



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Ninety-third session

### Summary record of the 2714th meeting\*

Held at the Palais Wilson, Geneva, on Wednesday, 17 May 2023, at 3 p.m.

*Chair:* Ms. Skelton

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Consideration of reports of States parties (*continued*)

*Combined fourth and fifth periodic reports of Türkiye*

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\* No summary records were issued for the 2712th and 2713th meetings.

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*The meeting was called to order at 3 p.m.*

**Consideration of reports of States parties** (*continued*)

*Combined fourth and fifth periodic reports of Türkiye (CRC/C/TUR/4-5; CRC/C/TUR/Q/4-5; CRC/C/TUR/RQ/4-5)*

1. *At the invitation of the Chair, the delegation of Türkiye joined the meeting.*
2. **Mr. Ergüneş** (Türkiye), introducing his country's combined fourth and fifth periodic reports (CRC/C/TUR/4-5), said that policies and strategies to implement the Convention were developed regularly. A child rights department had been established under the Directorate General of Child Services to monitor and coordinate the implementation efforts. The 2023–2028 Türkiye Child Rights Strategy Document and Action Plan, which had been prepared with input from government agencies, civil society organizations, scholars, international organizations and children, outlined strategies for the promotion of the participation of children in matters of concern to them. Circular No. 2023/7 of the Office of the President allowed children to participate actively in the work of the Child Rights Monitoring and Assessment Board. All the country's 22.5 million children, who made up 26.5 per cent of its total population, received free educational, health and social services.
3. The juvenile justice system prioritized the protection of children's rights, safety and physical and mental health. The 167 Directorates of Judicial Support and Victim Services provided services to vulnerable groups and children, informed them of their rights and the services available to them and arranged psychosocial care for children. Child monitoring centres were present throughout the country. There were also 168 forensic interview rooms, where children could give statements in a safe environment, in the company of professionals, without having to face the accused, and 709 child-friendly interview facilities. A model juvenile justice centre, where proceedings could be held in a child-friendly manner, had been developed. Courtrooms and correctional centres, for their part, had been designed with child-friendly facilities.
4. Under the 2023 budget, 11 billion liras – 45.4 per cent more than the previous year – had been allocated to a programme for the protection, care and healthy development of children. The hundreds of billions of liras that had been set aside for the promotion of access to education and equal opportunities, for the enhancement of child welfare and child protection and for efforts to promote children's healthy development represented 16 per cent of the overall 2023 budget. Families with children could qualify for conditional cash transfers and various other benefits.
5. Preschool education was free of charge, and preschool teachers were university graduates. The Government was working to expand preschool enrolment, especially among children from disadvantaged families. Free lunches were being provided to all students, regardless of their socioeconomic background, during the second semester of the 2022/23 school year. School enrolment rates had increased to 99 per cent for 5-year-olds, 99.5 per cent for children of primary school age and 99.1 per cent for children of secondary school age. Textbooks were free. Children from disadvantaged families received free school transportation and meals, and they were eligible for special scholarships and cash transfers on condition that they stayed in school. Conditional cash transfers were also available for foreign children, including those under temporary protection. Over the preceding 20 years, the school enrolment rate for girls had risen from around 39 to 95 per cent.
6. The Government ran campaigns to raise awareness of child labour and had assigned 567 staff members to units for combating child labour. Türkiye was a party to the International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138), and the ILO Worst Forms of Child Labour Convention, 1999 (No. 182).
7. Since 1990, the under-5 mortality rate had decreased by 6.9 per cent. In 2021, neonatal mortality had stood at 5.9 per 1,000 live births and under-5 mortality at 11.1 per 1,000 live births. Türkiye had therefore already met target 3.2 of the Sustainable Development Goals, which was to end preventable deaths of newborns and children under 5 years of age and seek to reduce neonatal mortality and under-5 mortality by 2030.

8. All children were covered under the general health insurance. Children under temporary protection also received free health services. Each family in Türkiye was assigned a physician who provided screening, vaccination, counselling and other services. The country's vaccination programme, under which children were vaccinated free of charge, covered 13 diseases. The 95 per cent vaccination rate in 2022 had exceeded the World Health Organization target. The high vaccination rates had led to a significant decrease in the incidence of vaccine-preventable diseases. To promote the early detection of disease, free screening had been made available to all children, including asylum-seeking, refugee and migrant children.

