



FACULTY OF LAW
Lund University

By
Melih Ugras Erol

Rights of the Child

Focusing on
Treatment of Juvenile
Delinquents in Turkey

Master thesis
20 credits (30 ECTS)

Supervisor: Dr. Karol Nowak

Master's Programme in International Human Rights Law

Autumn 2007

CONTENTS

ACKNOWLEDGEMENTS	1
ABBREVIATIONS	2
1 INTRODUCTION	3
1.1 Background	3
1.2 Aim and Purpose of the Study	3
1.3 Methodology	5
1.4 Structure	5
2 INTERNATIONAL LAW AND RIGHTS OF THE CHILD	6
2.1 General View over Rights of the Child	6
2.2 Rights Granted to the Child Related With Treatment of Juvenile Delinquents in the Convention on the Right of the Child 7	
3 TURKEY AND RIGHTS OF THE CHILD	12
3.1 Reasons of Analyzing the Four Selected Human Rights	12
3.2 Conditions of Children and Rights of the Child	13
3.3 Regulations and Implementations Related with Right of the Child in Turkish Domestic Law	15
3.3.1 Right to Freedom of Thought, Conscience and Religion	15
3.3.2 Right to Health and Highest Standards of Health	17
3.3.3 Right of the Child to an Adequate Standard of Living	19
3.3.4 Right to Education	20
4 JUVENILE DELINQUENCY IN TURKEY	22
4.1 Reasons and Factors in Turkey that Forces Children to Commit Crimes	22

4.2	Juvenile Delinquency in Turkey	24
4.3	Turkey's Institutions and Regulations in Turkish Domestic Law Related with Juvenile Delinquents	26
4.3.1	Turkey's Institutions Related with Juvenile Delinquents	27
4.3.2	Regulations in Turkish Domestic Law Related with Juvenile Delinquents	30
4.4	Discussing Turkey's Implementations on International Human Rights Law's Guarantees and Rights for Deprivation of Liberty of the Child (CRC - Article 37) and Administration of Juvenile Justice (CRC - Article 40)	34
4.4.1	Turkey's Implementation on Deprivation of Liberty of the Child (CRC - Article 37)	34
4.4.2	Turkey's Implementation on Administration of Juvenile Justice (CRC - Article 40)	37
4.5	Preventing Children from Committing Offences and their Rehabilitation in Turkey	40
5	FINAL WORDS	42
5.1	Recommendations	44
	BIBLIOGRAPHY	45

Acknowledgements

Firstly I want to thank my supervisor Dr. Karol Nowak for his support and valuable comments that guided me to write this thesis.

I also want to state my gratitude to the Swedish Institute that supported me financially and the Lund University, Faculty of Law for making me study in Sweden.

Of course I can not ignore my family's support. I want to thank them for always trusting and being behind me.

I want to express my special thanks to my friends for always being with me and to Madhav Guatam for being my opponent.

Lastly thanks for everyone who worked with me for making this thesis possible.

Abbreviations

CRC	UN Convention on the Right of the Child
CCPR	UN Convention on Civil and Political Rights
ÇKK	Child Protection Code of Turkey
ESCR	International Covenant on Economic, Social and Cultural Rights
HIV	Human Immunodeficiency Virus
ILO	International Labour Organization
INTERPOL	International Criminal Police Organization
NGO	Non-governmental Organization
OZ-GE-DER	Solidarity with Youths Deprived of Liberty Organization
SHÇEK	Prime Ministry, Social Services and Child Protection Agency
TCK	Turkish Criminal Code
UNICEF	The United Nations Children's Fund
UN	United Nations

1 Introduction

1.1 Background

Instead of being at playgrounds millions of children are alleged for being criminals and accused of committing different offences all around the world. The international community had been aware of the seriousness of the on going situation and adopted the United Nations Convention on the Rights of the Child (CRC) in 1989 which is one of the main international legal instruments setting out the civil, political, economic, social and cultural rights of children. However the Convention clarifies the international standards and rights of the child, implementations of States are not as expected as stated in the Convention especially about treatment of juvenile delinquency and recognizing the rights set out in the Convention. Most of the high populated countries that are still under the development process, like Turkey, have to deal with violations in rights of the child and treatment of juvenile delinquents.

To determine the scope and deal with treatment of juvenile delinquents various continuing researches are taking place by the police departments all around the country in co-operation with universities, research studies, other institutions related with criminology, sociology, pedagogy, even with the chamber of commerce and other foundations of Turkey. After examining those researches it has been recognized that right of the child issue at Turkey is one of the critical areas in international human rights law.

The author's background and experiences as a lawyer in Turkey have inspired this study. As a lawyer the author, had the opportunity to study, hear and deal with cases which involves juvenile delinquency. The author has a special insight into some of the issues and problems related to the subject matter.

1.2 Aim and Purpose of the Study

Respecting, protecting and fulfilling the rights granted in the CRC are States obligations according to international human rights law. In addition to the main obligations related with rights of the child, United Nations had proclaimed that childhood is entitled to special care and assistance.¹ For this reason United Nations recalls States Party to CRC for further actions about juvenile delinquents with the UN Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) which is adopted and proclaimed by General Assembly resolution 45/112 of 14 December 1990. Furthermore

¹ United Nations, *Convention on the Rights of the Child*, Preamble

United Nations, created foundations like The United Nations Children's Fund (UNICEF), for improving the living conditions of children and to overcome the obstacles that poverty, violence, disease and discrimination places in child's path by international co-operation. In coordination with United Nations partners and humanitarian agencies, UNICEF makes its unique facilities for rapid response available to its partners to relieve the suffering of children and those who provide their care.²

Although international conventions determines the minimum standards at treatment of juvenile delinquents, rights and freedoms of people under international human rights law approach, States implementations do not always occur as obligations of international instruments. For instance, CCR states that no child shall be subjected to torture or other cruel, inhuman or degrading treatment however there are numerous allegations that were proven against the Turkish police officers because of torturing children and other suspicious.³ Under this point of view Turkey, as one of the member States of UN and States Parties to CRC, is dealing with respecting, protecting and fulfilling, recognizing and fulfilling the rights of the child. Most of the children in Turkey need protection and can not benefit from CRC, there are 42.000 children living at the streets and every year 90.000 children are accused of having infringed the penal law. It is clear from the researches that the problem about rights of the child and the struggle with juvenile delinquency, that will be examined, in Turkey had taken many years. Under these aspects and reasons the study will point out problems at the positions of the implementations in rights of the child in Turkey and regulations in Turkish domestic law about rights of the child.

Focusing on Turkey, applicability of right of the child and the treatments of juvenile delinquents arise the questions that will be examined and answered in this study such as; are there any regulations and implementations related with treatment of juvenile delinquents in Turkish domestic law, deficiencies of the institutions that struggles for this subject matter and for rehabilitating children committed crimes. Lastly around these aspects, how juvenile delinquency can be prevented in Turkey as one of the problems that must be resolved. Moreover the international standards and guaranties that are determined in Article 37 of CRC, deprivation of liberty and Article 40, administration of juvenile justice will be discussed by comparing Turkey's implementations about these two Articles on account of arbitrariness and deficiencies at minimum standards and guaranties in Turkey.

In summary the aim and purpose of the study is to analyze, clarify, determine and examine Turkey's implementations at obligations on the ground of international human rights law, rights of the child, positions and treatment of juvenile delinquents; in conjunction with discussing Turkey's implementations on CRC Article 37 and 40. Furthermore the study will not only point out the regulations and implementations of international law

² UNICEF, *UNICEF's Mission Statement*,

<www.unicef.org/about/who/index_mission.html>, visited on 09 September 2007

³ <www.tr.wikipedia.org/wiki/Manisa_davas%C4%B1> visited on 09 January 2008

obligations but also research and specify ways to deal with the rights of the child problems, juvenile delinquency and the treatment of juvenile delinquents in Turkey.

1.3 Methodology

Mainly using the doctrine of classical legal method; this research is a desk-based work to the extent that it is based on existing international, Turkish legal instruments, documents related with the rights of the child and treatment of juvenile delinquents. The researcher has also involved analysis of existing academic literatures, textbooks, journals and research studies on the subject in both hard copy and electronic form, additionally examined the reports, journals, decisions and judgments on the subject matter. Furthermore the researcher benefited from resources like; research reports, legal documents, lawsuits and briefs obtained by the interviews made with juvenile courts, Prime Ministry, Social Services and Child Protection Agency, nongovernmental organizations and juvenile police of Turkey.

1.4 Structure

The thesis is divided into five chapters, first chapter as the introduction. The second chapter looks through the importance of the rights of the child, the rights granted in the legal instruments on the grounds of international law. The third chapter looks at Turkey's situation in rights of the child under the aspect of domestic legal framework and institutions. After determining the reasons and factors of juvenile delinquency in Turkey the fourth chapter continues by examining the juvenile delinquency in Turkey together with researches and regulations like criminal codes, constitution, later on the chapter continues by discussing Turkey's implementations on Article 37 and Article 40 in conjunction with international human rights law, and by researching the Turkish juvenile justice system and institutions like the juvenile courts and juvenile service of Turkey. Lastly the fourth chapter finishes by stating the ways of preventing juvenile delinquency and rehabilitation of juvenile delinquents in Turkey. Chapter five contains the author's final words and recommendations.

2 International Law and Rights of the Child

Despite the historical development of international law which has focuses on the relationship between States, individuals are the benefices of any international legal system.⁴ United Nations in 1989's by adopting the Convention on the Rights of the Child recognized the importance of rights of the child and that children are one of the beneficiaries of international law whose interests must be secured by a separated legal instrument. However CRC involves rights that are specialized for children, this Chapter will mostly focus on the importance of rights of the child and rights granted to juvenile delinquents.

2.1 General View over Rights of the Child

The UN Convention on the Rights of the Child which adopted by Resolution 44/25 of the General Assembly of the UN on 20 November 1989 stands as the safeguard of children's life, well-being, development, welfare, freedoms and fundamental rights with its fifty four article. Except United States of America and Somalia all member States of UN ratified the cornerstone Convention; CRC.

Beside CRC, international community's awareness at importance of rights of the child under the authority of UNICEF, showed itself as an agreement called the World Summit for Children, 30 September 1990. According to the World Summit for Children, the nations have the means and knowledge to protect the lives and to diminish enormously the suffering of children, to promote the full development of their human potential and to make them aware of their needs, rights and opportunities.⁵ Furthermore the studies of UN continued with the eight UN Millennium Development Goals, the target date of 2015. Two of goals are directly related with children; to ensure that all boys and girls complete a full course of primary schooling and reduce by two thirds of the mortality rate among children under five.

On paper there are guaranties and rights of the child however the implementations are not enough to ensure that every child enjoys these freedoms, guarantees and rights which are recognized under several international human rights instruments. According to UNICEF's 2006

⁴ V.G. Bueren, *The International Law on the Rights of the Child* (Martinus Nijhoff Publishers, 1998) p. 378

⁵ UNICEF, *World Declaration on the Survival, Protection and Development of Children*, 20 September 1990, Article 8

Annual Report statistics; 4 million infants do not survive their first month of life, 2.3 million children are infected with HIV, millions more are affected due to parental illness and 400 million children do not have enough safe water. Beside 115 million primary-school age children do not attend school with girls disproportionately excluded, there are 275 million children worldwide who witness domestic violence's.

These are just the basic matters that are examined the numbers goes on wider and wider, the tragic reality is more considerable than thoughts. Granting rights to children by conventions or other legal instruments is not enough there are continuing contradictions between the reality, implementations and international law regulations.

2.2 Rights Granted to the Child Related With Treatment of Juvenile Delinquents in the Convention on the Right of the Child

The primary instrument that fulfils and protects the fundamental rights of children's, taking into account their special needs and protection measures, the UN Convention on the Rights of the Child also states the international standards for guaranteeing children's welfare. Beside the general principles of international human rights law for instance the principle of non-discrimination (Article 2), CRC contains both the civil and political rights as right to freedom of thought, conscience and religion (Article 14), and also social, economic and cultural rights like the right to adequate standard of living (Article 27). The characteristics of involving both civil and political rights and social, economic and cultural rights makes CRC a useful instrument for States to take steps about special measures and ensuring international standards for the welfare and protection of children. As a result it is clear that CRC is such a convention that contains CCPR and ESCR articles under children's provision.

