 2001; and at its 721st meeting, held on 8 June 2001, adopted the following concluding observations.

#### A. Introduction

82. The Committee welcomes the submission of the State party's initial report, which follows the guidelines for reporting, the timely submission of the written replies to its list of issues (CRC/C/Q/TUR.1) and the provision of additional documentation. It notes with appreciation the large and multisectoral delegation sent by the State party which allowed the Committee to have a good assessment of the situation of the rights of the child in the State party.

#### B. Positive aspects

83. The Committee welcomes the ongoing process of ensuring that the State party's legislation is compatible with the provisions and principles of the Convention. In particular, it notes the preparation of a study to evaluate the conformity of the laws with the Convention and of an "Implementation checklist for the Convention on the Rights of the Child" to monitor to what extent the provisions and principles of the Convention have been implemented in Turkey.

84. The Committee notes with satisfaction the establishment of the Higher Council and the Sub-Committee for Monitoring and Evaluating the Rights of the Child established under the Office of the Prime Minister to coordinate intersectoral planning for children. It also notes that the General Directorate of the Social Services and Child Protection Agency (SHÇEK) coordinates the implementation of the Convention within the country.

85. The Committee welcomes the fact that the duration of compulsory education has been increased to eight years and takes note of the government programme addressing high illiteracy among girls and women through the Girls Education Project in collaboration with UNICEF. Further, it notes with interest the Early Childhood Development Support Project whose aim is to give school preparation, health care and nutrition to children aged 5 and 6 who live in disadvantaged areas of major cities.

86. The Committee notes with satisfaction that the State party has ratified ILO Convention No. 138 on the Minimum Age for Employment and ILO Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. It also notes the signature in August 1999 of the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights.

87. The Committee notes with appreciation that the State party launched in 1999 a promotion

campaign on the Convention on the Rights of the Child coordinated by the General Directorate of the Social Services and Child Protection Agency (SHÇEK) with the cooperation of various ministries and UNICEF to enhance the principles and provisions of the Convention. It also takes note of the organization of the National Children's Congress in April 2000 with the participation of delegations of children from 81 provinces, civil society organizations, relevant public agencies and universities and of the convening in November 2000 of the Child Forum with the participation of children to review progress in the implementation of the conclusions of the National Children's Congress and to assess the implementation of child rights activities in the provinces.

88. The Committee acknowledges the multiple efforts undertaken by the State party after the two devastating earthquakes of 1999 to address children's issues by creating social services units to benefit children and by providing psycho-social support for children in schools in the earthquake region.

89. The Committee notes with satisfaction that the State party's initial report was prepared by ad hoc committees comprised of representatives of public agencies, non-governmental organizations and universities, as well as international organizations.

#### C. Factors and difficulties impeding progress in the implementation of the Convention

90. The Committee notes with concern that the State party is facing some difficulties in the implementation of the Convention, in particular owing to the persistence of social and regional disparities in the country and the damage caused by the two devastating earthquakes of 17 August and 12 November 1999. The Committee further observes that the State party's narrow interpretation of the definition of minority is impeding for some groups the enjoyment of human rights protected under the Convention.

#### D. Principal areas of concern and recommendation

##### 1. General measures of implementation

##### Reservations

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

92. The Committee encourages the State party to consider withdrawing its reservations to articles 17, 29 and 30 of the Convention.

##### Legislation

93. The Committee notes that part of the national legislation is currently under review, in particular the Civil Law, the Criminal Code and the Code of Criminal Procedure. Nevertheless, it expresses

its concern that relevant parts of the legislation, such as the “Anti-terror Law” of 1991 and some provisions on juvenile courts, are still not in full conformity with the provisions and principles of the Convention.

94. The Committee recommends that the State party continue its efforts on law reform with a view to ensuring full conformity of domestic legislation with the provisions and principles of the Convention, and take the necessary steps to end disparities between law and practice, in particular with reference to pre-trial detention of children.

#### Coordination

95. The Committee, while acknowledging the efforts made by the State party to improve coordination by establishing the Higher Council and the Sub-Committee for Monitoring and Evaluating the Rights of the Child, nevertheless takes note that the General Directorate of the Social Services and Child Protection Agency (SHÇEK), which is the coordinating agency for the implementation of the Convention and the secretariat for the Higher Council, was not provided with enough financial and human resources. In addition, it expresses its concern at the high level of centralization in the decision-making process and at the inadequate coordination within government agencies, both at the national and local levels, as well as between government agencies and the private and voluntary sectors.

