

JUVENILE JUSTICE SYSTEM IN TURKEY AND CHILDREN IN REFORMATORY CENTERS

Sevgi ÇOBAN

Abstract: The purpose of the study is to review the new reparative juvenile justice system and discuss what could its procedures and principles bring convicted children to enhance their living conditions. In line with the literature review on the present situation of the juvenile justice system after 2005, a questionnaire on family characteristics, school and work status, substance use and the prosecution and incarceration processes was conducted among 120 children in reformatory institutions in Turkey in 2010-2011. The results of the survey indicated that children's rights in criminal justice process are protected by the law, however as indicated in the literature review; in practice, there are many problems related to the prosecution process, period of detention, the structure of juvenile courts and penal institutions. Another conclusion is that in the functioning of the juvenile justice system, due to the failure in ameliorating children's living conditions -a failure arising from the lack of policies regarding the fields such as family, education and work, substance use, reparative justice principle cannot be put into practice.

Key words: Juvenile justice system, Turkey, juvenile delinquency, reformatory, convicted children.

Türkiye'de Çocuk Adalet Sistemi ve Eğitimevlerindeki Çocuklar

Özet: Bu çalışmanın amacı çocuk adalet sistemini gözden geçirmek ve bu sistemin işleyiş ve ilkelerinin hükümlü çocukların yaşamlarını iyileştirmeye olan katkılarını tartışmaktır. Çocuk adalet sisteminin bugünkü durumuyla ilgili literatür taramasıyla bağlantılı olarak Türkiye'deki eğitimevlerinde bulunan 120 hükümlü çocuk arasında aile karakteristikleri, eğitim ve çalışma durumu, bağımlılık yaratan madde kullanımı ve sorgulama ve yargılama süreçleri ile ilgili bir anket çalışması yapılmıştır. Araştırma sonuçları çocuk haklarının kanunlar tarafından koruma altına alınmış olmasına karşın soruşturma, tutukluluk, çocuk mahkemelerinin yapısı ve ceza infaz kurumlarıyla ilgili birçok problem bulunduğunu göstermektedir. Diğer bir sonuç, ceza adalet sisteminin işleyişinde aile, eğitim ve çalışma, madde kullanımı gibi alanlarda önleyici politikalar oluşturularak çocukların yaşam koşullarının iyileştirilmesi noktasındaki yetersizlikler nedeniyle onarıcı adalet ilkesinin hayata geçirilemediği yönündedir.

Anahtar kelimeler: Çocuk adalet sistemi, Türkiye, çocuk suçluluğu, eğitimevi, hükümlü çocuklar.

Introduction

In Turkey there have been several measures taken for the protection of children's rights since 1990s in the justice system such as constitution of the Child Protection Law, children's police units, juvenile courts and probation system. The legal regulations which have been in effect since then indicate great

progress for the rights of children who have been involved in the justice system. The main aim of these regulations is to distinguish the justice system for people under eighteen from the justice system for adults. The underlying idea of this aim is that the justice system for children must be reparative and rehabilitative. Children that have been involved in crime are generally the victims of conditions such as deprivation, poverty, neglect, abuse, addiction, etc. If these conditions can be improved, it is more likely that children can be reintegrated into society.

The formation of the juvenile justice system in Turkey since the 1990s is consistent with the rise of the restorative justice in the world in general. “In the 1990s, many states began experimenting with forms of restorative justice as a means of re-introducing a greater emphasis on rehabilitation while still holding young people accountable for their actions” (Munchie, 2005, p. 36). Although this form of restorative justice has shifted through a liberal justice policy, which is based less on social inclusion of the juvenile delinquents, as Munchie (2005, p. 36) argues, the Turkish justice system has been based on this form since the late 1990s. This can be considered to be in favor of the juveniles involved in the juvenile justice system because research has shown that restorative forms of juvenile justice are effective for diminishing the likelihood of juvenile recidivism (Rodriguez, 2007; Bonta et al. 2006, p. 115; Rodriguez, 2005; Bradshaw and Roseborough, 2005). However, Turkey is a delayed follower of the global trends in the justice system. Thus, despite the recent developments of the restorative nature of the juvenile justice system, there remain significant defects in this system in practice.