If the rights granted in CRC are similar with the rights regulated in other international human rights conventions such as CCPR and ESCR, then why there is a separated Convention on the Rights of the Child? One of the satisfactory answers for this question can be that the concerns at the child's moral and physical status should be adequately secured and protected separately from the adults on account of their dependant condition and needing care characteristic. However children, as human beings, are in the same consideration like adults according to international human rights law this does not bring the result that children shall enjoy the same rights under the same conditions with adults. There are some rights that children can not

posses as adults such as the right to vote, so putting children in the same field with adults under other international human rights conventions can not achieve the purpose of protecting children with special protection measures⁶ who need special attention. So in terms, children are granted to some special rights different in scope than adults because of their childishness. In summary rights of the child can be termed as 'protection' rights since; in general, they mostly seek to provide protection for children because of their indefensibility character. Also there are rights such as ensuring children to receive goods that they are incapable of securing for themselves like food, water and shelter, and are incapable of so doing because of their dependency upon adults. In CRC there are also the rights to be protected against harms like abuse and neglect which befall children because of their childlike vulnerability and whose particular harmfulness is a function of a fact that they befall children. Lastly, there are goods that children should arguably receive just because of being children. The most central, and contentious, example is a child's right to be loved.⁷ Because of their positions of being children, who require further protection and care than adults, they have rights granted by a separated convention that takes into account the needs and circumstances of children. As recalled at the preamble of the CRC, in the Universal Declaration of Human Rights, the UN has proclaimed that childhood is entitled to special care and assistance. Furthermore as indicated in the Convention of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth."⁸ Under these principals, necessities of the children due to their conditions, and because of the exigencies UN agreed on a separated convention which regulates the rights of the child.

Beside the broad perspective of the CRC focusing on several articles and rights related with juvenile delinquency will help to lighten the subject matter that is analyzed in the study. Article 3 of CRC obligates that the best interest of the child must be ensured and safeguarded by families, and also States shall primarily consider the subject. The best interest of the child is not defined under a clear definition, the principle of 'best interest' broadly describes the well-being of a child, it is not possible to give a conclusive definition of what is in the best interests of the child. It depends on a variety of individual circumstances, such as the age and level of maturity of the child, presence or absence of parents, the child's environmental conditions and others.⁹ On the other hand, according to CRC under the parental responsibilities 'best interest' must also be the primary consideration for

⁶ *Special Protection Measures*, Ministry of Women and Child Protection, Government of India <<http://wcd.nic.in/crcpdf/CRC-8.PDF>> visited on 11 January 2008

⁷ *Stanford Encyclopedia of Philosophy*, Children's Rights, Children's Rights and Adult Rights, <<http://plato.stanford.edu/entries/rights-children/#5>> visited on 11 January 2008

⁸ *Convention on Rights of the Child*, Preamble, <untreaty.un.org/English/TreatyEvent2001/pdf/03e.pdf> visited on 11 January 2008

⁹ United Nations, *UNHCR Guidelines on Formal Determination of the Best Interest of the Child*, Provisional Release, May 2006, p.6

parents. As a result Article 3 would be violated when a child becomes a delinquent due to the fact that parents fail fulfilling their responsibility and do not pay attention to the 'best interest' as the primary matter for the well-being of the child.

Moreover right of the child and guarantees under juvenile delinquency matter also arises at CRC Article 37 and 40. Deprivation of liberty of children is clarified under Article 37 in CRC which must also be examined as an article related with juvenile delinquency. Article 37 of the Convention provides that children shall not to be detained or deprived of their liberty unless in accordance with the Convention. Article 37 contains three key elements;

- any detention of a child must be in conformity with law, used only as a measure of last resort and for the shortest appropriate period of time
- no child should be deprived of his or her liberty unlawfully or arbitrarily
- every children deprived of her or his liberty has the right to access legal and other appropriate assistance and the right to challenge the legality of the deprivation of her or his liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.¹⁰

On the other hand, International Covenant on Civil and Political Rights (CCPR) Article 9(1) also states that no one shall be subject to arbitrary arrest and detention. The prohibition of arbitrariness means that the deprivation of liberty provided by the law must not be disproportional, unjust or unpredictable. Additionally according to Article 37 States have the obligation to ensure that, capital punishment and life imprisonment shall not be imposed for persons under 18 years old, for child's best interest juveniles deprived from their liberty must be separated from adults and have the right to contact with their families through correspondence and visits; save in exceptional circumstances. Moreover minimum standards for juveniles that are deprived of their liberty in all forms are also indicated under the UN Rules for the Protection of Juveniles Deprived of Liberty. States are under the obligations like; juvenile's deprivation of liberty shall be a disposition of last resort for a minimum necessary period of time and can be limited in exceptional cases. The length of the sanction should be determined by the judicial authority, without precluding the possibility of his or her early release.¹¹

¹⁰ Human Rights and Equal Opportunity Commission, *Background Paper Eight: Deprivation of Liberty and Humane Detention*, 24 February 2006

1.1.1 ¹¹ United Nations, *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*, Fundamental Perspectives, 14 December 1990, Article 3
⁸ V.G. Bueren, *The International Law on the Rights of the Child* (Martinus Nijhoff Publishers, 1998) p. 169

International law developed in a constructive manner which acknowledges that children can benefit from being separated from adults in the administration of justice.¹² However before CRC in CCPR Article 10(2) (b) and 14(4) the provision of administration of juvenile justice system was determined. The guarantees that are determined in CRC Article 40 can be listed as;

- to be presumed as innocence until the act is proven and it is prohibited by law
- to be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of their defences
- the matter shall be determined without any delays by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians
- not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality
- if considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law
- to have the free assistance of an interpreter if the child cannot understand or speak the language used.

Moreover CRC under Article 40 obligates States to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law. Such establishments must also involve a minimum age regulation which children shall be presumed not to have the capacity to infringe the penal law and whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings shall be provided so that human rights and legal safeguards for children can be fully respected.

Lastly, Article 40 obligates States to supply variety of dispositions such as guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to

institutional care which shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and offences.

The Convention on the Rights of the Child is a successful framework convention for protecting children, determining and ensuring their rights. On the other hand, the Committee on the Rights of the Child is a UN treaty body that monitors; Party States implementations on CRC and the two optional protocols, the involvement of children in armed conflict, sale of children, child prostitution and child pornography by its independent experts. However the Committee cannot consider individual complaints, child rights may be raised before other committees with competence to consider individual complaints.¹³

¹³ United Nations, *Committee on the Rights of the Child*,
< www.ohchr.org/english/bodies/crc/index.htm >, visited on 14.September.2007

3 Turkey and Rights of the Child

Besides the international legal instruments and international human rights law most of State's implementations differs from the regulations. In the international human rights law instruments it is regulated that States commit to respect, protect and fulfil the rights in the international law instruments by ratifying the Conventions. As part of the international community Turkey signed CRC in 14 September 1990 and five years later in 4 April 1995 the Convention was ratified. In this respect the Convention signed by Turkey protects children's rights by setting standards in health care, education, and legal, civil and social services.¹⁴ This chapter will focus on the position of the rights of the child in Turkey together with examining the implementations and related regulations of Turkey under international human rights law approach. Furthermore the chapter will also examine regulations in Turkish domestic law related with some fundamental human rights, freedoms and main subjects as; the right to freedom of thought, conscience and religion, the right to health and highest standards of health, right of the child to an adequate standard of living and right to education.

3.1 Reasons of Analyzing the Four Selected Human Rights

The four human rights that are examined are selected on account of the link between precluding juvenile delinquency, rehabilitating juvenile delinquents and fulfilling the obligations of international human rights.

The importance of the connection between juvenile delinquency and right to freedom of thought, conscience and religion appeared in several cases such as in murders of Hrank Dink and priest Andrea Santoro. At Hrank Dink murder the underlying reasons was affronting the Turkish community and being a non-Muslim. Then again, priest Andrea Santoro's murder was due to the fact of being a Christian and allegations of missionary work. Consequently it is clear from the dramatic examples that legal minors in Turkey, by abetment of adults, are going to continue becoming potential murderers until they are been taught and enlightened that right to freedom of thought, conscience and religion is one of the human rights. So far under the social aspect questioning the implementations and regulations of right to freedom of thought, conscience and religion arises, which constitutes the other side of juvenile delinquency matter. On the other hand, one of the reasons of juvenile delinquency showed itself due to the fact of inadequate

¹⁴ UNICEF, <www.unicef.org/crc/> visited on 24.September.2007

standards of living, poverty, financial difficulties, and ignorance which will be examined in further chapters. Hereupon discussing regulations and Turkey's efforts at fulfilling the obligations on the right to education and right of the child to an adequate standard of living under juvenile delinquency matter come into view. Lastly, rehabilitation process of juvenile delinquents is one of the braches of States and the health of legal minor's psychology is also one of the factors that will decrease juvenile's tendency to crime. On this account analyzing the right to health and highest standards of health becomes a compulsory issue in juvenile delinquency.

3.2 Conditions of Children and Rights of the Child

Turkey as a country with one of the youngest populations around the world is facing with matters in protecting children and right of the child field. Behind the other thousands that are unrecorded, approximately 42.000 children are living in the streets that could be determined according to 2004 statistics. The reasons and effects of these children can be analyzed in a different study however it must be kept in mind that in juvenile delinquency children living in the streets has an effective position by later on becoming criminals in the country. Outcomes of one of the comprehensive researches under taken by the Governorship of Istanbul between 1999 and 2004 was remarkable, according to findings of the research the age of starting to live in the streets was five. In the final of the research it was also stated that 2.655 children were rehabilitated, based on this study and other statistical numbers it is clear that few numbers of children's rehabilitation is not a radical solution for the situation that is increasingly going on.

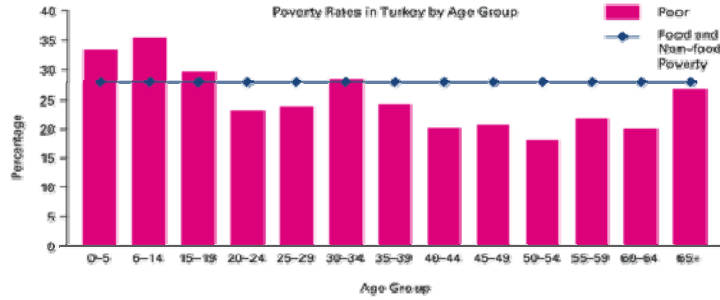
On the other side of children's position and the right of the child in Turkey, exploitation of children such as, child mendicants who are been used to make money by adults even by their parents,¹⁵ which is prohibited in CRC Article 36 is another problematic situation. While the rate of exploitation of children around the world is one to ten per cent, in Turkey it changes in the range of ten to fifty three per cent.¹⁶ To specify the position of the children in Turkey, the link between poverty and its effects to children must be examined. Reduction of poverty as one of the Millennium Goals of UN shows its cruel face mostly on children all around the world, as usual also in Turkey. The development, growth and life of children are threatened every passing day by poverty, and this continues to obstruct their right to health, right to education, right to adequate standard of life and so other rights. In Turkey, thirty three per cent of the population under 15 years old of age are living with the risk of poverty,¹⁷ the graphic below from the Household Budget Survey that is made by Turkish Statistical Institute shows that the

¹⁵ <www.haberler.com/dilencilikte-cocuk-istismari-haberi/> visited on 08 January 2008

¹⁶ Konanç E, Gürkaynak İ and Egemen A., *Child Abuse and Neglect* (Güneş Kitabevi, Ankara, 1991) pp.37 - 55

¹⁷ UNICEF Turkey, *Child Poverty* (Press Center), 07 June 2006

highest risk of poverty mostly threatens the children at the age between six and fourteen.