96. The Committee recommends that the State party provide adequate human and financial resources in order to strengthen coordination and make it more effective. It further encourages the State party to decentralize some aspects of the process of democratic decision-making, in particular with regard to health and education, in order to improve coordination also with the local authorities and with the private and voluntary sectors, especially in the south-eastern region.

#### Allocations of budgetary resources

97. The Committee, while noting that budgetary allocations for children have been increasing in recent years, especially in the education and health sectors, nevertheless expresses its concern that the recent economic crisis and related structural adjustment policies could have a negative influence on such allocations. Further, it remains unclear to what extent the most vulnerable groups of children, in particular, benefit from the increase in the budgetary allocations for children.

98. In the light of article 4 of the Convention, the Committee encourages the State party to identify clearly its priorities with respect to child rights issues in order to ensure that funds are allocated to the maximum extent of available resources for the implementation of the rights recognized in the Convention, including the economic, social and cultural rights of children, in particular to local governments and for children belonging to the most vulnerable groups in society. It also recommends that the State party take the necessary measures to identify the amount and proportion of the budget spent on children at the national and local levels, including the resources from international aid programmes, in order to evaluate adequately its impact on children.

#### Independent monitoring structures

99. The Committee expresses its concern at the absence of an independent mechanism, such as an Ombudsman or a commission for children, to monitor children's rights and to register and address individual complaints from children concerning violations of their rights under the Convention, and notes the ongoing discussions on the establishment of an Office of the Ombudsman for Children.

100. The Committee encourages the State party to pursue its efforts with a view to developing and establishing an independent and effective mechanism, easily accessible for children and in accordance with the Paris Principles, to monitor the implementation of the Convention, to deal with complaints from children in a child-sensitive and expeditious manner and to provide remedies for violations of their rights under the Convention. In this regard, the Committee also recommends that the State party consider seeking technical assistance from, *inter alia*, UNICEF and the Office of the High Commissioner for Human Rights.

#### Data collection and analysis

101. The Committee notes with appreciation measures taken by the State party, such as the establishment of the Child Information Network within the framework of the 1997-2000 Government of Turkey and UNICEF Master Plan of Operations and its continuation in the period 2001-2005 as the Child and Woman Information Network Project. It nevertheless expresses its concern at the absence of a unit within the State Institute of Statistics (SIS) responsible for the systematic collection of disaggregated data for all areas covered by the Convention and in relation to all groups of persons under 18 years of age.

102. The Committee recommends that the State party continue to develop a system of data collection and indicators consistent with the Convention and provide additional support to the Child Information Network. This system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including child victims of abuse, neglect or ill-treatment; children with disabilities; children belonging to minorities and various ethnic groups; children who are internally displaced; children in conflict with the law; child asylum-seekers; children who work; adopted children; and children living in the streets and in rural areas. It further encourages the State party to use these indicators and data in the formulation of policies and programmes for the effective implementation of the Convention.

#### Dissemination of the Convention

103. While noting the number of initiatives carried out by the State party in order to disseminate the Convention within the country, the Committee is nevertheless concerned that the principles and provisions of the Convention are not yet disseminated at all levels of society and in particular in rural areas.

104. The Committee recommends that the State party promote knowledge of the Convention at all levels, including the administrative authorities and civil society, especially non-governmental organizations and the private sector, and develop more creative methods to disseminate the Convention, in particular through audiovisual aids such as picture books and posters, in particular at the local level. The Committee also recommends adequate and systematic training and/or sensitization of professional groups working with and for children, such as judges, lawyers, law

enforcement personnel, teachers, school administrators and health personnel. The State party is encouraged to integrate fully the Convention into the curricula at all levels of the educational system.

## 2. Definition of the child

105. The Committee expresses its concern about the disparity between the minimum legal age for marriage of boys (17 years) and of girls (15 years) and notes that in the draft civil code the minimum legal age for marriage has been raised to 17 for both boys and girls. Further, it notes with concern that there is not a clear minimum age for admission to employment and this could conflict with the age for the end of compulsory education, which is set at 15.

106. In the light of articles 1 and 2 and related provisions of the Convention, the Committee encourages the State party to pursue its efforts to review its legislation with a view to increasing the minimum age for marriage of girls to that of boys in order to bring it into full conformity with the provisions and principles of the Convention. It also recommends that the State party set up the same age for the end of compulsory education and for admission to employment.