The main aim of this article is to discern the problematic issues in Turkey’s juvenile justice system and to suggest solutions for these issues. In the first section, there is a review of the regulations made since the 1990s in the juvenile justice system and the contradictions of the juvenile justice system in practice are analyzed. In the third section the results of the questionnaire are presented. In the conclusion, measures to be taken in order to enhance the juvenile justice system in the restorative justice perspective are recommended.

Method

In the first section literature on juvenile justice policy is reviewed. Based on the practice and malpractice indicated in the literature a questionnaire was developed with the aim of exploring the problems sentenced children encounter in the legal process. Thus, this study has a descriptive method. Surveys were conducted by face to face contacts with children in reformatory facilities in 2010-2011. Results were analyzed by qualitative techniques; frequency tables were created to evaluate the extensiveness and seriousness of the problems children encounter in the justice system.

Questionnaire: A brief self-report questionnaire was conducted face to face among 120 children incarcerated in reformatory institutions. The questionnaire included questions on the children's life challenges before imprisonment (such as drug abuse, working and living on the streets), type of the crimes committed, types of the courts that they were prosecuted, whether a report on children's social, environmental and psychological conditions was made in the court, the length of the detention period, and whether they had a plan for future. These questions aimed to reveal the most mentioned problems regarding juvenile justice policy in Turkey i.e. the prisonization of the children, long detention periods in prisons which are defined inappropriate for the juveniles, the structural and qualification deficiencies of juvenile courts and the lack of consideration of social reports on children's situations.

Population and the Sample: 120 children in reformatory institutions in Turkey were chosen by purposive sampling technique. There are three reformatory centers in Turkey; in Ankara, İzmir and Elazığ. These cities are in the middle, west and east regions of Turkey in turn. Forty one children participated in the study in Ankara Reformatory Center. The number of children participated in the study was 48 in İzmir and 31 in Elazığ. This number includes all of the children who were kept in reformatory centers and volunteered to participate in the study. Ten children in total were not available for various reasons (one of them rejected to participate, three were in an aggressive mode due to drug addiction and six run away and was away at the time of research). Thus, children participated in this study constitutes the whole population of children in the reformatory centers in Turkey in 2010-2011 period.

Limitations: The initial aim of the study was to make an overall evaluation of the rights of all convicted children in the justice system. However, due to limited allowance of the Ministry of Justice for this research, survey could only be conducted among children in reformatories, and children in child prisons and adult prisons could not be included in the study.

Juvenile Justice System in Turkey

Reforms of the Turkish juvenile justice system began with Turkey's acceptance of the The Global Convention on the Rights of the Children. By adhering to this convention, Turkey has accepted a separate justice system for children with separate law, courts, probation and criminal justice system and social services agencies. Below, the duties and activities of these systems are examined.

Ten years after the 1995 Convention on the Rights of the Children in Turkey, with the Child Protection Law entering into force in 2005, there are many reforms on children's rights in Turkey. However, since 2005, misapplications of these regulations have been causing inefficacy in protecting children's rights. There are still many significant problems and irregularities, which are discussed

in the following section, occurring in the Turkish juvenile justice system often indicated by NGOs, government units and academic reviews.

a. Investigation Process and Law Enforcement Units

The One of the most important problems in the law enforcement process is that not all police stations have children's police units; thus, some of the children taken to a police station encounter officials who do not have the proper background and training for treatment to children in prosecution. A second one is that according to the Child Protection Law, children must be questioned in convenient settings in which there are only limited people that are officially related to the prosecution. It is stressed that most of the time children cannot be provided with convenient settings; most of the time, children are questioned more than once, during the questioning, people not officially related to the case are present (Gündem Çocuk, 2008). Cavdar's research based on the interviews with the 21 children in custody reveals that the children were not informed about prosecution (who will question them, what the possible results of the questioning are, how long it will last etc.) and are anxious about being questioned over again (Çavdar, 2006, p. 25).