The Household Budget Survey, Turkish Statistical Institute

Even though Turkey is facing with numerous problems in the rights of the child field indeed there has been several successful processes about the positions of children matter in Turkey. For instance there are still on going campaigns to end up the sexual distinctions in education field with the financial support of the World Bank. The Turkish government, under the authority of the Ministry of Education of Turkey, has started a new strategic and action plan since 2006 that is persisting successfully which aims to stop all kinds of violence at the schools.¹⁸

The complicated structure of the law system in Turkey, the delays in the lawsuits and other problems related with the hard working judicial system can result with lacks in the juvenile cases. In the Turkish domestic law system there are main regulations that secure children like the Constitution, the Civil Code and the Criminal Code. The Criminal Code that is adopted in 2005 brought a new aspect to the juvenile delinquents like; changing the criminal liability age from 11 to 12 and quickening the trial procedure. Also specialized regulations had been adopted with new juvenile courts such as, the 'Child Protection Code' which was adopted in 2005 that protects and secures children who become the subject matters of a lawsuit or investigation. Despite the improvements stated above in the right of the child issues in Turkey, just like indicated in 2006 Progress Report of Turkey prepared by European Union the regulations like Child Protection Code must be applied in a circumstantial manner.¹⁹

To achieve the recommended implementation of right of the child in Turkey necessary financial resources shall be allocated. Taking into account the 2007 budget of Turkey will clarify the subject; Turkey's basic Agency to protect children; Prime Ministry, Social Services and Child Protection Agency's (SHÇEK) 2007 budget was zero point thirteen per cent from the whole budget of the State.²⁰

¹⁸ 2002 Çocuklara Yakışır Dünya Özel Oturumu Eylem Planının Gözden Geçirilmesi, Ulusal İlerleme Raporu (Country Development Report), January 2007, p.6

¹⁹ Commission of the European Communities, Turkey 2006 Progress Report, Brussels (SEC 2006, 1390)

²⁰ 2002 Çocuklara Yakışır Dünya Özel Oturumu Eylem Planının Gözden Geçirilmesi, Ulusal İlerleme Raporu (Country Development Report), January 2007, p.11

It is strongly stated that children living in the streets, poverty and exploitation of children, also the child labour must be considered under a serious manner by Turkey. Instead of daily and temporary measures Turkey must determine a comprehensive policy related with children and right of the child. For full realization of the right of the child stable and resolute social and protection policies for children shall be encouraged and regulated by the State with necessary financial support. Therefore Turkey behind her improvement actions still have deficiencies even in some fundamental human rights and freedoms, in the right of the child field that will be reviewed below.

3.3 Regulations and Implementations Related with Right of the Child in Turkish Domestic Law

For precluding juvenile delinquency and murders committed by children on account of others thoughts or religion, teaching and enlightening children that the right to freedom of thought, conscience and religion is one of the human rights that is granted for children and all of the people without any distinction shows its importance once more at this point. Moreover implementations and regulations on right to adequate standard of living and right to education is also significant to prevent juvenile delinquency due to the fact of the connection between inadequate standards of living, poverty, ignorance and other facts that forces children to commit offences. As the last examined human right, the right to health and highest standards of health care shall be taken into consideration by the country so that rehabilitation of juvenile delinquents as one of the branches of States health services can be end up with achievements and physiologically a healthful generation can be raised, which is one of the underlying factors at juvenile delinquents.

3.3.1 Right to Freedom of Thought, Conscience and Religion

First of all, in Turkish domestic law respecting the right of the child to freedom of thought, conscience and religion according to CRC 14 is under the protection of the Constitution of the Republic of Turkey. Under Article 24 of the Constitution it is stated that everyone has the right to freedom of conscience, religious belief and conviction. In addition the conspicuousness regulation that is mostly related with right to freedom of religious of the child in the Constitution continues as;

‘Education and instruction in religion and ethics shall be conducted under state supervision and control. Instruction in religious culture and moral education shall be compulsory in the curricula of primary and secondary schools. Other religious education and instruction shall be subject to the individual’s own desire, and in the case of minors, to the request of their legal representatives.’

This situation in Article 24 of the Constitution is controversial according to CRC, since Article 14 indicates that States shall respect child’s right to freedom of thought, conscience and religion in Turkish education system instruction in religious culture and moral education is compulsory. For the full enjoyment of this right the instruction in religious must be voluntarily, for this reason in draft of the new Constitution of the Republic of Turkey the instruction in religious culture and moral education is stated as voluntarily. According to the CRC Article 14 parents and legal guardians shall provide directions to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child. However in the Constitution there is an article related with minor’s situation about other types of religious instructions and educations that states the subject matter is upon the request of their legal representatives. Although the responsibility of the parents is providing directions to the child, the implementation goes one step beyond and parents determine the ways and types of their children’s religious instructions and educations. At determining other types of religious educations, different from the instructions given at schools or parents beliefs, the matter is upon the request of children’s legal representatives instead of the children. However this critique can be seen as marginal the situation be clarified under an example; thinking a child whose family is Muslim and who feels sympathy towards Christianity does not has any freedom or right to request such a kind of education or instruction about Christianity according to this regulation.

Another curious situation in Turkey is that at the identification cards there is a part where the religious is written. After the birth of a baby according to parent’s decision the religious part of the identification card is filled at the hospital. The matter is thought-provoking about child’s and every citizen's freedom of religion.

On the other hand, under the civil law of Republic of Turkey, Article 341 of Turkish Civil Code states that the right to determine the religious education of the child is parents responsibility however at CRC 14 it is clear that parents are obligated to provide directions to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child. Moreover a minor can not determine his or her religion until he or she attains the majority with the age of 18.

The Constitution of the Republic of Turkey also guarantees the freedom of though under Article 25 by stating that everyone has the right to freedom of

thought and opinion. As a constitutional right the freedom is secured one step behind by indicating that no one shall be compelled to reveal his or her thoughts and opinions for any reason or purpose, nor shall anyone be blamed or accused on account of his thoughts and opinions. However the limitation at the Criminal Code Article 301 about freedom of thought and expressing opinion states that; a person who publicly denigrates Turkishness, the Republic or the Grand National Assembly of Turkey, shall be punishable by imprisonment of between six months and three years, and also a person who publicly denigrates the Government of the Republic of Turkey, the judicial institutions of the State, the military or security organizations shall be punishable by imprisonment of between six months and two years. The general characteristic of Article 301 like just stating 'publicly denigrates Turkishness' without an detailed sense brought difficulties such as; Article 301 has been used to bring charges against writer Orhan Pamuk for stating, in an interview with a Swiss magazine, that "Thirty thousand Kurds and a million Armenians were killed in these lands and nobody but me dares to talk about it". The charges were later dropped.²¹ Although the Turkish government started to revise Article 301 the ending date of this revising process is indefinite. This limitation about freedom of thought and expression opinion makes the enjoyment of the rights and freedoms contradictory with human rights. Also the Human Rights Watch foundation pointed out the matter at their letter that was written to the Turkish prime minister, at April 2007, by expressing their deep concerns about continuing restrictions on freedom of expression in Turkey. As a result before the freedom of thought of children just in near past several intellectuals were murdered just because of their thoughts and expressing their opinions. However without considering that children are the future of the society and can have opinions when children express their opinions everybody pays insufficient attention to them due to their age and inexperienced position.

3.3.2 Right to Health and Highest Standards of Health

The right of the child to health and highest standard of health is determined in CRC Article 24 as one of the fundamental human rights which is also regulated at the International Covenant on Economic, Social and Cultural Rights (ESCR). To summarize CRC Article 24 in few sentences, the child has a right to the highest standard of health and medical care attainable, States shall place special emphasis on the provision of primary and preventive health care, public health education and reduction of infant mortality. Also States shall take in to consideration that the risk of environmental population will prohibit the child to access adequate nutritious foods and clean drinking water. Lastly CRC Article 24 indicates

²¹ *Turkish Penal Code Article 301*,
<[http://en.wikipedia.org/wiki/Article_301_\(Turkish_penal_code\)](http://en.wikipedia.org/wiki/Article_301_(Turkish_penal_code))> visited on 09 January 2008

that for full realization of the right to health States Parties must promote and encourage international cooperation and under this provision particular account shall be taken of for the needs of developing countries.

Looking through the situation of Turkey in conjunction with CRC Article 24, there are several regulations related with the right to health. The Constitution Article 56 compromises that everyone has the right to live in a healthy, balanced environment, and it is the duty of the State and citizens to improve the natural environment, to prevent environmental pollution, and also the State shall regulate central planning and functioning for the health services. The Article in the Constitution is a general rule that is applied to everyone in Turkey without any discrimination on any grounds of age or sex so of course it is compatible for children as a constitutional right. On the other hand in Labour Code Article 74, about ensuring appropriate pre-natal and post-natal health care for mothers, as regulated in CRC Article 24, it is stated that women labourers have the right to leave eight weeks in pre-natal period and eight weeks in post-natal periods with totally eighteen weeks and also pregnant women labourers have the right to leave with pay for their periodical controls. Also in a day totally for one and a half hour women labourers have the right to nurse their babies. There are also special codes in Turkish domestic law like 'Code of General Sanitarian' where special measures are recognized which must be taken to prevent the deaths and diseases of the children, also the Code indicates that every baby that is born in the territory of the Republic of Turkey shall be vaccine to prevent several diseases that can result with death. As a result periodically all around Turkey there are vaccine campaigns for babies and children without any payments. In 1992 a new system called 'green card' was founded that covers the card owner parents children's, for a period not more than nineteen days until the baby's green card is established, medical care or treatments of the babies and mothers are compensated by the government. Lastly, there are Mother and Children Health and Family Planning Centre's which are established by a separated regulation. The purposes of these centres are improving the medical care and health standards of woman, mothers and children in addition pursuing the family protection process.

Above the problematic situation in Turkey about the health standards and treatments of diseases, the health of a child is more complicated then adult's medical care. In a general view the Turkish health system requires 20.000 doctors for modern health standards and an effective medical care system. Above all of the regulations that are made and implementations which are processing in Turkey, still the children death rate under five years old is increasing; every 37 child from 1000 below 5 years old are dying however in European countries like Italy the death rate of children below five years old is zero point four per cent.²²

²² *Deaths of Mothers and Babies in Turkey*, 31 May 2006, NTV News Agency, < www.ntvmsnbc.com/news/374861.asp >, visited on 10 October 2007

3.3.3 Right of the Child to an Adequate Standard of Living

The CRC Article 27 as the second generation human rights indicates that children have the right to an adequate standard of living for their physical, mental, spiritual, moral and social development. In accordance with the right to an adequate standard of living the parents or other legal guardians responsible of the child have the primary responsibility to ensure that children have an adequate standard of living. Beside recognizing the right States shall take appropriate measures to ensure that parents fulfil their primary responsibilities and furthermore assist them or others responsible persons to ensure that the child have an adequate standard of living. Also the State Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad.²³

According to the Constitution of the Republic of Turkey the welfare and happiness of the community and people are the primary responsibilities of the State. Article 5 continues as, the State shall obstruct any kind of processes or implementations which can cause political, social or economical bars in person's fundamental rights and freedoms. All appropriate measures shall be taken to ensure citizens right to an adequate standard of living so that people can enjoy their right to development on the grounds of physical and moral development. It is clear that in Turkish domestic law constitutionally everyone's right, also the children's to an adequate standard of living ensured under the general rule regulated in the Constitution.

The other regulations related with children and right to an adequate standard of living is the Prime Ministry, Social Services and Child Protection Agency's Code. This special institution, SHÇK, has specific purposes such as first of all educating and instructing the families for children's development so that at the ending the child can enjoy his or her rights fully. Behind this main purpose of the institution according to the Prime Ministry, Social Services and Child Protection Agency Code Article 9; after determining the children who need protection, help, care and who are disabled or homeless, SHÇK protects, rehabilitates, takes care, gives all kinds of support to children without any family and raises up them according to their circumstances. The institution works mostly to protect children need help and try to provide the adequate standards of living to the child by special protection measures.

²³ United Nations, *Convention on the Right of the Child*, Article 27 / 4

3.3.4 Right to Education

CRC Article 28 regulates the right to education of the child by stating that every child has the right to education, in the main sense States must ensure that primary education is free and compulsory to every child without any discrimination. Encouraging the development of different forms of secondary education making this accessible to every child and also making higher education accessible to all on the basis of capacity by every appropriate means are States obligations. As well school discipline shall be consistent with the child's rights and dignity and also lastly States shall promote and encourage international cooperation to implement the right to education.

Implementations and practical results of the right to education is one of the notorious areas under discussion in Turkey. In the Constitution of the Republic of Turkey Article 42 a different importance and aspect to the right to education had set out by regulating this right more detailed and consistently with CRC. Article 42 indicates that; no one shall be deprived of the right to education; the primary school is compulsory for all of both sexes and free of charge in the state schools as it is also determined in CRC Article 28. In addition Turkey with her appropriate resources tries to provide scholarships and other means of assistance to enable students of merit to continue their educations without any financial lacks. Alternatively the Education Code of the Republic of Turkey as well regulates that everyone has the right to education without distinction of any kinds such as race, language, sex, religion and every one has equal opportunity to access the education services. According to the principle in the Education Code of the Republic of Turkey primary education is compulsory for children between six and fourteen years old for both girls and boys, and also additionally the Code regulates all the matters of CRC Article 28.

