**BRIEFING FROM GLOBAL INITIATIVE**

**TO END ALL CORPORAL PUNISHMENT OF CHILDREN**

**BRIEFING FOR THE COMMITTEE ON THE RIGHTS OF THE CHILD**

**PRE-SESSIONAL WORKING GROUP – October 2011**

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**TURKEY (second/third report – CRC/C/TKY/2-3)**

**Corporal punishment in the home**

Corporal punishment is lawful in the home. In 2002, the Civil Code was amended to remove parents’ “right of correction”, but the Criminal Code (2004) recognises the concept of “disciplinary power” (article 232). Provisions against violence and abuse in the Criminal Code, the Law on Protection of the Family and the Law on Child Protection (2005) are not interpreted as prohibiting all corporal punishment in childrearing.

In a 2010 study of 988 college students, violence experienced in childhood included being kicked, punched, thrown, bruised, burned, or caused to bleed, lose teeth, or have broken bones, with 53.3% having experienced some of these types of violence (64% males, 41.6% females). The most common perpetrators were mothers and fathers, but siblings and other relatives were also perpetrators. One in five students (22.6%) said the violence was inflicted to establish discipline, 15.9% said the perpetrator wanted to teach them a lesson, and 16.1% said the purpose was to instil respect.[[1]](#footnote-1)

Turkey has signed up to the Council of Europe campaign against corporal punishment of children (<http://www.coe.int/t/dg3/children/corporalpunishment/default_en.asp>). To our knowledge there have been no moves towards law reform to achieve prohibition, but as at 2009 the Ministry of Justice, UNICEF and others had conducted a study of national legislation and recommendations were being drafted to ensure harmonisation with the Convention on the Rights of the Child.

**Corporal punishment outside the home**

Corporal punishment has been considered unlawful in **schools** since 1923, but there is no explicit prohibition and there is some controversy as to its legal status. Law No. 1702 punishes ill-treatment and beating (articles 20 and 22), and the Law on Promotion, Appreciation and Punishment for Primary School Teachers No. 4357 (article 7), the Law on Promotion and Punishment for Secondary School Teachers (articles 20-22 and 27) and the State Personnel Law No. 657 provide for punitive measures against teachers who use physical or psychological violence against children. However, in April 2008, an investigation by the Education Ministry into the use of corporal punishment by a school principal reportedly concluded that corporal punishment has an educational value. The investigator reportedly cited an Administrative Supreme Court ruling in 1978 which supported corporal punishment by teachers, but did not refer to a 2005 ruling against it.

In the **penal system**, corporal punishment is unlawful as a sentence for crime under the Criminal Code or the Criminal Procedure Code (2004). It is considered unlawful as a disciplinary measure in penal institutions, but we have yet to confirm prohibition is explicit. The Law on Enforcement of Punishment and Security Policies (2004) provides for the rights of children in detention, but we have no further details.

There is no explicit prohibition of corporal punishment in **alternative care settings**.

A report on psychiatric facilities, orphanages and rehabilitation centres in Turkey found that in psychiatric institutions children as young as nine were subjected to electroconvulsive or “shock” treatment (ECT), including as a punishment, without the use of muscle relaxants or anaesthesia. In rehabilitation centres and orphanages, children were restrained, sometimes permanently, by being tied by their arms and legs or having plastic bottles taped over their hands. The report documents an incident of corporal punishment where a child was locked up, thrown across a room, tied up and hit.[[2]](#footnote-2)

**In 2001, following examination of the state party’s initial report, the Committee on the Rights of the Child recommended measures to end corporal punishment in the home and to enforce the prohibition of corporal punishment in schools and other institutions (CRC/C/15/Add.152, para. 48). In June 2011, the Committee on Economic, Social and Cultural Rights recommended prohibition in the home (E/C.12/TUR/CO/1, Advance Unedited Version, para. 24). In 2005, the European Committee of Social Rights concluded that the situation in Turkey is not in conformity with Article 17 of the Charter because corporal punishment in the home is not prohibited (Conclusions XVII-2).**

**In light of the Committee’s General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment” and the importance of eradicating this form of violence given by the UN Secretary General’s Study on Violence against Children, we hope the Committee will again raise the issue in its List of Issues for Turkey, in particular asking what steps have been taken to ensure that children are protected in law from all forms of corporal punishment in all settings, including the home, and requesting details of the legal status of corporal punishment in schools. We hope the Committee will subsequently recommend that corporal punishment is explicitly prohibited in the home and all other settings and that relevant awareness raising and public education campaigns are carried out.**

*Briefing prepared by the Global Initiative to End All Corporal Punishment of Children*

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*August 2011*

1. Turla, A., Dündar, C. & Özkanli, C. (2010), “Prevalence of Childhood Physical Abuse in a Representative Sample of College Students in Samsun, Turkey”, *Journal of Interpersonal Violence*, vol. 25, no. 7, pp. 1298–1308 [↑](#footnote-ref-1)
2. Ahern, L., Rosenthal, E., et al. (2005), *Behind Closed Doors: Human Rights Abuses in the Psychiatric Facilities, Orphanages and Rehabilitation Centers of Turkey,* Mental Disability Rights International [↑](#footnote-ref-2)