According to the results of research conducted by Akdam in 2006 that was conducted with 2,930 children's police officers in Ankara, Istanbul, Gaziantep and Adana, officers perceive that the Child Protection Law and legal regulations for children's police to be inadequate for protecting children's rights (Akdam, 2006). Thirty seven percent of the participants did not agree with the statement "the children's police department meets the requirements"; 34.8% stated undecided. Similarly, 47% did not agree with the statement "the structure of the children's police branch office meets the requirements". Forty nine per cent of the participants thought legal regulations and practice contradict each other while 26.9% were undecided. Seventy five per cent of the participants did not agree with the statement "children's police is able to take initiative in favor of not legally proceeding the petty crimes." In other words, a considerable proportion of the police officers cannot take initiative to solve crime without further legal procedures. Forty six per cent of the officers did not agree with the statement "the police is able to work together with social worker" (Akdam, 2006, pp. 60-61). These results indicate that the children's police department does not have sufficient authority to secure children's rights in the justice system.

b. Prosecution Process

In 2008, 6.42% of the total number of the accused persons prosecuted in Turkish criminal courts were children 12 to 17 years old (TURKSTAT, 2008). In accordance with the regulations of the Child Protection Law Article 36, 6,974 children were sentenced to probation in 2011 (İçli, 2009, p. 40; Department of Probation and Help, 2011).

According to a 2009 UNICEF report, 75% of children in prisons and juvenile prisons were children who were awaiting trial (UNICEF 2009-B). The average duration of a trial is 414 days for juvenile courts and 502 days for high criminal courts (Republic of Turkey, Ministry of Justice, 2010, p. 55). To make a comparison, in the US state of Washington, the duration of trial is a maximum of 60 days. This falls to 30 days if the child is under arrest (Washington Courts, 2003, pp. 3-4). The length of trial in Turkey is a great disadvantage for children in that children are kept away from their families, education and their social life. More important, the longer the trial is, the more likely it is that the juvenile is labeled as a criminal and be excluded by the community.

A major problem in the prosecution process is that juvenile courts in Turkey are insufficient both in number and in quality. According to the law, juvenile courts must be established in every city (Doğan, 2003, p. 7). However, the total number of juvenile courts were only 11 in 2003 and 71 (59 of them are juvenile courts and 12 of them are juvenile high criminal courts) in 2010. In addition, some of the juvenile high criminal courts was closed by 2009, decreasing to seven (Prime Ministry Human Rights Presidency, 2009). There are juvenile courts only in Ankara, İstanbul, İzmir and Trabzon today (Ulugtekin and Baykara-Acar, 2011, p. 201).

Because juvenile courts were not established in every city in Turkey, some of the children are prosecuted in adult courts. According to UNICEF's (2007-A) Turkey report, in 2007, more than half of the accused children were prosecuted in adult courts (UNICEF 2009-B).

The absence of juvenile courts in some cities and other courts not having special units for children causes serious problems. Furthermore, in juvenile courts a limited number of social workers, experts, and supervisors, as well as lack of supervision mechanisms are subject to criticism for weakening the juvenile justice system (UNICEF 2009-B). Because juvenile courts are limited, the cases accumulate and the justice system slows down. This problem is stressed in European Commission Progress Report of the Prime Ministry's Human Rights Presidency. The dearth of children's prosecutors, children's psychological examinations being skipped, and insufficient numbers of experts employed for this examination are cited as basic problems (of the Turkish justice system Prime Ministry's Human Rights Presidency, 2009, p. 16).

Negligence on preparation and consideration of social examination reports in accordance with the law is also a problem. Experts' inappropriate training for preparing reports is another point. In the law, there is no regulation for who can be employed as social worker; thus, people graduated from universities' pedagogic departments can be employed as social workers. In the Turkish Ministry of Justice strategic plan 2010-2014, it is indicated that the definition of the social worker must be clearly stated (Republic of Turkey, Ministry of Justice, 2009, p. 75). Second, social workers do not have the resources to visit the child's home, family and school. Third, the Court of Appeals does not have enough officers for supervising children's cases (Gündem Çocuk, 2008).

Furthermore, the reports based on these examinations can present very limited information on children's life conditions. In the Search Report on the Application of the Child Protection Law, it is indicated that social workers do not visit children's homes and do not make interviews with family member of children. Most of the time, these reports are based on fifteen minute interviews with (Istanbul Bar, 2007, p. 28).

Another failure of the juvenile courts is that judges do not have knowledge on the Child Protection Law and are negligent in applying the law: Often it is the situation that judges do not have sufficient knowledge of the Child Protection Law and the Convention on the Rights of the Children in detail, do not follow NGOs activities on this issue, determine the cases without any efforts to further understand the child's situation, do not even once visit the child at home, and do not have any idea about temporary injunction (Kolbükten, 2010, p. 47).

c. Execution of the Sentence

While there were 120 accused children in penal institutions in 2010, this number has risen to 211 in 2011. In January 2011, 6,829 children were sentenced to probation. Twenty-three of these sentences are probation sentences after release from detention.

