



Global Initiative to  
**End All Corporal Punishment  
of Children**

## **TURKEY**

### **BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 8<sup>th</sup> session, 2010**

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*Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. It is recognised by the Committee on the Rights of the Child and other treaty bodies, as well as by the UN Secretary General's Study on Violence against Children, as a highly significant issue, both for asserting children's status as rights holders and for the prevention of all forms of violence.*

*The Global Initiative to End All Corporal Punishment of Children ([www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)) has been regularly briefing the Committee on the Rights of the Child on this issue since 2002, and since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights, and the Human Rights Committee. There is growing progress now across all regions in challenging this very common form of violence against children. But we are concerned that many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope that the UPR Process will give particular attention to states' response, or lack of response, to the concluding observations from treaty bodies, on this and other key issues.*

*In June 2006, the Committee on the Rights of the Child adopted General Comment No. 8 on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment", which emphasises the immediate obligation on states parties to prohibit all corporal punishment of children, including within the home. Other treaty bodies, and regional human rights mechanisms, have condemned all corporal punishment. In October 2006, the report of the UN Secretary General's Study on Violence against Children was submitted to the General Assembly. It recommends universal prohibition of all corporal punishment, setting a goal of 2009.*

### **Summary**

**This briefing describes the legality of corporal punishment of children in Turkey despite the concerns and recommendations of the Committee on the Rights of the Child and the European Committee of Social Rights. We hope the Review will highlight the importance of prohibition of corporal punishment of children, including within the family home, and strongly recommend that the government enact and implement legislation to ensure complete prohibition.**

## **1 Legality of corporal punishment in Turkey**

1.1 Corporal punishment is lawful in the **home**. An amendment to the Civil Code, implemented in 2002, removed parents' "right of correction", but this defence still exists in article 232 of the Criminal Code (in force 2005). Legal provisions against violence and abuse are not interpreted as prohibiting all corporal punishment in childrearing.

1.2 In research involving 1,800 children and young people in Istanbul, 23% reported physical punishment by their parents, more commonly for children below the age of 14 than for older children.<sup>1</sup> In research in 1999 by UNICEF Turkey concerning children living and working on the streets, one third reported leaving home because of the violence they had to face there.<sup>2</sup>

1.3 Corporal punishment is unlawful in **schools** and the **penal system** but it is not prohibited in **alternative care settings**.

## **2 Recommendations by human rights treaty monitoring bodies**

2.1 Following examination of the state party's initial report in 2001, the **Committee on the Rights of the Child** expressed concern at the legality of corporal punishment in the home and its use, despite prohibition, in schools and other institutions (CRC/C/15/Add.152, para. 47). The Committee recommended the promotion of alternative measures of discipline in families and enforcement of the ban in schools and other institutions (para. 48).

2.2 In 2005, the **European Committee of Social Rights** found the situation in Turkey not to be in conformity with article 17 of the European Social Charter because corporal punishment in the home is not prohibited. (*Conclusions XVII-2*).

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<sup>1</sup> Erkman, F. (2003), paper presented at the Society for Cross Cultural Research Conference, South Carolina, February 2003

<sup>2</sup> UNICEF Turkey (1999), "Participatory Action Research on the Children Living and Working on the Streets", UNICEF Activity Report