STATEMENT · Women's and Children's Rights

20 November: World Children's Rights Day – A Legal Objection to Geography as Destiny

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We, as lawyers, know that justice is not merely a collection of dry articles but a living mechanism of conscience. Especially when the matter concerns our children—the most fragile and most powerful capital of our world…

With the United Nations General Assembly's adoption of the Convention on the Rights of the Child on 20 November 1989, this date became the symbol of a universal commitment: World Children's Rights Day. This Convention is not a favor left to the discretion of states or individuals; it is a binding legal obligation that enshrines fundamental rights such as life, development, protection, and participation. As UNICEF notes, it is the most widely ratified human rights document in the world, with 194 countries adopting it—except for the United States and Somalia. It is the affirmation of the day innocence wore the armor of universal law.

I. The Framework and Philosophy of Protection in National Law

Türkiye, one of the first states to sign the Convention (14 September 1990), integrated it into its domestic legal system. In our national legislation, every individual under 18 is defined as a "child," in line with international standards.

In this sense, the Turkish Penal Code applies reduced criminal responsibility for children aged 12–15 and 15–18, prioritizing rehabilitation and education over detention. This approach reflects the concept of the "Child Driven to Crime " formalized by Law No. 5395 on Child Protection in 2005.

By choosing the phrase "child driven to crime" instead of "criminal child," our legal system recognizes that children are inherently innocent. It acknowledges that environmental conditions, societal neglect, and adult failures may push children toward crime—shifting responsibility not solely to the individual child, but also to the society and system that failed to protect them.

II. Legal and Ethical Concerns: Violations at Home and Across the Globe

A. Türkiye's Reservation and the Best Interests of the Child

Türkiye has entered a reservation to Article 30 of the Convention, which guarantees children belonging to ethnic, religious, or linguistic minorities the right to freely use their own language and culture:

"Children of ethnic, religious, or linguistic minorities may not be denied the right to use their own language."

Maintaining this reservation prevents non-Turkish-speaking children from exercising this right in education, amounting to cultural assimilation and contradicting both the spirit of the Convention and the principle of the child's best interests.

Türkiye's Conscience on Trial: The Innocence Behind Bars

Moreover, certain domestic practices pierce our conscience. In the past decade, with civil society activities increasingly prosecuted as "terrorist propaganda" or "terrorist activity," hundreds of innocent children have ended up in prison alongside their mothers.

According to data released by the Ministry of Justice as of October 2025, the number of children aged 0–6 living in prisons with their mothers has reached approximately 749. These little souls, unconnected to any crime, spend their first six years behind bars simply because of their mothers' legal circumstances.

This reality gravely violates the child's right "not to be separated from his or her parents against their will" (Article 9) and disregards universal legal and moral principles. It is a form of injustice targeting not only mothers, but our "future."

B. Stolen Generations in Global Crises

Wars and conflicts across the world condemn millions of children to unspeakable suffering.

The most striking example is the Gaza Strip. Since the escalation on 7 October 2023, more than 18,000 Palestinian children have lost their lives. They represent a generation deprived of education, clean water, and food—a generation erased before the world's eyes.

In Syria, entering its 14th year of war, more than 14,000 children have been killed or injured.

In Somalia, chronic crises have pushed under-5 mortality rates to above 101 per 1,000 live births.

Recently, while watching two small children joyfully fishing at a peaceful lake near my home in the Netherlands, a quiet ache grew inside me. Their laughter filled the air, yet in my mind I saw their peers in Yemen, Somalia, and Syria—struggling against hunger, conflict, and survival. The old saying echoed in my mind: "Geography is destiny." Numbers and lived realities confirm this painful truth every day.

Yet I silently hoped: Perhaps one day, we can change that destiny…

Conclusion: Making Law a Shield

20 November is not merely a commemoration; it is a reminder of the indispensable role of law in defending universal conscience. In a world where children are abandoned to the fate of their geography, we as lawyers hold the strongest shield against this destiny.

Whether through the protective philosophy behind the Child Driven to Crime concept in national law or through the universal obligations of the Convention, our duty is clear: to defend children everywhere.

Law has the power to alter the dark trajectory of human fate.

Today, to let the laughter of those children by the Dutch lake echo through Gaza's ruins and Somalia's barren fields, it is time to lift the reservations in our minds and in our legal texts. Before the tears of children darken our shared humanity further, the international community must confront its conscience.

Protecting this sacred trust is not only a professional ethic—it is the purest human responsibility.

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