As indicated in the UNICEF report (2009-B), reformatories for children are inadequate in number and quality. Currently, there are three reformatories in Ankara, Izmir and Elazığ. In 2010, only 135 of the 2622 children in the penal institutions were in reformatories (Grand National Assembly of Turkey, Human Rights Commission, 2010). Others have been sent to the prisons. The lack of capacity causes the duality of punishment execution. Some of the children are sent to reformatories, while others are sent to children's prisons, which have harsh conditions with regards to reformatories.

The Human Rights Commission of the Grand National Assembly of Turkey established a subcommittee for investigating rights of the children in penal institutions in 2009. The results of the examinations are as such: Children are

affected negatively by the long lasting appellate procedure. In the Adana-Pozantı prison, children and adults are housed together. Because of the extensive work load of the prison personnel, sometimes children's ages cannot be assessed correctly (because of the late identity registration, some of the children are recorded as being younger than they had been); thus, in the children's prisons, there may be persons older than eighteen. In addition, because there is not a camera system in the corridors and dorms are crowded, younger children sometimes are harmed by older children (Grand National Assembly of Turkey, Human Rights Commission, 2010). Furthermore, some of the prisons and reformatories are short of expert personnel. In this report, three prisons in Adana, Izmir and Kayseri were recommended by the authorities to be closed because of the poor conditions.

The report states that only sentenced children can be sent to reformatories; children under arrest are kept in separate places for children in adults' prisons. In the report the effects of this discrimination is described as follows (Grand National Assembly of Turkey, Human Rights Commission, 2010):

Especially children who were involved in crime for the first time and who can be easily influenced by other criminals in penal institutions are in contact with convicted criminals in prison. In addition, in prisons, programs to develop children's educational and/or occupational skills are inadequate. Children are treated in the same way as adults. In these institutions there are no rehabilitation programs for the adaptation of the children into society except of the programs aimed at adults. (...) These children in the institutions are deprived of professional treatment and support.

Çavdar's study (2006, p. 26) reveals that most of the children in penal institutions are exposed to violence, involved in fights and exposed to sexual and physical violence. In the last two years, some measures have been taken such as installing camera systems and reducing the number of children in the dorms to prevent violence among children in penal institutions. However, these measures have not been implemented in all of the institutions at the same time; in some institutions, there is not even a single one of these measures has been taken.

UNICEF's report on the Situation of Children and Women (2010, p. 4), underscores that there is no independent mechanism for monitoring children's rights. It is remarked that the Children's Rights Watch Committee established in 2008 cannot function as an independent organization, because it is a governmental organization. Thus, the situation of the children in penal institutions can only be known by this committee and a few NGOs such as Youth Re-autonomy Foundation. However, coordination still cannot be maintained within and between these organizations. Most of the time penal

institutions are not supervised by NGOs. Thus, children released from a penal institution are not directed by social workers in these institutions to and thus do not apply to get help from NGOs working on this area. Furthermore, NGOs working on this area lack in resources and are not well organized; thus, they do not meet the released children's expectations such as guidance for employment, rehabilitation, access to social services.

d. After Execution of the Sentence

Children who are released from a penal institution face many problems later on. Many of them have exactly the same troubles they faced before the punishment due to poverty, unemployment, substance abuse and gang membership. There are not any institutions for monitoring children and preventing the risk of recidivism. Compounding the problem, information is limited about these children, because there are no organizations working on the rehabilitation process or monitoring children after execution of the sentence.

Protection commissions are responsible for ensuring that children continue their education. According to a by-law of the Turkish Ministry of National Education, children who do not attend school for two semesters are dismissed from school. Children in penal institutions can be exempt from this rule with the legal excuse of their detention period. Nevertheless, this regulation is neglected most of the time according to Human Rights Commission of the Grand National Assembly of Turkey. Moreover, there is no preparatory program for them to attend school later on (Grand National Assembly of Turkey, Human Rights Commission, 2010).

In Çavdar's research, most of the children reported that they were going to work after release instead of completing their education. The main reason for this decision is that children thought they were going to be excluded by teachers and other students in school because of their criminal status (Çavdar, 2006, pp. 35-36). Imprisonment prevents children's development and is regressive in that imprisonment leads to children being labeled as "criminals".