9. Following the earthquake of 6 February 2023, the Government had worked to reunite children and families who had become separated, provided in-kind assistance, helped transfer children with disabilities to safe locations and provided psychosocial support for survivors. The Directorate General of Child Services had set up a hotline accessible around the clock. An outreach programme had been introduced to provide assistance to child survivors in the field, and a family information system had been created. The Government had established child-friendly spaces in the earthquake-affected area with support from the Disaster and Emergency Management Authority, other agencies, civil society organizations and volunteers.

10. Children from 16 countries had been invited to attend the country's twenty-third National Child Forum, which had focused on climate change, and share their views. The country's first Child Council, held in 2023, had addressed topics such as child development, child protection, education and disaster management. Children had actively participated in the Council's decision-making processes. A children's survey had been conducted for the first time, and a large database had been created with information on children's health, educational level and level of awareness of their rights. All children in Türkiye were considered rights holders.

11. **Ms. Kiladze** (Coordinator, Country Task Force) said that the Committee welcomed the State party's ratification of the Optional Protocol on a communications procedure. She wished to know whether the State party intended to withdraw its reservations to articles 17, 19 and 30 of the Convention, whether it planned to develop holistic child rights-based legislation, what specific priorities and targets had been set under the Türkiye Child Rights Strategy Document and Action Plan and the Human Rights Action Plan (2021–2023), whether adequate human, technical and financial resources had been allocated for the implementation of those instruments and what stakeholders would be involved in evaluating their effectiveness. It would also be helpful to know whether the Ministry of Family and Social Services had sufficient authority and resources to effectively coordinate all activities relating to the implementation of the Convention.

12. She also wished to know whether there were plans to establish a transparent system to track budget allocations for children's services and to ensure that budgetary decisions at all levels involved the participation of children and made their best interests a primary consideration. It would be useful to know whether the results of the Türkiye child survey had been disseminated among stakeholders and whether the survey results were broken down appropriately, indicating characteristics such as age, sex, disability, geographical location, ethnic or national origin, religious affiliation and socioeconomic background.

13. She wondered whether the Human Rights and Equality Institution of Türkiye was in full compliance with the Paris Principles and, if not, whether there were plans to ensure that it was. It would be useful to know whether the Ombudsman Institution could receive individual complaints from children and, if so, whether it was under any obligation to investigate and address those complaints, whether the complaints procedure was child-friendly, how many complaints it had received and what the outcomes of the complaints had been.

14. She would appreciate information on the measures taken to ensure that children, parents, the general population and professionals working with and for children were familiar with the rights enshrined in the Convention and the Optional Protocols. It would also be interesting to learn more about civil society's involvement in the development of the Türkiye Child Rights Strategy Document and Action Plan, particularly in light of reports that the

freedoms enjoyed by civil society had narrowed in recent years. She invited the delegation to clarify whether the business sector was under any obligation to comply with international standards in respect of children's rights.

15. She wondered how the constitutional principle of equality was guaranteed, particularly for children from disadvantaged or marginalized backgrounds, and what laws, institutional arrangements or policies and programmes were in place to combat stereotypes. She also wondered whether the legal framework had been reviewed to ensure that the best interests of the child were consistently a primary consideration in all procedures and decisions concerning children, including court rulings regarding parental custody, medical procedures and migration decisions. In that connection, she would welcome information on the guidance made available to professionals working with and for children and the steps that were taken to ensure that disadvantaged or marginalized children could express their views on decisions affecting them.

16. She wished to know what the State party had done to combat honour killings and whether the alleged injuries to and deaths of children in accidents involving military vehicles or explosive remnants of war had been investigated. She also wished to know whether mechanisms were in place to prevent torture and other cruel, inhuman or degrading treatment, whether reports of mistreatment were investigated and the perpetrators punished and whether children had easy access to means of reporting mistreatment and violence, including sexual exploitation and abuse. She wondered whether the State party planned to prohibit corporal punishment in all settings, what prevention and rehabilitation services were available to child victims of sexual abuse and whether the resources set aside for the provision of those services were sufficient, including in rural or remote areas. Updates on the National Strategy Document and Draft Action Plan on Combating Violence against Children and on the Türkiye Child Rights Strategy Document and Action Plan would also be welcome. It would be useful, in addition, to know whether there was a national strategy and action plan to combat early and forced marriage.