Although the regulations are in conjunction with international human right instruments such as CRC, the implementation and practices differ from positive law. Turkey started the reformation process on the subject of education nearly in 1997, the project started by combining the middle and primary schools under one name and changing the period of compulsory primary education from five years to eight.²⁴ However this reform had succeed in one direction, the matter of deficiency personnel and teachers in the education system, being deficient in school numbers in every part of the country and the migration movements inside the country from villages to urban areas is still the impediment for recognizing and full enjoyment of the right to education for children. Especially parents after leaving their villages, for the reason of their economical matters, do not take notice to their children's education so consequently child labour problem in Turkey starts to strike. An additional problem at right to education of child is the distinction between girls and boys at the education field. Parents, mostly at

²⁴ *The Eight Year Period Education Code* (Act No:4306), 1997

the eastern part of Turkey are not desirous to send their girls to schools instead they prefer to marry their daughters for the sum paid to the bride side for marriage. For instance to the childhood marriages in Turkey in 2007, 13 years old children were illegally to be married off by their parents at the East part of the country and dramatically the minor bride was killed by her minor husband.²⁵ Turkey's most helpless areas at the right to education are the East and Southeast parts mainly because of economical matters and ignorance. To solve this matter behind the governments efforts mostly the civil foundations of Turkey with several on going campaigns and donates built new schools, made the community and parent's conscious of how important education is for their children.

Besides after the eight year educational period there are various kinds of systems that students can go towards their education life. As CRC states, vocational education system is available for all of the students behind the general state schools in Turkey. After high school education the students that succeed from the University Entrance Examination can carry on their higher education. Conversely since the difficulties in the university system on the grounds of limited capacity and lecturers, and quality the issue acquires more complicated for all of the students to access the higher education.

From the primary educational level up to the university the Turkish education system has oodles matters that require solutions. Just like as at the health system the deficiency of professional personnel, teachers, limited capacity and quality are the difficulties waiting solutions at the education system that is about to reach to an dead-end.

The freedoms and rights of the child for instance the right to life, non – discrimination principle, right to a name, nationality and others are also recognized and ensured by the domestic law of the Republic of Turkey in numerous regulations and codes. The next chapter where the juvenile delinquency will be examined indicates such rights that are assured by CRC other than concerned with juvenile delinquents in the Turkish domestic law.

²⁵ *Marriage of Juvenile's Ended With Death*, 14.02.2007, Prestij News Agency, <www.prestijhaber.net/haber_detay.php?haber_id=3786> visited on 17 October 2007

4 Juvenile Delinquency in Turkey

Numerous people are struggling with poverty which is the cruel face of trying to live in Turkey, migrating from villages to cities with oddly increasing squatter's houses and furthermore the problem of adaptation to the urban life brings cultural conflicts; by these reason high juvenile delinquent rates appears. In most of the cities not just poverty and migration are the factors that solicitations children to commit offences, at the background of the issue there are several reasons like families, environmental and low quality of education in schools. Consequently some of the children in Turkey who are not lucky as the others for instance children who are dealing to stay alive at the streets come into view with different kinds of offences that are committed by them. However the governments aimed to solve the matter by constituting institutions like the juvenile services, juvenile courts, reformatories and the Prime Ministry, Social Services and Child Protection Agency, and adopting legal regulations in coherence with European Union criteria's because of being a European Union candidate country, the low income and functioning problems of the institutions complicate the means for solutions. To overcome the juvenile delinquency matter in Turkey the government's support for operatively working institutions and applicable regulations stay defective at the matter. Behind some outstanding statutes and applications the matter of Turkey's implementations on minimum standards for deprivation of liberty of the child (CRC - Article 37) and administration of juvenile justice (CRC - Article 40), because of their magnitude at treatment of the juvenile delinquents shall be focused. Merely legal instruments or institutions can not bring fundamental solutions yet preventive measures and rehabilitation of juvenile delinquents are the steps that can terminate the problem and secure the children of Turkey.

4.1 Reasons and Factors in Turkey that Forces Children to Commit Crimes

For centuries the risk factors of delinquency examined by intellectuals like Rutter, Giller and Hollin so under this provision reasons of being a criminal at the age of fewer than 18 shall be analyzed separately from all other subjects for clarifying juvenile delinquency matter.

Instead of the general factors like psychological ones at Turkey's practice specific reasons and factors of juvenile delinquency must be researched in

three titles; parental factors and reasons, environmental and social reasons, migration from villages to urban areas²⁶ and poverty.

Family, the first social unit that children face, have an important role in guiding and forming the future of the child. As the preamble of CRC points out for the full and harmonious development of the child's personality, they should grow up in a family environment, in an atmosphere of happiness, love and understanding. However the financial difficulties, low educational and cultural rate of the families in Turkey aggravate children's tendency at the path of delinquency such as seen in moral laws of family council's that constrain children to commit murders. The children take their parents as a model and by their parents commands for the means of customs they kill their sisters for instance just because of being divorced. Most of the children run away from their homes in Turkey due to exploitation, violence's in families and become one of the children's living in the streets. After that on account of staying alive concerns they start to become juvenile delinquents, none of the other social factors affect the children more than a damaged and broken family life.²⁷ Financial difficulties in Turkey cause the low life standards and poverty of the family's which can be seen as one of the main factors in delinquency question. Furthermore in Turkey as a result of extended families, children's communication gap with parents, educational problems together with financial difficulties transpires and as an outcome the children's and other members of the family's tendency of delinquency increases.²⁸

Behind the parental factors, environmental and social reasons are the other phase of the topic. Schools are the main focus in environmental reasons since after the family the second place where children's personality progresses are the schools. However the Turkish educational system which mostly aims transferring knowledge and ignoring the other factors that must be regarded exposes violence in schools and new juvenile delinquents. Students start to build up criminal organizations in schools which were one of the basic problems that Turkey faced in past few years. In general the low educational rate of the country ends with more criminals at childhood age.

Lastly the link between migration from villages to urban areas, poverty and juvenile delinquency in Turkey shall be considered at this section. People migrated from villages can not adopt their self to the new city life and attempt to continue their customs in the urban areas. Residential and economical inconveniences bring squatter's houses near the skyscrapers at the towns of Turkey. Furthermore for these people adaptation to the economical circumstances of the cities becomes formidable and by the way inadequate possibilities with irregular conditions to stay in life and standards of living at the cities together with social injustice causatively emerge the guiltiness matter. Basically because of economical difficulties children have to work instead of being at schools, the problematic

²⁶ M. Sarpdağ, *Juvenile Delinquency and Police* (Ahsen Matbaacılık, Ankara, 2005) p. 22

²⁷ H. Yavuzer, *Children and Offence* (Remzi Kitapevi, Istanbul 1988) p.145

²⁸ E. Onur, *Education and Science* (Cilt 4, 1980) p. 540

connections and relations between their parents and living at a one room squatter's house with a crowded family are some of the circumstances which redounds the probability of being a juvenile delinquent.²⁹

Finally, it is clear that several reasons causes juvenile delinquency, especially after the economic crises occurred in 2001 the numerical increase is remarkable, from 1988 until 2000 yearly the average case number which was brought to juvenile courts was 4.238 however the number increased to 5.206 in 2002. Behind the numerical increase in juvenile delinquent lawsuits, Turkey's juvenile delinquency situation as an unavoidable reality shall be solved to secure her 25 million children.

4.2 Juvenile Delinquency in Turkey

Bearing in mind that the criminal liability age in Turkey is 12 together with one of the comprehensive researches made by the Camber of the Commerce of Ankara at 2006 about the juvenile delinquency in Turkey adduced that different kinds of the offences are committed at early ages such as, first of all in Turkey larceny goes ahead before homicide. From every 100 suspicious people that are arrested because of larceny 34 of them are children and from every 100 suspicious people that committed violence of inflicting injury to a person 17 of them are children. The picture of juvenile delinquency in Turkey can be shaped in mind by the brief examination of the example research mentioned above.

In Turkey especially at populated cities like Istanbul, Ankara and Izmir families, for their mainstays, choose or have to commit crimes like pick pocketing, robbery or usurpation. In addition to this actuality families migrated from villages mostly live at the suburbs of the town so as a result gamins intensify mostly at these cities of the country. On account of the inadequate number of institutions that must secure and take care of children living in the streets, children commit offences and become criminals such as thefts or usurpers.³⁰ Everyday lots of news can be reed about usurpations committed by children all around the country, for instance 15 years old children purse-snatched a lady just for YTL 60 (EUR 35) in Konya, a city at Central Anatolia,³¹ two children between the age of 16 and 14 were arrested in Istanbul because of usurping other children³², lots of horrific examples can be given about the concern in Turkey. For instance in Izmir a retired teacher Lale Mumcu was murdered by eight children just because of trying

²⁹ İ. H. Hancı, 'Squatter's House and Juvenile Delinquency', in *Adli Tıp Dergisi* 11 (1995) p.58

³⁰ K. Seyhan and I. Bahar, 'Juvenile Delinquency in Turkey' in Ş.Ş. Erçetin *Child and Offence* (Hagem Yayınları, Ankara,2006) p.41

³¹ *Snatcher's in Konya*, 12 September 2007, Ihlas News Agency, <<http://www.ih.com.tr/yp/>>, visited on 3 November 2007

³² *These are Child Usurpers*, 04 January 2007, Takvim Newspaper, <www.takvim.com.tr/2007/01/04/gnc107.html> visited on 03 November 2007

to mediate the fight that was going on between the children.³³ Then again in some events offences goes one step beyond, children do not stop with such criminal cases. Moreover the police and school administrators had to struggle with gangs that commit offences at the schools. At the research which had been completed in 2007 by the Parliamentary Research Commission about Violence in Juvenile and Youth's significant findings clarifies the seriousness of the trouble. During the secondary education level seven point seven per cent of the students become members to criminal gangs, also at the same time from every ten student at least one of them carries a pocket-knife and one of every 20 student has a pistol. However the Commission had taken measures after the report's findings three years before the report UNICEF used to call attention to the situation by the article called: 'Children under Threat of Violence' at their press centre in 2004.

On the other hand, two murders and their two suspects arises the doubts of Turkey at fulfilling the obligations of international human rights and also the actuality of juvenile delinquency. Hrank Dink, journalist and the director of Agos Newspaper, was assassinated in Istanbul at January 2007 by 17 years old juvenile O.S. The Turkish society reflected their reaction by protesting the murder for days together with the disapproval messages from the government, the president and prime minister. At Hrank Dink case, the murderers and accomplices trial is going on, O.S.'s penalty changes between 18 and 24 years imprisonment because of the murder. In addition for being a member of a criminal gang and carrying gun without a permit imprisonment between 8.5 and 18 years will be added to his penal so in total at least he will be punished with 26.5 years imprisonment.³⁴ The other murder was priest Andrea Santoro's death which was committed by a child of 16 years old O.A. in Trabzon Sancta Maria Church, 05 February 2006. Due to the fact that the murderer was 16 years old, according to the Turkish Criminal Code if a criminal is under the age under 18 this brings mitigation of the punishment, as a result with the mitigation principle O.A.'s penal was 18 years ten months at the end of the trial.³⁵ The two murders are striking cases about magnitude of the juvenile delinquency matter in Turkey, conversely there are still suspicious thoughts that at the background of the murders there are adult people who instigated these two children because of victim's thoughts, religion and expression opinion.

In Turkey the other matter is that children are been used for crimes due to the fact of the mitigation of the punishment principle that is seen as advantages for committing new crimes by using the same person periodically. Exploitation of children in such a way extended up kidnapping

³³ *Murderers of a Teacher are Juveniles*, 14 November 2003, Radikal Newspaper, <<http://www.radikal.com.tr/haber.php?haberno=95464>> visited on 04 November 2007

³⁴ *Judgment of Dink Murder Started*, 02 July 2007, BBC Turkish News <http://www.bbc.co.uk/turkish/europe/story/2007/07/070702_dink_trial.shtml> visited on 05 November 2007

³⁵ *Santoro Murder's Adjudication*, <<http://www.haber1.com/haber/20071004/Santoro-cinayeti-karara-baglandi.php>> visited on 06 November 2007

children or with the consent of their families for committing offences children are taken to cities, and even though organized groups for this purpose are fighting with each other.³⁶

Briefly children's behaviours which are described as offences start with misdemeanours against their families, schools and environments in course of time the content and characteristics of misdemeanours changes and outcomes with behaviours against the law and serious crimes.³⁷ At this transformation harmful substances role can not be negligible, according to the juvenile police records the age of using alcohol and drugs decreased until 11 years old indeed taking into account the relation between drugs, alcohol and crimes at the future these children's risks of becoming delinquents intensifies.