One of the major problems of the protection commissions is the absence of a standard database about children undergoing the criminal justice process. Existing statistics were found insufficient to help devise a policy for these children (Istanbul Bar, 2007, p. 10).

Results

Demographic Information: Children in reformatory centers are between the ages of 14 and 19. Since children under the age of 13 are not imprisoned according to the law, the minimum age is 13 for prison sentence. Persons older than 18 years have a right to serve the sentence in reformatory if they continue their education. There are three persons at the age of 19 and in reformatory

centers, people are not separated by their age; they stay together at the wards for six. The mean age is 17.18. Most of the children are at the age of 17 (49.2%) and 18 (35%).

Only ten of the children in the centers are female. Most of the female children are between the ages of 17 and 18. Only two are younger.

Most of the children live in an urban area (76.7%). Town (17.5%) and rural area (5,8%) follow this. Children living together with both parents are 58.3%. The other 41,7 live together with the mother (25%), with the father (2.5%), with other relatives (5%) or with friends, on their own etc.

Although most of the children lived together with both parents before committing crime; they ran away and spent one or more nights on the streets for some reasons. Of the children 65.8 spent at least one night on the streets. Of the children who ran away 45,6% indicated family pressure and violence as the reason. Others give the reason of peer influence (36.7%), substance addiction (15.2) and other reasons (2.6%).

The total time that children spent on the streets varies between a couple of nights and more than a year. Most of the children (40.5%) lived on the streets for less than a month; 36.7 lived on the streets from one month up to one year. Children who lived on the streets more than one year is 22.8%.

Family Life: As can be seen from Table 1, children lived together with both parents before confinement are 58.3%. Twenty five percent lived with the mother and only 2.5% were with the father. Five percent lived together with other relatives such as siblings of the father or the mother and other 11 children (9.2%) reported that they lived on the streets and/or together with the friends most of the time. Broken family is common among the children’s families (41.7%).

Table 1. Whom She/he Lived Together With Before Confinement

	Number of Children	Percent
Both Parents	70	58.3
Mother	30	25.0
Father	3	2.5
Other Relatives	6	5.0
Other	11	9.2
Total	120	100.0

Physical violence against children is very common in the family (see Table 2). Most of the children are the victims of family violence (82.5%). As to who commits violence, it is usually one of the parents (76.3%); older siblings follow this (22.7%), finally partner violence comes (1%).

Table 2. Who Commits Domestic Violence Against Her/Him?

	Number of Children	Percent	Valid Percent
Parents	74	61.7	76.3
Elder Siblings	22	18.3	22.7
Partner	1	.8	1.0
Total	97	80.8	100
No violence	23	19.2	
Total	120	100	

Only two children's monthly family income is above the absolute poverty line. Considering this, together with the family type and the fact that approximately every one out of two children have more than three siblings; children avowably are living in a serious deprivation. This deprivation leads children working on daily or weekly wages at an early age on hard conditions. Children usually drop out of school for these reasons. Most of the children drop out before committing crime (92.5%).

Table 3 shows the number of family members and relatives with criminal records. Criminality rate among family and relatives is considerably high; 88 of 120 children had at least one family member or relative with a criminal record (73.3%). Children that have one to three family member(s) or close relative(s) that has/have been arrested at least once is 63.3%. Having more than three criminal family members or relatives is 10%. There are six, seven, and even eight criminal members in some family circles. However, most of the children have one (40.8%) or two (19.2%) relatives with criminal records. There are 21 persons committing murder, and 32 other violent crimes in total among family circles. Theft (16 persons in total), drug related crimes (16), robbery (12), sexual crimes (11) and membership of an illegal organization (10) are other most common crimes among family members and close relatives.

Table 3. Number of Family Members and Relatives with Criminal Records

	Frequency	Percent	Cumulative Percent
No family members or relatives	32	26.7	26.7
1 person	49	40.8	67.5
2 persons	23	19.2	86.7
3 persons	4	3.3	90
4 persons	7	5.8	95.8
5 persons	2	1.7	97.5
6 persons	1	.8	98.3
7 persons	1	.8	99.2
8 persons	1	.8	100
Total	120	100	

Education and Work Experiences: Most of the children reported dropping out of school before confinement (92.5%). Of the children 51.7% also reported that if they have a chance they want to continue their education after the correction. Two of the children from Elazığ Reformatory Center reported to have higher education but they do not have a chance to prepare for the university entrance examination in the center.