17. According to reports, more than 16,000 minors had been brought to trial for terrorism-related offences and had been denied their right to a nationality, and more than 2,000 children, including children of incarcerated mothers, had not been treated in line with the standards set out in the Convention. Could the delegation comment on those reports?

18. **Ms. Zara** (Country Task Force) said that she wished to know what steps had been taken to bring the minimum age of criminal responsibility into line with the age recommended by the Committee in its general comment No. 24 (2019) and to guarantee that the age was respected in all parts of the country. She wondered what measures had been taken to improve the monitoring of working conditions for children, including those in informal work and apprenticeships.

19. It would be useful to know whether the training modules developed for families and parents were included in school curricula and what measures were taken to establish a system of emergency foster or other care and to ensure that alternative family-based care was available for children with disabilities and refugee and migrant children throughout the country. She also wished to know what progress had been made towards the deinstitutionalization of children in care and whether there had been an impartial evaluation of the childcare system. She would appreciate specific information on the measures taken to ensure the training and recruitment of qualified child protection professionals. She was also eager to learn what forms of support the Government provided to families to keep them from having to apply for institutional care for their children for economic reasons. It would also be useful to learn of any specialized programmes for the provision of family-type care for children with disabilities and migrant or refugee children.

20. She wished to know what the procedures for domestic and intercountry adoption were, what specific rights adopted children had and whether data were collected on intercountry adoptions. She would also welcome information on the measures taken to improve care and adoption services, including disaggregated data on children with disabilities in childcare facilities and institutions for persons with disabilities and mental health conditions.

21. **Ms. Todorova** (Country Task Force) said that she wished to know what short- and long-term measures had been taken to protect children, particularly lesbian, gay, bisexual,

transgender and intersex children, from discrimination. She would also appreciate information on the situation of children subjected to stigmatization and discrimination because their parents had allegedly been involved in the attempted coup d'état of July 2016, including how many children had been affected and what measures had been taken to protect them.

22. She wondered whether the introduction of the international birth certificate had led to any improvements to birth registration coverage, particularly among children born to refugees from the Syrian Arab Republic and elsewhere, and whether other measures had been taken to increase birth registration. She wished to know what measures had been taken in response to the reported violations of the rights of children whose parents living abroad were suspected of terrorist activities, including measures to provide compensation and rehabilitation to those children.

23. She was eager to learn what steps were taken to ensure that children could exercise their right to freedom of expression. She also wished to know what steps had been taken to investigate reports that children had been subjected to torture and other ill-treatment or injured as a result of law enforcement clampdowns on peaceful assemblies. Information on any plans to develop and enforce comprehensive child data protection laws would also be welcome, including information on any remedy provided to children whose rights to privacy had been violated on the two educational platforms introduced during the coronavirus disease (COVID-19) pandemic.

*The meeting was suspended at 4.10 p.m. and resumed at 4.35 p.m.*

24. **Mr. Begeç** (Türkiye) said that the protection of minority rights in Türkiye was governed by the International Covenant on Civil and Political Rights, article 27 in particular, and the Lausanne Peace Treaty. The Constitution provided that all persons were equal before the law without distinction on the basis of language, race, colour, sex, political opinion, philosophical belief, religion, sect or any other grounds and that laws on Turkish citizenship therefore made no provision for any distinction on the basis of ethnic identity. The Government was of the view that collecting statistical data on ethnicity would constitute profiling. Non-Muslim Turkish citizens had minority status under the Lausanne Peace Treaty and thus enjoyed equal rights; they were able to administer their own schools, places of worship, foundations, hospitals and media organizations and to prepare their own religious education programmes in coordination with the national authorities. The reunification of children under temporary protection in Türkiye with members of their families was often an international matter and was therefore addressed in cooperation with the United Nations, including the Special Envoy of the Secretary-General for Syria, and the International Federation of Red Cross and Red Crescent Societies.