As analyzed above there are several factors, reasons encourage children to commit offences. Yet governments are obligated to fulfil the rights of child and to prevent children from delinquency, also every citizen of the State shall have the sense of duty at this frame. The institutions and foundations of Turkey interrelated with juvenile delinquency shall be more contemplated and thoroughly coordinated. Financial, adequate constructional or human resources supports shall be raised by the governments of the Republic of Turkey; in addition regulations and codes shall be applied at an implementation level. In quite a lot of situations Turkey has a problematic figure at making such regulations fully implemented and to operate institutions properly with enough budget and capacity.

4.3 Turkey's Institutions and Regulations in Turkish Domestic Law Related with Juvenile Delinquents

Turkish institutions correlated with juvenile delinquents are not in an effective coordination with each other that will be examined under the same topic with the juvenile service and juvenile courts. These institutions, up to their capability are established to solve the juvenile delinquency matter, save children from harm and violence in Turkey. Into the bargain, several legal instruments are regulated in particularly related with juvenile delinquency such as the Turkish Criminal Code and Child Protection Code.

³⁶ E.Yücesan, AKKM Daire Başkanlığı, *Juvenile Delinquency*, < www.caginpulisi.com.tr/48/47-48.htm> visited on 09 November 2007

³⁷ Ö. Kökenli, *Youth Offences*, 2002 – 2005, <www.kriminoloji.com> visited on 09 November 2007

4.3.1 Turkey's Institutions Related with Juvenile Delinquents

It was 1962 when the first juvenile police office was established for inspecting and preventing the juvenile delinquency in Istanbul.³⁸ Later on Department of Minors Protection established in 1988 to protect children without family, prevent children from committing offences, precede the legal procedures of the juvenile delinquents, and cooperate with other institutions and police departments. By the reform of 2001 at police departments the juvenile service, branch of the police department, was established with the mission of prosecuting all of the judicial and administrative investigations of juvenile suspicious by using the authorization of the Department of Minors Protection. Despite of all the difficulties in Turkey 1350 staff and police officers trained about the treatment of juvenile delinquents and also programs are continuing to improve the quality and standards of the juvenile services in cooperation with UNICEF, The British Council, ILO, SHÇEK, INTERPOL and universities.³⁹

The juvenile service supplies and overcomes the basic necessities of suspicious juveniles, thereafter complete the judicial and administrative procedures in a shortest appropriate period of time, and later on transfer the children to the institution concerned with the case.⁴⁰ Until the transfer procedure, according to the related regulation, instead of detention rooms the suspicious juvenile shall stay at the temporary treatment units where the child's necessities such as nutrition, sanitary or health care are provided. However the regulations are adopted in accordance with the best interest of children and protecting them, applicability of temporary treatment units occasionally can not operate as it is stated on the codes in consequence of lacks in employee's number or education, inadequacy of the buildings and fund problems. Another implemental problem that is argumentative occurs while taking the first statement of the juvenile suspicious under the authority of the juvenile services; at least one psychologist or social service staff member shall attend the assertion procedure, due to the fact that the children is facing with State's authority for the first time and his or her psychological health shall be taken into account, however this principle can not be provided in all cases and juvenile services in Turkey.

After apprehension of the suspicious juvenile, the juvenile services works in coordination with other institutions such as the office of the public prosecutor, juvenile court and other related institutions. The absence of the

³⁸ E. Küntay, *Relationship between Police and Juveniles* (EGM Küçükleri Koruma Hizmetleri Yönetici Semineri, Ankara EGM Yayınları, 1998) p.159

³⁹ *Turkish Juvenile Police*, <www.egm.gov.tr/cocuk.polisi.asp> visited on 09.November.2007

⁴⁰ M. Sarpdağ, *Juvenile Delinquency and Police* (Ahsen Matbaacılık, Ankara, 2005) p.124

juvenile prosecutor system in Turkey extent the period of the procedures and also the complexity of regulations about the authorization of the juvenile service while taking the first statement and as well the responsibility provision at transferring the children to an institution concerned with the case shall be clarified more detailed for the best interest of the child. As a consequence of discretion absence of the juvenile service in Turkey even though in misdemeanour characteristic offences juveniles face with criminal procedures and States justice system, so at the end they are branded as suspicious delinquents.⁴¹ On the other side of the matter, due to the fact of the problems at coordination between juvenile services and juvenile courts several arguments arise. For instance; until the juvenile courts make their decisions because of the delays at the judgment procedures some juveniles cares are been taken by the juvenile services hence juvenile service's workload increases so the service quality declines. For the best interest of the children and fulfil the obligations of CRC coordination between the juvenile service and juvenile courts shall be one of the main guiding principle in juvenile delinquency argument so that arrest and detention of juveniles can come to an end in the shortest appropriate period of time.

One of the basic institutions to prevent the juvenile delinquency; juvenile court's draft code preparations started at 1945⁴² and continued until 1979. However the Juvenile Courts Code was adopted in 1979 the establishment of these specialized courts postponed to 1982. The interesting delay of this process can be reasoned in two main factors. First of all between the years of 1945 and 1987 historical changes all around the world also affected Turkey. On the other had in these 37 years three military coups; 1960, 1971 and 1980 occurred in Turkey that resulted badly and affected the legislation, executive authorities, and legal system together with financial collapses. Due to the fact of the political and financial difficulties in the country in its early ages and intervention to democracy changed the priorities and as a result the importance and establishment of juvenile courts delayed until 1982. After the recovery process of the situations in the country the earliest juvenile court could be established in 1987 in Ankara. Today there are 19 juvenile courts in Turkey; despite the fact that the country consists of 25 million children with 81 provinces the number 19 is insufficient for Turkey. The judicial organ which is competence of the procedures and trials of juvenile delinquents who are living at cities where juvenile courts are not established is the general courts. Even though the current juvenile courts conditions are not appropriate for instance in Ankara, the capital of Turkey, judges continue the judgments at their offices instead of court rooms.

The legitimate guarantees at the hearings are being implemented according to the benefits of the juvenile, the press and the public are excluded form all

⁴¹ M.Sarpođlu, *Juvenile Delinquency and Police* (Ahsen Matbaacılık, Ankara, 2005) p.126

⁴² S.Y. Balo, *Implementation of the Child Protection Code under the aspect of International Relationships* (Seçkin Kitapevi, Ankara, 2005) p.50

periods of the trial due to the best interest of juveniles.⁴³ In addition juvenile's privacy is fully respected at every step of the proceedings as CRC Article 40 indicates. For instance, special measures are taken to prevent others who are not related with the case from obtaining children's name, address and all other private information.⁴⁴ Moreover for the best interest of the child and a fair trial, social research reports are prepared to juvenile courts by the social service staffs that are under the authority of the Prime Ministry, Social Services and Child Protection Agency. Juvenile court judges or public prosecutors can request the social research reports where children's personal characteristics and social environments are determined. The social research reports aim to indicate children's capability of understanding the nature, effects and results of the act that he or she had transacted and which is regulated as offences by the law along with aims to determine the criminal liability and ability of juveniles at controlling their behaviours.⁴⁵ Thus social service staffs and their reports that are considered at juvenile courts play a significant role at determining the reasons, factors of being juvenile delinquents and solving the underlying problems that caused the children to commit offences. The social research reports guide and assist the juvenile court judges and also prosecutors at the trials so that the judgment process would end with the lowest disadvantages and highest benefits of the children.

Along with all the indictment, social research report, allegations and defences if the decision given by the juvenile or general courts be imprisonment the juvenile delinquents are sent to spend their custodial sentences, separately from the adults, to one of the reformatories in Turkey. In 2007 there are three reformatories for children at Ankara, Elazığ and Izmir and four remand centres at the cities; Ankara, Istanbul, Bergama, and Diyarbakır. Comparing with the criminal cases, the numbers and capacities of remand centres and reformatories can not answer the expectations, and intentions which are; (re)education, reforming juvenile's character and maintaining that they are again one of the members of society. Other than the juveniles who are at reformatories, some juvenile delinquents are sent to jails to spend their custodial sentences instead of the institutions established for juveniles by virtue of their short period of imprisonment penalty, limited capacity and fewness of reformatories.⁴⁶ At the pre-trial confinement

⁴³ *Code of the Juvenile Courts Establishment, Duties and Judgment Procedures* Article 25

⁴⁴ *Child Protection Code* Article 4/1/f

1.1.2 ⁴⁵ *Child Protection Code* Article 35

⁴⁵ H. Y. Sevük, *According to International Convention Principles, Institutional Approach at Struggling with Juvenile Delinquency* (Beta Kitapevi, İstanbul,1998) p. 185

³⁹ *Improving the Conditions of Juveniles Deprived of Liberty Project's Report*, OZ-GE-
DER, Mart 2005, <<http://www.ozgeder.org.tr/tamamlanan.asp>>, visited on 12 November
2007

1.1.3

1.1.4

juvenile delinquents are detained at one of the four remand centres which contains private refectory, laundry and specialized therapy rooms. Additionally to remand centres, juvenile delinquents at the age between 12 and 18 who are penalized with imprisonment spend their custodial sentences at reformatories which involve infirmary, cinema or conference saloon, refectory, laundry, library, gym, barber saloon and even ateliers where the juvenile delinquents can improve or gain new professional skills.

Conversely there are affirmative models as above however the results of the research made by the non-governmental organization called OZ-GE-DER (Solidarity with Youths Deprived of Liberty Organization) in 2005 by interviewing with 1440 juveniles is considerable. The interviews showed that the capacity and quality of the institutions are not equal as a whole in Turkey. In several remand centres and reformatories violence take place whether by government officers or between minors, some juveniles are beaten or whipped according to their statements, afterwards the findings the non – governmental organization noticed the Ministry of Justice about abuses in such institutions. The inhuman treatment in these remand centres and reformatories are clear violations of CRC Article 19 that obligates State Parties to take all appropriate legislative, administrative, social and educational measures to protect the children from all forms of physical or mental violence, injury or abuse and CRC Article 37's obligations of ensuring that no one shall be subject to torture or other cruel, inhuman or degrading treatment or punishment. Last of all according to the report not every minor at the remand centres or reformatories have materials that are required for human dignity such as a bed, equipments like pillow or any private closets due to the fact of financial problems at the institutions.

Nevertheless there are children living in difficult conditions as the juvenile delinquents in Turkey and such children need special consideration. In CRC the United Nations draw attention to special measures that shall be taken for implementations of the rights granted. Turkey as one of the member States to United Nations established institutions which discussed above. For certifying the full enjoyment of the rights of the child and ensuring the guarantees at treatment of juvenile delinquents, together with special codes Turkey adopted likewise regulations for implementations of international human rights instruments as CRC.

4.3.2 Regulations in Turkish Domestic Law Related with Juvenile Delinquents

Turkey's achievement at adopting codes is desired to be seen also at the implementation level. However the non progressiveness at application of the regulation, several articles, consists special measures, were integrated in the Turkish Criminal Code that comprise the juvenile delinquents dilemma. In contrast the framework at protecting legal minors and juvenile delinquents

in Turkey, the Child Protection Code, 2005 was also a developmental action.