## 3. General principles

107. The Committee is concerned that the principles of non-discrimination (article 2 of the Convention), best interests of the child (art. 3) and respect for the views of the child (art. 12) are not fully reflected in the State party's legislation and administrative and judicial decisions, or in policies and practices relevant to children at both national and local levels.

108. The Committee recommends that the general principles of the Convention, in particular the provisions of articles 2, 3 and 12, be appropriately integrated into all relevant legislation concerning children and applied in all political, judicial and administrative decisions, as well as in projects, programmes and services which have an impact on all children. These principles should guide planning and policy-making at every level, as well as actions taken by social and health welfare institutions, courts of law and administrative authorities.

## Non-discrimination

109. The Committee is concerned that the principle of non-discrimination (article 2 of the Convention) 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; children born out of wedlock; girls; refugee and asylum-seeking children; children who are internally displaced; and children living in the south-eastern region and in rural areas, especially with regard to their access to adequate health and educational facilities.

110. The Committee recommends 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.

## Right to life

111. The Committee is deeply concerned about the violation of the right to life with reference to the practice of “honour killings”, prevailing in particular in the eastern and south-eastern regions and among recent immigrants to cities, whereby immediate family members kill women who are suspected of being unchaste, and notes that often both victims and perpetrators are minors.

112. In the light of article 2 (non-discrimination), article 3 (best interests of the child), article 6 (right to life) and article 19 (protection from all forms of violence) of the Convention and in line with Commission on Human Rights resolution 2001/45, with the recommendations of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/2001/9, paras. 38-41) and with concluding observations of the Committee on the Elimination of Discrimination against Women (A/52/38/Rev.1, paras. 179 and 195), the Committee strongly recommends that the State party review rapidly legislation with a view to addressing these crimes in an effective way and to eliminating all provisions allowing reductions of sentence if the crime is committed for honour purposes. It also recommends the development and effective implementation of an awareness raising and education campaign, involving also religious and community leaders, to combat effectively discriminatory attitudes and harmful traditions affecting girls, in particular in the eastern and south-eastern regions, by demonstrating that such practices are socially and morally unacceptable. The State party should also provide special training and resources to law enforcement personnel with a view to protecting in a more effective way girls who are in danger of “honour killing” and to prosecuting such cases in an effective way.

## Respect for the views of the child

113. While noting a number of initiatives to improve the participation of children, such as the Children’s Forum, the Committee is nevertheless concerned that general practices and policies in the country do not encourage the freedom of expression of children and notes that, in practice, in administrative and judicial procedures, children’s views are often not heard, even when this is provided for in the legislation.

114. In the light of article 12 of the Convention, the Committee recommends that the State party seek to develop a systematic approach and policy, with the involvement of professionals working with children, in particular teachers and social services, and civil society, including community leaders and NGOs, to increase public awareness of the participatory rights of children and encourage respect for the views of the child within the family, school, and generally in society. Further, it encourages the State party to recognize the right of children to have their views heard and taken into account in actions taken by social welfare institutions, courts of law and administrative authorities, including at the local level.

## 4. Civil rights and freedoms

### Birth registration

115. The Committee notes with concern that approximately 25 per cent of children under 5 years of age in Turkey are not registered and that these rates are higher in the eastern and south-eastern

regions, because parents are unaware of the importance of birth registration and/or have difficult access to registry offices, in particular in rural areas.

116. The Committee recommends that the State party develop more widespread awareness among the population, including through public information campaigns, of the importance of immediate birth registration and improve the registration system in order to reach all families with children, in particular in the eastern region.

#### Freedom of expression and association

117. The Committee takes note with concern that persons under 18 cannot join associations, including trade unions and non-governmental organizations. It is also noted with great concern that article 13 of the Turkish Civil Code of 1926 stating that children “shall not be entitled to exercise civil rights” does not conform with the Convention, especially its articles 12 to 17.

118. In the light of articles 13 and 15 of the Convention, the Committee recommends that the State party ensure that children can form, join and leave associations freely and, in particular, that young persons who have reached the legal age for being employed can form, join and leave trade unions freely. It further encourages the State party to consider reviewing its legislation in order to guarantee to children their civil rights and freedoms in accordance with the Convention.

#### Right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment

119. The Committee is extremely concerned at violations of the right of the child not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment appearing in the number of reported cases of torture and/or ill-treatment of children, especially when placed in pre-trial detention. It further notes that in a number of cases children are held incommunicado when in police or gendarma custody and are not allowed the presence of a lawyer, practices which can provide protection from torture and ill-treatment, and are not interrogated in presence of a prosecutor, as established by law. It also notes with concern that alleged cases of torture against children are not always duly investigated and perpetrators convicted, thus creating a climate of impunity.