25. **A representative of Türkiye** said that eliminating child labour was a key goal towards which the Ministry of Labour and Social Security had been working since the 1990s. Article 50 of the Constitution and the country's education and health legislation all included provisions on child labour, while article 71 of the Labour Act No. 4857 prohibited child labour and set out regulations on the minimum age for employment, the length of the working day and school attendance.

26. A national programme reflecting the Government's zero-tolerance approach to child labour applied to children from the Roma community, refugees and Turkish citizens, and 2018 had been declared the year against child labour. The President had announced an action plan applying to Turkish cities, and the Ministry of Labour and Social Security had set up units to make home visits and advise families with a view to ensuring that their children enjoyed immediate access to public services. The child labour rate had dropped from 15.2 per cent in 1994 to less than 5 per cent. In a sign of the country's leading role in efforts to combat child labour, it had brought together all the relevant stakeholders at international workshops held to design a road map for future efforts to combat such labour.

27. The elimination of child labour in seasonal agricultural work was a government priority, and a circular had been issued governing the right to education of the children of itinerant agricultural workers. Transport and accommodation were provided to help them attend school, and psychosocial and other forms of support were available to help them progress through the education system. Families employed in seasonal agricultural work also

had access to in-kind and financial support. Awareness-raising initiatives designed to encourage families to send their children to school instead of the fields had been rolled out.

28. Refugee families in Turkey had access to European Union funds on condition that their children attended school. That condition made it easier to monitor dropout rates and propose relevant solutions. An accelerated education and training programme was also in place, enabling children between 10 and 18 years of age who had dropped out of school to continue their education.

29. **A representative of Türkiye** said that the Ministry of Family and Social Services, which had first been established in 2011, had offices throughout the country and was responsible for children's rights and the implementation of the Convention. However, other government bodies were responsible for their respective work in relation to children. The Ministry, which coordinated its work with civil society organizations and other stakeholders, had staged a series of events with universities and civil society organizations to strengthen its ties with them. It had a strategy development department, an office in charge of relations with civil society organizations and a civil society vision and action plan for the period 2020–2023. It also had binding five-year national development plans that had been drawn up with public input and contained provisions specific to child policy in the areas of education, justice and health. Public institutions designed their policies in line with the development plans and organized their budgets accordingly. The implementation of measures designed to eliminate child abuse and exploitation was coordinated by the central and regional authorities in line with the child protection legislation published in the country's Official Gazette in 2006.

30. **A representative of Türkiye**, noting that bodily harm was punishable under the Criminal Code, said that corporal punishment could not be justified, even in a family setting, by invoking the need to enforce discipline. On the contrary, where discipline was concerned, the best interests of the child were the primary consideration; corporal punishment was considered to constitute intentional injury. To help ensure that perpetrators did not enjoy impunity, prosecutors could take investigative action *ex officio*, meaning that victims were not required to press charges. The Court of Cassation referred to the relevant legislation and case law in the event of an appeal.

31. Article 17 of the Constitution enshrined the right to life and prohibited torture and ill-treatment, and the Criminal Code included torture and ill-treatment in a category of crimes against humanity that carried prison sentences of at least 8 years. Forcing children to work in very harsh conditions was one such crime. Public prosecutors could investigate allegations of such crimes on their own initiative. Allegations of ill-treatment or torture by the police were dealt with urgently, and police officers found guilty of torture were removed from their positions as public servants and were subject to additional punishments. Prison legislation included provisions for the protection of human dignity and mental and physical integrity.

32. Eliminating torture was among the main priorities of the Human Rights and Equality Institution of Türkiye. A parliamentary human rights committee to combat torture and ill-treatment had also been set up. Public prosecutors inspected detention centres to ensure compliance with the required human rights standards and investigated allegations of ill-treatment and inhuman or degrading acts *ex officio*. Detention centres holding children were also inspected by international authorities. Any public official found guilty of neglect or misconduct would be subject to administrative and legal procedures, effective immediately.

