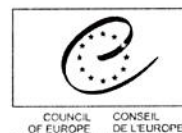




COMMISSIONER FOR HUMAN RIGHTS
COMMISSAIRE AUX DROITS DE L'HOMME



Ref: CommHR/TH/sf 010-2011

Ms Nimet ÇUBUKÇU

Minister of National Education of the Republic of Turkey

Strasbourg, 21 March 2011

Dear Minister,

Following up to the constructive dialogue with the Turkish authorities on the protection and promotion of human rights, I should like to raise with you certain outstanding issues relating to access to education by migrant children in Turkey.

In the report I published in October 2009 following my visit to Turkey, I recommended that the authorities systematically address reported shortcomings in providing access to education for all migrant children. In this respect, I welcome Circular No. 2010/48 of 16 August 2010 issued by your Ministry, which aims at facilitating the access to education of foreign nationals. I note with appreciation that the Circular sets up a number of support measures designed to ensure that foreign nationals receive an education adapted to their needs and waives the requirement of an education visa for access to education. I am concerned, however, that the requirement defined in the Circular, according to which the children or their legal guardians must have a work or residence permit, will effectively hinder the provision of education to migrant children in an irregular situation.

My position on the rights of minor migrants in an irregular situation is that states must guarantee their right to a quality education, irrespective of the legal status of the children, or the status of their parents or legal guardians. This principle is notably enshrined in the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which Turkey ratified on 27 September 2004. Article 30 of this Convention, accepted by Turkey without reservations, provides that "each child of a migrant worker shall have the basic right of access to education on the basis of equality of treatment with nationals of the State concerned. Access to public pre-school educational institutions or schools shall not be refused or limited by reason of the irregular situation with respect to stay or employment of either parent or by reason of the irregularity of the child's stay in the State of employment".

I commend the Turkish authorities for the ratification of this Convention and urge them to implement it by ensuring access to education for all migrant children, including those in an irregular situation.

During my visit to Turkey in 2009, I was further informed of the specific situation of Armenian migrant children in Turkey. In particular, I noted with concern that a proposal made by the Armenian community to provide education to Armenian children of irregular migrant families had not met with the authorities' approval. I am aware that Law No. 5580 on Private Education Institutions, which regulates the schools of the Armenian, Greek and Jewish minorities in Turkey, limits attendance of these schools to members of these minorities with Turkish nationality.

Considering the willingness of the Armenian community to provide education to Armenian children of irregular migrant families in their own schools, I encourage the Turkish authorities to remove the legal obstacles to that effect. I would appreciate any complementary information on measures taken or envisaged by your government in this respect.

Looking forward to receiving your reply and continuing a constructive dialogue with you and your government, I remain,

Yours sincerely,

A handwritten signature in black ink, reading "Thomas Hammarberg". The signature is written in a cursive, flowing style with a long, sweeping tail on the last letter.

Thomas Hammarberg