120. In the light of article 37 (a) of the Convention and in line with the recommendations of the Special Rapporteur on torture (see E/CN.4/1999/61/Add.1), the Committee strongly recommends that the State party enforce, or, when appropriate, review existing legislation, with a view to preventing children being held incommunicado, and investigate in an effective way reported cases of torture and ill-treatment of children. It also recommends that alleged perpetrators be transferred from active duty or suspended while they are under investigation, and dismissed if convicted. It invites the State party to continue with the systematic training of law enforcement personnel on child rights issues. In the light of article 39, the Committee also invites the State party to take all appropriate measures to ensure the physical and psychological recovery and social reintegration of child victims of torture and/or ill-treatment.

### 5. Family environment and alternative care

#### Parental responsibilities

121. While noting as a positive step the recent establishment of Family Consultation Centres in a number of cities, the Committee is nevertheless concerned that there is no appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities, in particular in the case of female headed families.

122. The Committee encourages the State party to undertake effective measures to improve social assistance to families, including through counselling and community-based programmes, and to implement fully the programme of cooperation with UNICEF on enhancing family capacity, in order also to reduce the number of children in institutional care.

#### Children deprived of family environment

123. The Committee is concerned at the high number of children who live in institutions, half of whom are placed there because of socio-economic problems affecting their families. It notes with concern that these institutions are in some cases in a bad physical state and need adequately trained and competent staff and, therefore, recognizes with appreciation the reorganization of some of these institutions into family units of small groups of children. It also notes that the foster care system is not sufficiently developed and that the law on adoption is too restrictive.

124. The Committee recommends that the State party review the system of institutionalization of children, as well as ensuring, in the light of article 25 of the Convention, the periodic review of children placed in institutions. Further, it recommends that the State party allocate more financial and human resources to improve the situation of children living in institutions. In the light of article 20 of the Convention, it encourages the State party to promote alternative care and further improve the quantity, quality and efficiency of foster care, including by providing sufficient financial support. Further, in the light of article 21, it encourages the State party to review the law on adoptions with a view to facilitating the adoption process.

#### Child abuse and neglect

125. The Committee expresses its concern about the lack of data, appropriate measures, mechanisms and resources to prevent and combat domestic violence, ill-treatment and abuse, including child sexual abuse and related virginity tests. It notes that societal attitudes towards women and children often mean that these cases are not reported and that when they are reported, the police do not systematically intervene. The limited number of services for abused children is also a cause of concern.

126. In the light of article 19 of the Convention, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and abuse, including sexual abuse, to enable it to understand the extent, scope and nature of these practices, adopt adequate measures and policies, and contribute to changing attitudes. The Committee also recommends that cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, be properly investigated within a child-sensitive inquiry and judicial procedure in order to ensure better protection of child victims, including the protection of their right to privacy, and the elimination of virginity tests. Measures should also be taken to provide support services to children in legal proceedings, and for the physical and psychological recovery and social reintegration of the



victims of rape, abuse, neglect, ill-treatment and violence, in accordance with article 39 of the Convention.

### Corporal punishment

127. The Committee expresses its deep concern that physical punishment in the home is culturally and legally accepted and that only “excessive punishment” resulting in physical injury is prohibited by the Penal Code. It also notes with concern that, although prohibited, corporal punishment is used in schools and other institutions.

128. In the light of articles 3, 19 and 28 (2) of the Convention, the Committee encourages the State party to develop measures to raise awareness of the harmful effects of corporal punishment and promote alternative forms of discipline in families, to be administered in a manner consistent with the child’s dignity and in conformity with the Convention. It also recommends that the ban on corporal punishments in schools and other institutions be enforced effectively.

## 6. Basic health and welfare

### Children with disabilities

129. While noting as a positive development the establishment of the Administration of the Disabled as the agency coordinating services, and the removal of some structural obstacles in education, employment and rehabilitation, the Committee remains concerned about the huge number of children with disabilities who are institutionalized and the general lack of resources and specialized staff for these children.

130. The Committee recommends that the State party undertake measures to ensure that the situation of children with disabilities is adequately monitored in order to assess effectively their needs. It also recommends that the State party allocate the necessary resources for programmes and facilities for all children with disabilities, especially those living in rural areas, and develop community-based programmes to enable these children to stay at home with their families. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee’s recommendations adopted at its day of general discussion on “The rights of children with disabilities” (see CRC/C/69), it is also recommended that the State further encourage their inclusion in society and integration into the regular educational system, including by providing special training to teachers and by making schools more accessible.