33. Honour killings were covered by article 82 (1) (k) of the Criminal Code, which stipulated that offenders should be sentenced to aggravated life imprisonment. The notion of honour could not be used either to justify a killing or to mitigate the gravity of the crime. Women who were subjected to threats and ill-treatment were assessed by experts and provided with an individualized support plan, and their situation was monitored. Allegations of offences of that nature were investigated without delay. If a death occurred, evidence was collected, and the investigation, which might include a forensic aspect, was completed as quickly as possible. Putting pressure on another person to commit suicide was also listed as a felony in the Criminal Code.

34. Article 90 of the Constitution stated that, in the event of a conflict between domestic legislation and international human rights instruments ratified by Türkiye, the latter took precedence. Judicial officials and the Human Rights and Equality Institution of Türkiye also

played active roles combating hate crime and discrimination. Extradition requests received from other countries could be rejected if it was believed that the individual in question might be subject to ill-treatment or torture in the country making the request.

35. The 2016 declaration of a state of emergency had been approved by the parliament and complied with international standards as set out in article 4 of the International Covenant on Civil and Political Rights and article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms. The trials conducted in the wake of the attempted coup had been fair, and the individuals convicted had been allowed to appeal. Turkish courts were independent, and any attempt to influence their decisions or compromise the right to a fair trial was prohibited by law. No children were in prison for insulting the President.

36. **A representative of Türkiye** said that data on children had been collected and compiled as part of a comprehensive research project. The data covered areas such as social, psychological and cognitive well-being, school attendance, family life, career options, nutrition, health status, behaviour and attitudes, use of technology, parent-child relationships, early childhood development, leisure activities, peer relations and social and emotional skills. The study had been published by the Ministry of Family and Social Services and was intended for use by all stakeholders. The Ombudsman Institution received individual complaints from children and non-governmental organizations through a child-friendly portal on its website, and special reports were drawn up on cases involving children. The number of complaints from children had been increasing.

37. Ensuring equality for all citizens and eliminating discrimination and stigmatization were priorities for the Government. The best interests of the child were a primary consideration in all administrative and legal proceedings affecting children.

38. Foster care and adoption services were offered only where parents were unable to care for their children. In those cases, an initial assessment was made, and the situation of the child was monitored closely until a final decision on whether to place the child in care was made. The options included placement in temporary foster care or permanent adoption. Foreign children subject to protection measures received the same treatment and services as Turkish nationals, and a project had been launched to make temporary protection measures more robust. The situation of children in care was checked every three months. Children who were not entitled to social benefits could receive services from childcare institutions.

39. The Directorate General of Child Services was responsible for identifying unaccompanied migrant children and reuniting them with their families in cooperation with the Directorate of Migration Management and the Ministry of Foreign Affairs. Unaccompanied migrant children in an irregular situation were brought under the protection of the State and placed in children's homes or with foster families. Such children were not eligible for adoption. Unaccompanied children were offered cultural adaptation, education and psychosocial services until they reached 18 years of age. Under the child homes programme, which had been revised in 2019, migrant children were given assistance with developing their psychosocial skills, and nearly 12,000 members of staff working in childcare institutions had received training on topics including dealing with children who had been neglected or abused, crisis intervention, confidentiality and protection from digital risks.

40. Adoption procedures, which made the best interests of the child a primary consideration, were regulated under the Civil Code. Adoption applications were assessed by the Ministry of Family and Social Services, and detailed social inquiries were conducted. Applicants were duly informed of the process, and all relevant information regarding the adoptive family members was collected, including whether they lived with non-family members, their level of education and details about their work life. Türkiye was a party to the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, and a clear set of eligibility criteria for potential adoptive families was in place. In intercountry adoption, the Turkish authorities cooperated with the countries involved and monitored the adoptive family for a period of one year after the adoption.

41. **Ms. Zara** said that she wished to know whether school attendance had increased and dropout rates had fallen and what measures had been taken to improve the quality of education for children living in remote and disadvantaged areas. She would appreciate information on the rates at which girls attended and completed primary and secondary school

and institutions of higher learning. She wondered what measures the Government had taken to respond to the needs of girls who did not wish to continue their studies, what programmes or strategies there were to combat violence in schools, what the enrolment and attendance rates were of all asylum-seeking, refugee and Roma children in upper secondary education and what measures had been adopted to combat child labour, including its worst forms. She would also be interested to learn what measures had been taken to ensure that teaching in languages other than Turkish was available in primary schools in regions where other languages were spoken and that school curricula did not impinge on children's freedom of religion or belief.