The Turkish Criminal Code (TCK) clearly verifies that being a legal minor according to Turkish domestic law, under the age of 18, shall be considered as a matter of extenuation in all punishments defined in the code. Initially at TCK the criminal liability starts with the age of 12, minors younger than 12 years old can not be subject to any punitive practice or procedure except substitute special security precautions for children can be imposed. At the second and third sub-paragraphs of TCK, Article 31 circumstantial issues are determined in a detailed sense related with minor's age. If the legal minor at the age of between 12 and 15 is not capable at understanding the results of the offence that is transacted again as in 12 years old juvenile delinquents, they do not have criminal liability yet they face with special security precautions. Minors who are aware of the nature and results of the offences between 12 and 15 years old, this juvenile delinquent's heavy life imprisonment punishment commutes to imprisonment between nine to twelve years, life imprisonment punishment to seven years until nine years imprisonment. At the other crimes the reduction of the penalty must done two thirds from the actual punishment and the greatest quantity of the punishment shall be 6 years imprisonment. Juveniles at the age of, while the offences are committed, 15 up to 18 years old punishments periods regularized as; the heavy life imprisonment reduces to imprisonment for 14 to 20 years, while imposing the punishments the judges shall mitigate the life imprisonment to nine until twelve years imprisonment and the other punishments reductions are one and a half from the actual punishment, and the maximum period can not be more then eight years imprisonment.⁴⁷ The Turkish legislative authorities regulated the Turkish Criminal Code, entered into force in 2005, in an attentive approach at determining the amount of the punishments for the juvenile delinquents. The judges while applying their penalization power and competency shall bear in mind to adjudicate in conformity with the circumstances of accused people especially with the legal minor's, for this reason the Turkish Criminal Code referenced the Child Protection Code for special security precautions.⁴⁸

The Child Protection Code had been adopted, after two months of TCK, for respecting, ensuring and protecting the rights of the juvenile delinquents and the children's need special safeguards. The scope of the legal instrument is wide insomuch that involves special measures that are implemented for children need protection, includes the procedures, bases of the special security precautions and as well contains articles interconnected with juvenile court's establishments, jurisdictions and limits. The Child Protection Code, one of the significant actions taken for designating a common policy at children need protection in Turkey, is taken into consideration as the primary instrument by the juvenile court judges in the cases that do not require the punishments specified in TCK. With the Child Protection Code Turkey focused on ensuring the rights of the child under

⁴⁷ *Turkish Criminal Code*, Article 31

⁴⁸ *Turkish Criminal Code*, Article 56

principles that all of the institutions dealing with juvenile delinquency shall take into consideration, which are also intended in CRC. The principal rules of the Child Protection Code related with juvenile delinquency and connected with the articles of UN Convention on the Rights of the Child can be stated as;

- State and all the institutions shall ensure child's best interest, inherent right to life, development and survival as in CRC Article 3 and 6
- the principle of being based on international human rights at every phase of the judgments in addition claims shall be heard without undue delay, fair and effective trial shall be ensured similar to CRC Article 40 and likewise in CCPR Article 14
- child's name and any information related with his or her identity shall be respected and protected from all kinds of interferences at all levels of the legal proceedings. Also at the phase of being sentenced to imprisonment or any other measures which deprives the liberty of the child shall be the last resort for an appropriate period of time as CRC Article 37 states
- lastly on the grounds of implementing the special measures, every child deprived of liberty shall be separated from adults at the institutions where they are protected like CRC Article 37 rules.

Under the aspect of these principles in conjunction with international human rights law, the Child Protection Code's special measures are adjudged by the juvenile court judges own motions or with the request of juvenile's parents, social service staffs or the prosecutors. Requirements of special measures are determined in TCK, moreover the special measures that are specified in the Child Protection Code for children need protection are implemented similarly to the juvenile delinquents by the name of special security precautions. Special measures expires at the end of the legal minority age which is 18, however the juvenile court judge can decide the continuance of these special measure together with the juveniles assent for instance in case of educational measures.⁴⁹ On the account of CRC Article 18 under the provision of parental responsibilities for upbringing and development of the child, without deprivation of liberty and separate the child from his or her family five special prosecutions are determined by ÇKK under the names of; counselling, education and vocational training, foster care, health, and accommodation precautions.

As the first precaution in order to instruct parents, the juvenile court judges adjudicates for counselling measure in the area of child care and further trainings about minor's educational and developmental problems. The determination of education and vocational training measure aims to educate juvenile's under the authority of a public school, additionally for professionalizing or acquiring a job the court can decide providing and

⁴⁹ *Child Protection Code*, Article 7

enrolling courses, experts, enterprises in public or private sectors. The exceptional practice at precautions is the foster care measure; in fact the juveniles could be separated from their parents, adults legally responsible for upbringing and care of the child or guardians in the event of neglect, as prohibited by CRC Article 19. Under these circumstances the legal minors shall accommodate and fostered at one of the private or public care institutions even though the minors can advantage from the guardianship family service by the adoption procedure.

Beyond the problems in general health and medical service conditions in Turkey in respect of CRC Article 24, the State guaranteed the right of health and medical care of the juvenile delinquents with the precaution of health. Measure under the topic of health shall be adjudicated for juvenile delinquent need physical and mental treatment, rehabilitation, and therapies for drug addicted children. Last of the precautions, however the applicability is controversial, accommodation measure exceeds the limits of protection. In fact that measure of accommodating, behind children also covers adults with children, pregnant woman at vital risk or homeless people. Except if at the events hearing is not essential according to the procedure determined by ÇKK juvenile courts judges can render the judgment with one of the prosecution's without any hearing. According to ÇKK procedure before adjudging special security prosecutions the judge shall interview with juveniles and people concerned with the offence. Especially the social research reports which are requested before the decision are guidance's for juvenile court judges at the determination progression of an appropriate measure.

The Republic of Turkey's regulations, guarantees in common with special measures that are adopted and entered into force under the scope of rights of the child and treatments of juvenile delinquents can be interpreted as developmental actions of Turkey in international community. Nevertheless on paper rights and freedoms of juvenile delinquents are respected, protected and fulfilled conversely the question of undertaking all appropriate legislative, administrative and other measures with the maximum extent of available resources for implementation of the rights recognized in CRC Article 4 is considerable. So far particularly analyzing CRC's directly related articles with juvenile delinquency; Article 37 rights for deprivation of liberty of child and Article 40 administration of juvenile justice, both in affirmative and negative aspects, will lighten the implementation process.

4.4 Discussing Turkey's Implementations on International Human Rights Law's Guarantees and Rights for Deprivation of Liberty of the Child (CRC - Article 37) and Administration of Juvenile Justice (CRC - Article 40)

4.4.1 Turkey's Implementation on Deprivation of Liberty of the Child (CRC - Article 37)

Instead of analyzing legal instruments focusing on conspicuous concrete events and researches confirms the position of implementations in Turkey at the rights and standards for deprivation of liberty of the child, treatment of juvenile delinquents and the obligation of ensuring that the child deprived of liberty shall be separated from adults. For instance as one of the first implemental conjuncture, the absence of a reformatory for juvenile delinquents in Istanbul, with the highest delinquency rate in Turkey elucidates the affair. Turkey's problematic implementation situation starts at ensuring rights and fulfilling the obligations recognized at CRC Article 37 at the issue of that none of the child shall be subject to torture, cruel treatment or punishment, unlawful arrest or detention. The report prepared in 2005 by OZ-GE-DER is again on scene about Turkey's position at treatment of juvenile delinquents. As remarked at the Juvenile Service Regulation Ordinance, suspicious juvenile delinquents who are seizure shall be transferred to juvenile service offices without any procedural transactions. However OZ-GE-DER's determinations pointed out the lacks in practicality such as, several local riot police forces unlawfully surveillance's the juvenile suspicious.⁵⁰ Also until confessing the offences juveniles face with cruel treatment; minors complained about cruel and inhuman treatments at the police stations conversely to all of the domestic regulations of the Republic of Turkey and CRC Article 37. Violations at the right to maintain contact with his or her family through correspondence and visit was one of the juvenile delinquents grievance's and also juveniles mentioned the matter of facing with insult, torture and inhuman treatment in some branch offices of the police departments. In addition some violations had determined by the NGO at juvenile delinquents right to promote access to legal and other appropriate assistance ensured in the fourth sub-paragraph of CRC Article 37 and the Code of Criminal Procedure of Turkey which states that Bars shall appoint lawyers to persons committed crimes at the age of under 18. Except Istanbul and Ankara other Bars mostly do not appoint

⁵⁰ *Improving the Conditions of Juveniles Deprived of Liberty Project's Report*, OZ-GE-DER, Mart 2005, <<http://www.ozgeder.org.tr/tamamlanan.asp>>, visited on 12 November 2007

any lawyers for juvenile delinquents who are at the police stations or juvenile service offices by reasoning that the necessities to appoint a lawyer do not emerge on grounds of stating that legally the testimony shall not be taken by the police. One of the difficulties of achievements in application of CRC Article 37(c) is that; as a result of insufficient reformatories and remand centres in Turkey not every child deprived of liberty is separated from adults. Nearby the structural inadequacy in several visited institutions confirmed that juvenile delinquents were detained together with adults at some sections of the prisons on account of minor's requests to stay with their imprisoned relatives or because of the dissimilarities at their actual and registered ages recorded in their identity cards. Consequently satisfying social and educational necessities of the children imprisoned with adults, contrarily to CRC Article 37, become impracticable and shape the position unfeasible at the basis of juvenile justice system according to Improvement of Arrested and Detained Juvenile's Social and Legal Statuses Project Report prepared by OZ-GE-DER. Following the statement of insufficiencies at juvenile reformatory and remand centres; thousand of convicted juvenile delinquents are held in such institutions though merely one teacher and social service staff or psychologist render the whole service. As the outcome of these deficiencies juvenile delinquents who need primarily concern can not benefit from the right to access appropriate assistances. Further violations at implementation level of CRC Article 37(d) and the Code of Criminal Procedure of Turkey such as; inconveniency at ending the procedures in an appropriate period of time and without delay continues according to the report. The disagreeable violations that proceed in all stages of the procedures, cruel and inhuman treatments are proved by medical reports related with juvenile's state of health which are taken at the time of surveillance by the doctor of forensic medicine.

Focusing on some events, cases and examples can clarify the subject matter that is taking place in Turkey. The event occurred in Diyarbakır, a city at eastern part of Turkey, at 23 March 2006 started with the demonstrations after a funeral and ended up with 208 juvenile's seizure, 94 of arrested juvenile, nine child's death while the police intervention, furthermore torture, cruel and inhuman treatment allegations to majority of arrested children came into question. The report prepared by the Istanbul, Diyarbakır and Şanlıurfa Bars after interviewing with Juvenile Service Department, Diyarbakır Governorship, Office of Public Prosecutor in Diyarbakır, Turkish Human Rights Foundation and a group of incurred children is though provoking. Conspicuous numbers of children faced with riot polices instead of the juvenile service police officers, and the doctor reports point towards the torture, inhuman and degrading treatment. Turkish domestic law and international human rights principles and rules were violated by the police officers at Diyarbakır events. Without any legal grounds the police started seeking evidences three weeks after the legal minors arrests and furthermore delays at introducing evidences was unacceptable. As the consequence of the events children were deprived of their liberty unlawfully and arbitrarily, the arrests had not been in conformity with the law moreover

juvenile's right to access legal and other appropriate assistances was fulfilled 12 hours later the arrests controversially with CRC Article 37.

One more torture, inhuman treatment and arbitrary detention allegations occurred in Istanbul at 2006, after the day of another demonstration; the police department of Istanbul started operations to cop the protestors, according to the assertions an 11 years old legal minor M.Y. was arrested by the police officers and had been subjected to torture, inhuman and cruel treatment at the police office. The medical reports given by the doctor of forensic medicine proved the allegations. In regards of the report, at juvenile's body especially at the skull area several injuries determined as a result of torture, cruel and inhuman treatment. Unpredictably the reason of arresting an 11 years old child was being in favour and member of a terrorist organization without any evidence which points out the arbitrariness and unlawfulness of the procedure. Parents of the M.Y. litigated against the police officers; the trial is still going on.

Behind all the complications of implementation arguments also affirmative samples transpires like the circumstances of juvenile delinquents executing their punishments in İzmir reformatory. These delinquents continue their educations at public schools moreover without taking any special security measures they are attending schools, and even one of them are studying at a university. Two teachers, two psychologists, one social service staff, one nurse and twenty eight prison guards render service to juvenile delinquents. Reformatory consist a cinema and theatre, professional courses and special teachings such as sexual knowledge and anger control is taking place, and as well drug addicted delinquents are treated at public hospitals by mediation of the institution.⁵¹ The employees concerns, rehabilitation of juvenile delinquents and the services provided in Reformatory of İzmir shall be model for all other institutions of Turkey.

Regardless all of the financial difficulties and economical crises Turkish authority's effort at implementing CRC Article 37 under the provision of international human rights law obligations still persists. Juvenile service's activities and programs which attached to the 2003 Country Action Plan introduced at the UN meeting in Geneva, especially the temporary treatment unit established in the juvenile service departments as being the first example around the world, was admired by the international community. However affirmative actions are taken nevertheless the special measures and prosecutions shall be considered once more in conformity with the new conditions and requirements of juvenile delinquents in Turkey.

In view of the fact that after detention or arrest legal minors face with prosecutors and juvenile courts questioning Turkey's implementations at CRC do not come to an end with just analyzing the rights and guarantees of child deprived of liberty. In this phase examining Turkey's implementations

⁵¹ *Not Miracle Just a Second Chance for Juveniles*, 05 March 2007, Radikal Newspaper, <www.radikal.com.tr/haber.php?haberno=214859> visited on 16 November 2007

on rights and guarantees granted at CRC Article 40, as an area under discussion, administration of juvenile justice emerges.