### Health and health services

131. While noting with appreciation that the State party adopted the Integrated Management of Childhood Illnesses (IMCI) and established 35 new Social Service provincial directorates in 2000, and that protocols for cooperation were signed between the Social Services and Child Protection Agencies and non-governmental organizations in order improve services for children at the local level, the Committee is nevertheless concerned that the situation with regard to maternal, child and reproductive health is still poor and that there are great disparities between geographic regions and socio-economic classes. It notes in particular that infant, child and maternal mortality rates and

malnutrition rates are particularly high in rural areas of the south eastern region and in poor urban areas. The Committee also notes that the immunization programme does not cover all children in Turkey and that immunization rates are particularly low in the eastern region.

132. The Committee recommends that the State party allocate appropriate resources and develop comprehensive policies and programmes to improve the health situation of all children without discrimination, in particular by focusing more on primary health care and decentralizing the health-care system. In particular, to prevent child mortality and morbidity, it recommends that adequate antenatal and post-natal health-care services be provided and that campaigns be developed to provide parents with basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation, and the prevention of accidents. The Committee encourages the State party to look to international cooperation for the full and efficient implementation of the immunization programme.

### Adolescent health

133. The Committee expresses its concern regarding the high rates of early pregnancy, the rise in the number of children and young people using tobacco and drugs, the increase in cases of sexually transmitted diseases (STDs), in particular syphilis, and the growing numbers of cases of HIV/AIDS among young people. Further, it notes the limited availability of programmes and services in the area of adolescent health, including mental health, in particular treatment and rehabilitation programmes for drug addiction. It also notes the lack of sufficient prevention and information programmes, especially on reproductive health, in schools.

134. The Committee recommends that the State party increase its efforts to promote adolescent health, including mental health, policies particularly with respect to reproductive health and substance abuse and strengthen the programme for health education in schools. The Committee suggests that a comprehensive and multidisciplinary study be undertaken to understand the scope of adolescent health problems, including the negative impact of STDs and HIV/AIDS, in order to be able to develop adequate policies and programmes. It is also recommended that the State party undertake further measures, including the allocation of adequate human and financial resources, to evaluate the effectiveness of training programmes in health education, in particular as regards reproductive health, and to develop youth-sensitive counselling, care and rehabilitation facilities that are accessible without parental consent, when this is in the best interests of the child.

## 7. Education, leisure and cultural activities

### Education

135. The Committee notes with concern the high drop-out rates among girls after the third grade, particularly in rural areas; the decline in the quality of education and the insufficiently participatory teaching methods; the lack of trained personnel and insufficient infrastructure, especially classrooms, in particular in large metropolitan areas and in the south-east.

136. In the light of article 28 of the Convention, the Committee recommends that the State party undertake appropriate measures to ensure regular attendance at school and the reduction of drop-out

rates, in particular for girls. It encourages the State party to continue its efforts to introduce pre-school education and to take further steps to ensure the enrolment of children in secondary schools. It also encourages the State party to continue to strengthen the teacher training programme in order to increase the number of trained teachers and improve the quality of teaching and to direct education towards the aims mentioned in article 29.1 of the Convention and the Committee's General Comment on the aims of education.

## 8. Special protection measures

### Refugee children

137. The Committee notes with concern that only asylum-seekers from European countries are granted refugee status, thus child asylum-seekers of non-European origin, who represent the majority, can be granted asylum only on a temporary basis until they find a third country and, therefore, do not always have access to education and health care. It notes that personnel dealing with child asylum-seekers and refugees do not have training on child rights issues, in particular on how to deal with children who are unaccompanied and in cases of family reunification, as well as with children who come from areas affected by war and who may have been victims of traumatic experiences.

138. The Committee encourages the State party to consider withdrawing the geographical limitation on the 1951 Convention relating to the Status of Refugees and its 1967 Protocol in order to allow non-European child refugees to be granted refugee status. Further it recommends that the State party provide adequate training to officials who deal with child asylum-seekers and refugees, in particular in child-interviewing techniques and on how to ensure family reunification. Also, in accordance with the UNHCR Guidelines on Protection and Care of Refugee Children, it recommends that the State party ensure that every effort is made to identify children who require special support upon their arrival in the State party, and consider providing adequate psychological assistance to them. The Committee further recommends that the State party strengthen measures to allow all child asylum-seekers and refugee children full access to education.