42. **Ms. Todorova** said that she wished to know what steps had been taken to halt pushbacks of migrants from Turkish territory and investigate the excessive use of force by border guards and whether migrant children and families were placed in informal camps or removal centres pending repatriation or approval of their asylum applications. She would appreciate clarification of Turkish legislation regarding immigration detention centres, since they seemed to be prohibited under some laws but not others. She wondered what had been done to ensure that age assessment practices in all parts of the country complied with the relevant legal standards, whether there was a mechanism for appealing against age assessments, whether guardians or representatives were appointed for unaccompanied migrant children and whether any mechanisms were in place to monitor age assessment procedures. It would be helpful to know what action had been taken to address any shortcomings in procedures for determining the best interests of migrant and asylum-seeking children.

43. She was interested to learn what the minimum working age was under Turkish law, whether the cases of children who had died while working in 2020 and 2021 had been investigated and, if so, what measures had been taken against their employers. She wished to hear more about the referral mechanism for victims of trafficking in persons and the coordination of action by the various bodies involved in providing services to victims.

44. She wondered whether Türkiye was planning to raise the minimum age of criminal responsibility from 12 to 14, what security measures could be imposed on children below 12 years of age in accordance with article 31 of the Criminal Code and how long children could be held in pretrial detention. She would appreciate an explanation of the social and educational measures applied to children in lieu of imprisonment and of measures to build the capacity of judges, police officers and prosecutors who worked in the juvenile justice system.

45. **Ms. Otani** (Country Task Force) said that she would be interested to hear how the State party used data on access to education, health care and public services for policy planning and analysis, whether the Government treated children with disabilities as rights holders, what measures the Government had taken to monitor the accessibility of public spaces and services at the provincial and community levels and what discrepancies there were in that regard from one province to another. It would be helpful to know how the State party intended to implement its National Action Plan on the Rights of Persons with Disabilities, especially with regard to budgeting, and whether there was a disability detection and assessment system to ensure that parents and other caregivers received the appropriate specialized services and support.

46. She wished to know what measures had been taken or were being planned to reduce the comparatively high rates of infant mortality, malnutrition, obesity and bottle feeding in some provinces and in migrant communities. She would welcome additional information about efforts to address mental health problems among children. She wondered why comprehensive sex education was not offered in schools and how the State party ensured that adolescents who did not attend school, refugees and adolescents in rural areas had access to sexual and reproductive health information and services and to contraception. It would be interesting to hear what measures had been taken or planned to reduce tobacco consumption, especially among adolescent boys.

47. She would welcome information about the problems caused by the release of hazardous substances from buildings that had collapsed during the sequence of earthquakes in February 2023, how children were involved in developing and implementing policies such



as the National Climate Change Adaptation Strategy and how the issues of climate change and natural disasters were covered in the school curriculum and teacher training programmes. It would be interesting to know whether any studies were being carried out of the earthquake's impact on the living conditions of children, particularly those in vulnerable situations or living in poverty.

48. She wondered whether the prohibition on acting as an intermediary in child prostitution under article 227 of the Criminal Code fully criminalized obtaining or procuring children for prostitution in line with article 3 (b) of the Optional Protocol on the sale of children, child prostitution and child pornography and whether there were any specific measures to protect children who were particularly vulnerable to offences under the Optional Protocol, such as children from Iraq or the Syrian Arab Republic or in contact with tourists. She wished to know whether any measures had been adopted to identify children who might have been victims of recruitment or use by non-State armed groups before entering Türkiye and what the fate of children who had been abducted by the Kurdistan Workers' Party (PKK) had been. She would be interested to learn what steps the Government was taking to prevent the use of children by non-State armed groups and whether children who were associated with such groups were treated as offenders or victims under counter-terrorism legislation.

*The meeting rose at 6.05 p.m.*