Almost all of the children have a working experience (80%). Similarly, children who dropped out of school have a high rate (92.5%). This may be related to the fact that harsh working conditions are obstacles for educational attainment; only a small proportion could both attend school and work at the same time. The children also have high rates of truancy (81.2% more than three times) and having disciplinary punishment from school (41.6% at least once).

Almost half of the children (51%) worked full time at the constructions, factories, and workshops (see Table 4). Others worked full time as apprentices at the restaurants, barber shops and so on. The rest reported working on the streets (1.7%) and other jobs (1.7%). There are only two children who worked on the streets as a street hawker. This indicates that working on the streets is not a long standing job for children even when most of them have an experience of spending the night out and living on the streets is familiar to them. Children usually start by unqualified jobs such as selling tissues on the streets and beggary and as they grow up they get more qualified jobs such as car mechanic’s helper. The type of work that was done for the longest time thus partly depends on the age of the child.

Table 4. Type of Work

	Number of Children	Percent	Valid Percent
Service work at restaurants, barbershops, etc.	43	35.8	44.8
Labour at buildings, workshops, factories	49	40.8	51.0
Street work	2	1.7	2.1
Other	2	1.7	2.1
Total	96	80.0	100
No working experience	24	20.0	
General Total	120	100	

The average of a child’s working period is 1.5 years. Most of the children worked three to four years (30.2%). A large proportion of the children worked for less than a year (24%). Children worked for two to three years are at the rate of 20.8%. A third group of children worked for one to two years (18.8%). The rate of the children who worked for more than four years is 6.3% (see Table 5).

Table 5. Years of Working Experience

	Number of Children	Percent	Valid Percent	Cumulative Percent
Less than 1 year	23	19.2	24	24
1-2 years	18	15.0	18.8	42.7
2-3 years	20	16.7	20.8	63.5
3-4 years	29	24.2	30.2	93.8
4-5 years	4	3.3	4.2	97.9
5-6 years	2	1.7	2.1	100
Total	96	80.0	100	
No working experience	24	20.0		
General Total	120	100		

Most of the children reported that they worked to afford their own expenditures (62.5%). Others worked to provide support to their family (37.5). Almost half of the children started working by their parents’ help (43.8%).

Substance Abuse: Substance abuse is very common. Children use several kinds of legal and illegal substances. Volatile substances such as paint thinner and glue as well as ecstasy, cannabis, cocaine, heroin are easy to access. Children

who used one of these substances more than three times is 44.2%. Other 10.8% reported using them a few times but they were not addicted. Thus, substance addiction is frequent, and the access to addictive substances is not difficult. This is supported by the results that 60% of the children also had friends who used substance more than three times and 38.4% of them had friend who dealt drugs at least once.

Crime: Only children who commit serious and repeated crimes are put in reformatory centers. Most of the children have several criminal records. Most of these crimes are against property such as robbery (see Table 6). The last crimes children commit and cause incarceration is robbery (45.8), murder or attempted murder (19.2%), theft (18.3%), sexual crimes (8.3%), drug dealing (5%), and battery (3.3%). While the most frequent type of crime is robbery among males and murder is in third place among six crime categories; murder is the most frequent type of crime among females. Five of the ten female children reported murder. Among them, one murdered her father because of his violence against family members. One killed her uncle who attempted sexually harrasing her, other three killed their boyfriends for their violence and threatening. As to other female offenders, three sentenced for theft, one for robbery and one for drug dealing.

Table 6. Type of Crimes Committed by the Children

	Number of Children	Percent	Valid Percent
Theft	22	18.3	18.3
Robbery	55	45.8	45.8
Battery	4	3.3	3.3
Homicide/attempted homicide	23	19.2	19.2
Drug related crimes	6	5	5
Sexual crimes	10	8.3	8.3
Total	120	100	100

Of the children, 65.8% had a accomplice at their last crime. The accomplice is usually a peer from the neighborhood (82.5%), a family member (7.5%), a relative nearly at the same age (6.3%), spouse or partner (2.5%) or someone else (1.3%).

Proceeding and Punishment Execution: Only 12.5% of the children have been charged in juvenile courts. There are more children who have been charged in the juvenile high criminal courts (28.3%), and most of the children have been charged in criminal courts (50.8%). Ten children reported that they did not know the court type that they have been charged.