4.4.2 Turkey's Implementation on Administration of Juvenile Justice (CRC - Article 40)

Juvenile delinquency's characteristics require significance hence establishing a separate legal system, special guarantees at procedures and specialized courts is mandatory. Juvenile delinquents have the right to be treated by an approach which promotes their sense of dignity and worth. The juvenile courts, codes specialized for juveniles and judicial systems shall aim juvenile delinquent's reintegration, and in this manner the judges of juvenile courts shall distinct from the general court judges at adjudging the lawsuits. The provision of CRC Article 40 deals with obligations of States at ensuring rights and guarantees such as;

- being informed promptly and directly of the charges against delinquents through their parents or legal guardians
- to have legal or other appropriate assistance in the preparation and presentation of his or her defence
- to have the matter determined without delay by a competent in the presence of the legal or other appropriate assistance
- not to be compelled to give testimony or to confess guilt
- to have his or her privacy fully respected at all stages of the proceedings
- taking measures for dealing with such children without resorting to judicial proceedings
- providing that human rights and legal safeguards are fully respected
- making available a variety of dispositions to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

The first contrariety in Turkey about international human rights law standards, guarantees, legal regulations and implementation related with administration of juvenile delinquents starts at the testimony procedure. While the judge or prosecutor is taking a statement also the police officers attend the testimony procedure so the juveniles under this psychological pressure behind the police even though can not change their first statements taken at the police offices. Instead under the juvenile service authority at the police stations without any legal assistances, lawyers or guardianships attendance the police officers unlawfully arrange written reports that resemblances testimonies, even without informing juvenile delinquents promptly and directly about the charges against them. Furthermore occasionally in certain cases prosecutors prepare juvenile delinquents bill of indictment by virtue of the unlawful and ineffective reports taken at the

police offices.⁵² Without under the order of law such procedures are taking place in the legal system of Turkey.

An additional implementation criticism pertain to CRC Article 40 is that States shall seek to promote the establishments of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law. At this point of the subject in Turkey juvenile delinquents at cities where juvenile courts are not established trialled under the competency of general courts however the domestic legal instruments, the Child Protection Code, regulates that juvenile courts shall be established at every county where more than 100.000 citizens inhabit. To clarify the criticality of the situation it shall be bear in mind that approximately from every 100 suspicious 15 of them are juveniles and in Turkey the number of juvenile courts is only 19.⁵³ Commonly applications of the Child Protection Code guarantees and procedures can not be implemented by general courts due to the fact that while exercising their competency and adjudication juvenile courts take minors psychology, environmental and personal characteristics into account, nevertheless general court's can be deficient in investigating juvenile's circumstances. Instead of juvenile's conditions and other related matters in general courts adjudication executes according to the offences characteristics without considering the position of the juvenile.⁵⁴ Lawsuit's high proportion and unsatisfactory number of juvenile courts obstructs the application of the theme of determining the matter in an appropriate period of time without delay. Indeed delay's at the judgments represents the inefficiency position of juvenile justice's aims; child's reintegration and assuming a constructive role in society. Minor's capability to allocate the connection between offences and their legal results becomes more complicated⁵⁵ at a judicial system where such a few number of juvenile courts are dealing with 88.821 litigations yearly and adjudicating a trial approximately with in 282 days after the lawsuit is brought to a juvenile court.⁵⁶ If the number and capacity of juvenile courts are not increased by the governments of the Republic of Turkey with new action plans in such a

⁵² N. Hatipoğlu, 'Problems of Lawyers in Juvenile Judgments' in *II. National Symposium Documents about Juveniles and Guilt 'Judgment and Before Judgment Period'* (Türkiye Çocuklara Yeniden Özgürlük Vakfı Yayınları, Ankara,2003) p.173

⁵³ *ATO Juvenile Delinquency in Turkey Report*, Ankara Ticaret Odası, 2006
<<http://hurarsiv.hurriyet.com.tr/goster/haber.aspx?id=3859918&tarih=2006-01-29>> ,
visited on 17 November 2007

⁵⁴ Y. Akyüz, 'First Research made in Turkish Education System about Juvenile Delinquency' in *I. National Symposium Documents about Reasons and Prevention of Juvenile Delinquency*

⁵⁵ N. Hatipoğlu, 'Problems of Lawyers in Juvenile Judgments' in *II. National Symposium Documents about Juveniles and Guilt 'Judgment and Before Judgment Period'* (Türkiye Çocuklara Yeniden Özgürlük Vakfı Yayınları, Ankara,2003) p.174

⁵⁶ *2005 Statistics about the Workload of Juvenile Courts*,
Adalet Bakanlığı Adli Sicil ve İstatistik Genel Müdürlüğü,
<<http://www.adli-sicil.gov.tr/istatistikler/1996/cocuk5.htm>> , visited on 15 November 2007

situation juvenile court's duty to determine a case without delay in an appropriate period of time seems to be impossible. Then again however CRC obligates variety of dispositions that shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offences, the precautions determined for children need protection are also implemented in the same sense to juvenile delinquents by the name of special security precautions without any special considerations. Eventually the precautions are implemented similarly as in the regulation, however exactly not in the manner of proportionate to the circumstances of juvenile delinquents and offences characteristics. Beyond the challenging positions implementations of the other guarantees in CRC Article 40 are recognized and ensured in a well-perform way such as; to be presumed innocent until proven guilty according to law, to have the decision and any measures imposed in consequence thereof reviewed by a higher competent; in Turkey called Court of Cassation. Moreover the obligations of free assistance of an interpreter if the child cannot understand or speak the language used, and establishment of a minimum age below which children shall be presumed not to have the capacity to infringe; at the penal law which is twelve years old in Turkey, is fulfilled as excepted. Also the rule to respect juvenile's privacy at all stages of the proceedings is ensured by Turkey however in several cases juveniles private life's was displayed by the media. On of the noticeable practices with all of available resources are supplied to juvenile courts is the implementation of the obligation to supervise and monitor juveniles for their best interest. Responsibilities of the juvenile judges do not conclude thereafter the adjudication; observation of juveniles shall be continued over periodical social research reports prepared by the social service staffs which are appointed by the juvenile courts. The periodical reports are attached to juveniles file, and by the help of such reports the judges can review the decisions or even replace with new ones.

Until this section, the study analyzed mostly the negative aspects and instances of implementations in treatment of juvenile delinquents however there are also affirmative implementations that can be seen in practice. One of the remarkable examples⁵⁷ is the sentence of a trial heard by Second Juvenile Court of Ankara that shall be given to clarify the changing face of implementing the administration of juvenile justice principles, rules and rights in Turkey. Fifteen years old juvenile E.K., helping his father at a coffeehouse ran away from the back door of the shop at the time of police's routine public order and security controls. Police caught the juvenile with two guns taken from the coffeehouse, by pursuing, after the investigation it was realized that the possessor of the guns was E.K's father. The prosecutor litigated a public prosecution interpreting the act as a violation of 'The Code Related to Guns, Knives and other Weapons'. Second Juvenile Court of Ankara as the competent court examined all the judicial processes and procedures in conformity with the domestic legal regulations, the considerable point of the trial is the sentence that was adjudicated.

⁵⁷ Information and example judgment received from the interview made with Second Juvenile Court Judge of Ankara at 27 September 2007

According to the article of the code which had been violated, the sentence shall be one year imprisonment and YTL 450 (EUR 260) fine however the juvenile court first of all applied TCK Article 31, determined at the topic above, and the other articles which provides mitigation from the punishment that varies according to the types of the offences, delinquent's characteristics, social and financial position. Later on the basis of the social research report that examined E.K.'s parental, educational and environmental circumstances the Second Juvenile Court of Ankara judge taking into account juvenile's anaemia illness adjudicated that; E.K. shall be prohibited from standing or existing in coffeehouses where the conditions are not appropriate for his health and for one year supervision of a social service staff. However the Second Juvenile Court judge of Ankara showed her sensibility at the decision process, because of the modifications made at the codes the prosecution could not been more then one year. And also however the offence was committed at 2005 by virtue of the facts explained at the chapter the trial continued and concluded until 2007.

As introduced at the case of E.K. in accordance with the best interest of the child the sentences decided by juvenile court judges shall aim; reintegrating, assuming the juvenile a constructive role in society, improving child's awareness about the results of transacted actions that are coded as offences by domestic laws, preventing juvenile to become delinquent and lastly rehabilitating juvenile delinquents. Under this point of the view the issue of precluding and rehabilitating juvenile delinquency in Turkey turn into an affair that shall be studied in the next topic.

4.5 Preventing Children from Committing Offences and their Rehabilitation in Turkey

Children have an effectual role at the development and welfare process of a country, States shall seek to promote the establishment of the measures applicable to children in the approach of preventing offences and rehabilitating juvenile delinquents. Undeniably for community's harmonized, confidential and peaceful atmosphere juvenile delinquency must be abolished.

To preclude juvenile delinquency in Turkey reasons and factors of delinquency shall be observed and examined by institutions related with juvenile delinquents. Struggling with juvenile delinquency without eliminating the underlying matters, reasons and factors that affect the tendencies of children to commit offences in the sense of inconsequence eventuates in unsuccessfulness.

Under the state of incoherent relations between the children and parents that affect the socialization process of a child, therefore juvenile's moral contacts with the society and characteristics of a socialised person appears weaker then anticipated at children with broken family life's, and as a result

potentiality of delinquency increases. The risks that damage the unity, economical, physiological and environmental conditions of the society must be neutralized by exceptional functioning legal instruments. Enhancements in socioeconomic, educational and vocational circumstances of juveniles and their families has influences upon controlling and preventing juvenile's delinquency, doubtlessly it is obvious that financial difficulties pave the way of juvenile delinquency. Essentially concentrating on child's education, eradicating educational improprieties and deficiencies, elaborating training programs for parents is compulsory at struggling with juvenile delinquency. Education also resolves the criminality matter caused on the grounds of blood feud and honour killings. In Turkey juveniles has been used as murderers at honour killings for several times because of the benefits and mitigations related to delinquent's age which is regulated in TCK. The honour crimes are acts of violence, usually murder, committed by male family members against female family members, who are held to have brought dishonour upon the family. A woman can be targeted by (individuals within) her family for a variety of reasons, including: refusing to enter into an arranged marriage, being the victim of a sexual assault, seeking a divorce — even from an abusive husband — or (allegedly) committing adultery. The mere perception that a woman has behaved in a way that "dishonours" her family is sufficient to trigger an attack on her life.⁵⁸

Consequently the Turkish community, families, schools, juvenile services, juvenile courts and social service institutions and staffs shall be in coordination with each other as the main actors at juvenile delinquency's prevention process. Eliminating juvenile delinquency in Turkey, alongside with the purpose of rehabilitation and reintegration of juvenile delinquents, can be actualized by enhancing the capacity, quantity and number of reformatories and remand centres.

Rehabilitating juvenile delinquents, reintegration to society and socializing on behalf of ensuring the security and development of the Turkish community shapes the characteristics of a public service. The only technique to succeed the educational and rehabilitation programs in Turkey passes through strengthening the institutional coordination's of juvenile services, prosecutors, juvenile courts, reformatories, remand centres, social service institutions and staffs.

Unfavourable reactions and behaviours of some social service staffs, police forces, reformatories or remand centres employees and judicial bodies methods intensifies juvenile's inclination to violence. Notably the social service staff's and psychologists constructive attitudes at reformatories or

⁵⁸ *Item 12 - Integration of the human rights of women and the gender perspective: Violence Against Women and "Honor" Crimes*, <<http://hrw.org/english/docs/2001/04/06/global268.htm>> visited on 09 January 2008, 'How to Avoid Honor Killing in Turkey? Honor Suicide' <http://nytimes.com/2006/07/16/world/europe/16turkey.html?_r=2&pagewanted=1&oref=slogin> visited on 10 January 2008

remand centres are subsidiary to achieve the objectives of rehabilitation. In particular for an operative rehabilitation process every staff correlated with juvenile delinquents shall be trained about children's psychology and necessities

Turkey shall be conscious that at accomplishment of reintegrating the juveniles reformatories are primarily responsible. Nonetheless institution's inadequate conditions block the policy of expediency and unsatisfactory quality remains. Especially reformatories numerical fewness, financial difficulties, inefficient capacity and bottleneck in supplies, shortage of personnel, and deficiencies at preparing guidance programmes appropriately to child's intelligence in Turkey obstructs the purposes of rehabilitation. Against all odds satisfying cases such as efforts of the Izmir Reformatory and nongovernmental organization's, the Youth Re-autonomy Foundation of Turkey, eventuate in rehabilitated and reintegrated juveniles. Even today in the wake of these institutions interests some of the juveniles who were rehabilitated are university students. As well as achievement of the rehabilitation process appertains to monitoring the juvenile because after the eviction order or prosecutions ends the juveniles return to the same environmental conditions that abet them in crime. As the matter stands, juvenile court's decisions shall be in the direction of an audit program for a period of time under the supervision of a social service staff.