### Internally displaced children

139. The Committee expresses its concern at the large number of internally displaced children in Turkey who were forced to leave their home towns in the 1990s owing to the high level of violence in the south-east region. The Committee is also concerned about their limited access to housing, health services and education.

140. In line with the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2), the Committee recommends that the State party ensure that internally displaced children and their families have access to appropriate health and education services and adequate housing. Further, it invites the State party to collect data and statistics in order to know how many children are displaced and what their needs are, with a view to developing adequate policies and programmes.

### Economic exploitation

141. The Committee takes note of the number of protocols the State party has signed with ILO, in particular that for the promotion of education of working children. However, it expresses its concern that there is not a clear legal minimum age for working children and notes, in this regard, the commission established under the Working Children Department of the Ministry of Labour and Social Security to prepare a draft “Law about the minimum age for work and protective measures for working children”, which will cover all children who work. It nevertheless remains worried about the large number of children engaged in labour activities, in particular children working in the fields, domestic workers, children working in small enterprises and children working in the streets, who appear to be less protected by legislation.

142. The Committee recommends that the State party continue to undertake measures to prevent and combat all forms of economic exploitation of children, including commercial sexual exploitation.

#### Children living in the streets

143. While noting that a number of centres have been established, with the collaboration of non-governmental organizations, to provide counselling, training and rehabilitation services for children living in the streets, the Committee nevertheless expresses its concern at the significant number of such children and notes that assistance is generally only provided to them by non-governmental organizations.

144. The Committee recommends that the State party support existing mechanisms to provide children living in the streets with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, in order to ensure their full development. Moreover, the State party should ensure that these children are provided with rehabilitation services for physical, sexual and substance abuse; protection from police brutality; and services for reconciliation with their families.

#### Juvenile justice

145. The Committee notes as a positive development the proposed extension of competence of juvenile courts from 15 to 18 years of age and the study started by the Ministry of Justice to harmonize the “Law about the formation, duties and procedure of the juvenile courts” with the provisions of the Convention, as well as the establishment of units for child protection within the Security Directorates in every province and sub-district. However, it remains deeply concerned at the major discrepancies between domestic legislation concerning juvenile justice and the principles and provisions of the Convention. In particular, it notes with concern that the minimum legal age for criminal responsibility is 11 and that the Juvenile Courts Law covers children only between the ages of 11 and 14, while children between 15 and 18 are subject to the Penal Law. Further, it also notes with concern that even children between 11 and 14 may not be subject to the Juvenile Courts Law if they are accused of having committed a crime falling under the jurisdiction of State security courts or military courts or if they live in areas under a state of emergency. The fact that detention is not used as a measure of last resort and that cases have been reported of children being held incommunicado for long periods is noted with deep concern. The Committee is also concerned that there are only a small number of juvenile courts and none of them are based in the eastern part of the country. Concern is also expressed at the long periods of pre-trial detention and the poor

conditions of imprisonment and at the fact that insufficient education, rehabilitation and reintegration programmes are provided during the detention period.

146. The Committee recommends that the State party continue reviewing the law and practices regarding the juvenile justice system in order to bring it into full compliance with the Convention, in particular articles 37, 40 and 39, as well as with other relevant international standards in this area, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), with a view to raising the minimum legal age for criminal responsibility, extending the protection guaranteed by the Juvenile Law Court to all children up to the age of 18 and enforcing this law effectively by establishing juvenile courts in every province. In particular, it reminds the State party that juvenile offenders should be dealt with without delay, in order to avoid periods of incommunicado detention, and that pre-trial detention should be used only as a measure of last resort, should be as short as possible and should be no longer than the period prescribed by law. Alternative measures to pre-trial detention should be used whenever possible.

147. With reference to children deprived of their liberty, the Committee recommends that the State party incorporate in its legislation and practices the provisions of the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, in particular guaranteeing them access to effective complaints procedures covering all aspects of their treatment, and taking appropriate rehabilitative measures to promote the social reintegration of the children involved with the juvenile justice system. Finally, the Committee recommends that the State party seek assistance from, *inter alia*, the Office of the High Commissioner for Human Rights, the United Nations Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF through the United Nations Coordination Panel on Technical Advice and Assistance on Juvenile Justice.

### Optional Protocols

148. The Committee encourages the State party to ratify the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

### 9. Dissemination of documents from the reporting process

149. Finally, the Committee recommends that, in the light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs and children.