Juvenile delinquents rehabilitation is also related with the Turkish community's and all of the institutions related with delinquency's endeavour. Members of the community shall look from the perspective that; every juvenile delinquent is their own child⁵⁹ and rehabilitation underlies in the public interest, besides the growth of a healthful generation depends on the decrease in juvenile delinquency average and that will increase the quality and security of the society, and in all manners this picture will accelerate the development of the country.

5 Final Words

This study has researched and analyzed Turkey's implementations of CRC on the grounds of treatment on juvenile delinquents and right of the child. Implementations at four of the fundamental international human rights and freedoms, that are selected to be analyzed on account of their problematic approach in Turkey, are not substantially compatible with international human rights instruments.

On the other hand, in Turkey practice of the international legal instruments undergoes through a change process at the level of implementation and enjoyment of the rights are guaranteed under the Constitution of the

⁵⁹ H. Yavuzer, *Children and Offence* (Remzi Kitapevi, Istanbul 1988) pp.129 -132

Republic of Turkey. Although as the European Union progress report about Turkey states, before children even though adults freedom of thought, conscience and religion is limited by the Turkish Criminal Code under Article 301 that is going to deregulated in near future. Implemental complications also occurs in the fundamental human rights applications such as at the eastern part of Turkey maid's full enjoyment at the right to education could just be ensured in recent years, beside all the improvement processes problems at right to health still exists; from every 1000 children 37 of them below five years old are dying in Turkey. After all guaranteeing the right to an adequate standard of living can not be granted for every citizen and child in Turkey, with her 75 million people population which of 25 million are children. The juvenile delinquency in Turkey comes on the scene on account of various reasons and factors. Mainly the affair of uneducated children with ignorant parents and migration from villages, rural areas to populated cities reveals the high rate of poverty, which effects delinquency. Yet the Turkish domestic legal system and Turkey's institutions which contend with juvenile delinquency are compatible with the international conventions, efficacious solutions and outcomes can not be asserted because of insufficient resources and shortage of personnel. Nevertheless apart from likewise occasions, implementation of CRC Article 37; deprivation of liberty and Article 40; administration of juvenile justice could not be definitely ensured in accordance with requirements of international human rights law instruments and standards. The deficient number of juvenile courts pictures juveniles being trialled at the general courts in cities where juvenile courts are not established. The issue of fact preoccupies the application and administration of the juvenile justice in Turkey. However inhuman and cruel treatment to juveniles continues in several areas of Turkey, as violations of CRC, government employees especially polices attitude and position improved through new training programmes and supervisions.⁶⁰

Also preventing juvenile delinquency in Turkey is incidental upon removing factors that emerges child to commit offences and developing their circumstances. Rehabilitation's progress adherents on trained social service staffs and duplicating the capacity of institutions like reformatories. International human rights law requires that best interest of the child shall be taken in account at all actions concerns children and also States are obligated to take all the appropriate measures and extend resources for the same purpose.

The Republic of Turkey, founded just before 84 years ago, such a new republic trying to overcome the obstacles and implementation problems at her period of integration with European Union needs international cooperation as CRC's preamble indicates; in particular the developing countries shall be supported for improving the living conditions of children and in addition at all other matters and issues of recognizing international human rights

⁶⁰ *Turkish Police Department*, <<http://egm.gov.tr/cocuk.polisi.asp>> visited on 11 January 2008

5.1 Recommendations

To protect the rights of the child and standards at treatment of juvenile delinquents in Turkey ratifying the international human rights instruments and regulations, ensuring the applicability of rights, freedoms and guarantees of international treaties is compulsory. First of all by the governments of Republic of Turkey a stable policy at child protection and treatment of juvenile delinquents shall be determined together with educational measures aiming to preclude juvenile delinquency. Importance of the awareness of parents responsibilities in right of the child and due to the fact that poverty's and juvenile delinquency's relationship family planning education shall be taken into consideration. Parents with inadequate standards of living shall be informed about not giving exceed numbers of birth so that family's relief of poverty can be accomplished. On the other side of the issue education on; the subject of rights and freedoms of children, results of delinquency and additionally guarantees and standards at treatment of juvenile delinquents must be primarily compulsory at curriculums of Turkey's schools, university's faculty of law, police and military academy's.

Establishment of institutions related with juvenile delinquents for instance juvenile service must be more prevalent. Whether if the establishment of juvenile service is obstructed by reasons that are examined in the study the police officers that contact with juveniles shall be trained at the issues of juvenile delinquency and child psychology. Also the juvenile courts shall be exceeded in numbers; in Turkey, with 81 provinces, merely 19 juvenile courts operate so certainly questioning Turkey's position at fulfilling the obligations of administration juvenile justice arises. Along with founding at least one juvenile court in every city in case to decrease general courts workload surplus, the social service reports shall be prepared in a detailed manner and principally considered by juvenile courts, prosecutors so that fair trial can fully be recognized. In addition the reformatories and remand centres quality, capacity and availability shall be improved by appropriation of necessary financial supports from the government budget. The rehabilitation of children can be practicable only by establishing institutions where juveniles are separated from adults, with educated social service staffs, sufficient psychologists and teachers in such institutions.

Finally development, welfare, democracy and even improvement of financial conditions are directly or indirectly connected with respecting, protecting and fulfilling firstly rights of the future of a country; child's and others international human rights. Even in 1920 the leader and founder of the Republic of Turkey, Mustafa Kemal Atatürk, dedicated 23rd of April as Child Festival which is still to be celebrated in the country as a unique example around the world. Turkey with such a historical background at heeding children shall be more attentive as soon as possible at the implementation process of rights of child, treatment of juvenile delinquents and precluding juvenile delinquency.

Bibliography

Books

I. National Symposium Documents about Reasons and Prevention of Juvenile Delinquency, Türkiye Çocuklara Yeniden Özgürlük Vakfı Yayınları, Tisamat Basım, Ankara, 2002

II. National Symposium Documents about Juveniles and Guilt 'Judgment and Before Judgment Period', Türkiye Çocuklara Yeniden Özgürlük Vakfı Yayınları, Tisamat Basım, Ankara, 2003

Alston P., Parker S. and Seymour J., *Children Rights and the Law*, Clarendon Press, Oxford, 1992

Balo S.Y., *Implementation of the Child Protection Code under the aspect of International Relationships*, Seçkin Kitapevi, Ankara, 2005

Balo Y. S. and Akço S., *Related Regulations related with UN Right of the Child Conventions*, Prime Ministry, Social Services and Child Protection Agency Press, Ankara, 2005

Bottoms L.B., Kovera B.M. and McAullif D.B., *Children, Social Science and the Law*, Cambridge University Press, 2002

Bueren V.G., *International Law on the Rights of the Child*, Martinus Nijhoff Publisher, London, 1998

Davel CJ., *Children's Rights in a Transactional Society*, Protea Book House, 1999

Eide A., Krause C. and Rosas A., *A textbook on Economic, Social and Cultural Rights*, Martinus Nijhoff Publisher, 2001

Turkish Police Department's Seminar about Protection of Juveniles, T.C. Emniyet Genel Müdürlüğü Asayiş Daire Başkanlığı Yayınları, Ankara, 1998

Erçetin Ş.Ş., *Child and Offence*, Hegem Yayınları, Ankara, 2006

Fionda J., *Legal Concepts of Childhood*, Hart Publishing, Oxford, 2001

Hancıoğlu A., Koç İ. and Dayıoğlu M., *Position of Children and Woman in Turkey*, UNICEF Press, Ankara, 2000

Konanç E., Gürkaynak İ. and Egemen A., *Child Abuse and Neglect*, Güneş Kitabevi, Ankara, 1991

Kumar A., *Fundamentals of Child Rights; Concept, Issues and Challenges, Volume 1*, Laxmi Shikshan Sansthan, Lucknow and Anmol Publications, New Delhi, 2002

Nowak M., *U.N. Convention on Civil and Political Rights Commentary*, N.P.Engel Publishers, 2005

Sarpdağ M., *Juvenile Delinquency and Police*, Ahsen Maatbacılık, Ankara, 2005

Sevük H. Y., *According to International Conventions Principles, Institutional Approach at Struggling with Juvenile Delinquency*, Beta Kitabevi, İstanbul, 1998

Seyhan K. and Bahar I., *Juvenile Delinquency in Turkey*, Ankara, 2006

Sorensen J.J. and Jepsen J., *Juvenile Justice in Transition, Danish Institute for Human Rights*, Handy – Print A/S, Denmark, 20005

The Progress of Regions in Turkey, UNICEF Press, UNICEF, Ankara, 2000

Yavuzer H., *Children and Offence*, Remzi Kitabevi, İstanbul, 1988

Journals

Hancı H., Squatter's House and Juvenile Delinquency, Adli Tıp Dergisi 11, 1995

Kökenli Ö., Youth Offences Article, 2002 – 2005, <www.kriminoloji.com>

Onur E., Education and Science, Volume 4, 1980

Yücesan E., Article about Juvenile Delinquency, AKKM Daire Başkanlığı, 1998

International Instruments and Documents

Background Paper Eight: Deprivation of Liberty and Humane Detention, 24 February 2006, Human Rights and Equal Opportunity Commission

Commission of the European Communities, Turkey 2006 Progress Report, Brussels SEC (2006)1390, .November.2006

International Convention on Civil and Political Rights, Adopted and opened for signature, ratification and accession by General assembly resolution 2200A (XXI) of 16.December.1966, entry into force 23.March.1976

International Convention on Economic, Social and Cultural Rights, Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16.December.1966, entry into force 3.January.1976

United Nations Convention on the Rights of the Child, Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989, entry into force 2.September.1990

UNHCR Guidelines on Formal Determination of the Best Interest of the Child, Provisional Release, May 2006

United Nations Rules for the Protection of Juveniles Deprived of their Liberty, Adopted by General Assembly resolution 45/113 of 14 December 1990

United Nations Standards Minimum Rules for the Administration of Juvenile Justice, Adopted by General Assembly resolution 40/33 of 29.November.1985

World Declaration on the Survival, Protection and Development of Children, World Summit for Children, 20.September.1990

National Laws

Code of the Juvenile Courts Establishment, Duties and Judgment Procedures, Act No: 2253, 1979

Code of General Sanitarian, Act No. 1593, 1930

Constitution of the Republic of Turkey, 1982

Education Code of Turkey, Act No. 222, 1961

Juvenile Police Regulation Ordinance, 2001
Prime Ministry, Social Services and Child Protection Agency Code, Act No.2828, 1983

The Eight Year Period Education Code, Act no: 4306, 1997

The Child Protection Code, Act No. 5395, 2005

The Code of Criminal Procedure, Act No. 5271, 2004

Turkish Civil Code, Act No.4721, 2001

Turkish Criminal Code, Act No.5237, 2004

Ulusal İlerleme Raporu (Country Development Report), Çocuklara Yakışır Dünya Özel Oturumu Eylem Planının Gözden Geçirilmesi, 2002

Internet Resources

2005 Statistics about the Workload of Juvenile Courts, available at www.adli-sicil.gov.tr/istatistikler/1996/cocuk5.htm

ATO Juvenile Delinquency Research Report, 30.January.2006, available at www.hurarsiv.hurriyet.com.tr/goster/haber.aspx?id=3859918&tarikh=2006-01-29

Child Poverty in Turkey, UNICEF Turkey available at www.unicef.org/turkey/hm/hm6a.html

Information about purposes of UNICEF available at www.unicef.org/cc/ visited on 24.September.2007

Takvim Newspaper, Juvenile Usurpers' news visited in 04.January.2007 available at www.takvim.com.tr/2007/01/04/gnc107.html

Monitoring body of UN, Committee on the Rights of the Child www.ohchr.org/english/bodies/crc/index.htm visited on 14.September.2007

Solidarity with Youths Deprived of Liberty Organization's Report, Improving the Conditions of Juveniles Deprived of Liberty Project's Report, Mart 2005 available at www.ozgeder.org.tr/tamamlanan.asp

Prestij News Agency, 'The Dead End of Child Marriage' news in 14.02.2007 available at www.prestijhaber.net/haber_detay.php?haber_id=3786 visited on 17.October.2007

Radikal Newspaper's research made and published in 06.03.2007 about Izmir Reformatory available at www.radikal.com.tr/haber.php?haberno=214859

Turkish Juvenile Police Department information available at www.egm.gov.tr/cocuk.polisi.asp, visited on 09.November.2007