The rate of the children reported that a social report was made by the court experts is 25%. As well as in juvenile courts, in juvenile high criminal courts a social report is made about children, too.

Before entering a reformatory center, children are usually kept in prison. The time spent in prison varies between 0 to 48 months. Ten children were sent directly to a reformatory center because of the cancellation of the stay of the execution due to committing crime again (8.3%). The number of the children who stayed in prison for one to 6 months is 41 (34.2%); this is the largest group in the sample. The number of children who stayed in prison for 19 to 24 months is 27 (22.5), this is the second largest group; and children who stayed in prison for 25 to 30 months follows it with 16 persons (13.3%) (see Table 7). Usually the time that children kept in prison exceeds one year due to the long prosecution process.

Table 7. Total Time Children Had Been Kept in Prison before Going into Reformatory Centers

	Number of Children	Percent	Valid Percent	Cumulative Percent
0-6 months	41	34.2	34.2	34.2
7-12 months	10	8.3	8.3	42.5
13-18 months	11	9.2	9.2	51.7
19-24 months	27	22.5	22.5	74.2
25-30 months	16	13.3	13.3	87.5
31-36 months	11	9.2	9.2	96.7
37-42 months	2	1.7	1.7	98.3
43-48 months	2	1.7	1.7	100
Total	120	100	100	

There are remarkable results about the time that children kept in reformatory centers when compared with the time they kept in prisons. The average time that children have spent in reformatory centers is 6.8 months. Most of the children had been there for no longer than one year (86.7%). There were 16 children that have been there for one to four years.

Discussion

The family structure, family criminality, living on the streets, working experiences, education and substance addiction overall indicate that children were pushed into crime at least partly under the poor living conditions.

The reparative perspective on juvenile justice has a sound legal basis in Turkey since the 2000s. The principle of this justice perspective is to regenerate these

conditions in order to prevent children committing crime. Thus, the justice system ought to focus on the family, education, substance use, working and living on the street contexts as well as how to protect their welfare within justice system. The reason underlying of the whole juvenile justice system is directly related to an overall amelioration of children's life standards.

However, this basis has been weakened by many failures in practice: First, by the system's insensitivity towards children's living conditions and second, by the incompatibility of the practice with the law. Regarding the first problem, results of the study clearly shows that children have serious problems related to the family, the school, substance use and working.

As literature indicates, broken family may be a reason of children's inclination to delinquency. Having too many siblings and low family income as well as broken family structure is common among the children. These all leads to deprivation and low life quality and thus may have a serious effect on children's high rates of crimes against property such as robbery and theft. According to Article 27, government agencies are obliged to protect the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. However, there are not concrete measures taken in this direction.

Substance use and abuse, together with lack of education, working and living on the streets gives an idea about the life style of the children. Most of the children have drug addiction, a part of them left school due to addiction; some of them committed crimes such as robbery to afford drugs. Some children get addicted especially to volatile substances while they work at factories and workshops.

The relationship between attending school and working is much clearer. The deprivation, family pressure, and partly money need for drugs compel children to work in harsh conditions. Work relations as well as type of the work can be consuming for children. Children who work as an apprentice in the service sector are often subjected to physical and verbal violence of their chiefs (Erbay, 2008).

As per Article 32 of the Convention on the Rights of the Children authorities are responsible for protecting children from economic exploitation, dangerous and harmful work for their health and development. However, there is not a effective monitoring system for working children. A considerable part of children work informally. This makes monitoring more difficult.

Children who run away from home and live on the streets drop out of school. Children frequently run away from home similarly do not regularly attend school and this probably leads to dropping out of school, too. Of the children 41% used drugs, spent the night on the streets, did not attend the school and

have a working experience. This shows the pattern when considered together with the financial difficulties. When thought together with pressure and poverty; this pattern can help developing a strategy against child delinquency. This strategy ought to compass the supervision of working conditions of children. Absenteeism can be considered as a significant indicator of inclination of both child victimization and delinquency.

The highest crime type is not against property among females, on the other hand. Half of the female offenders murdered a familiar male who commit physical or sexual violence against them to defend themselves. This follows partly a different pattern due to the socio-cultural pressure of women.

Research literature indicates the learning mechanisms have a serious effect on delinquency. Children are influenced from significant others, and family and close relatives are one of the most important sources of learning. Having criminal family members or close relatives' this influence is also indicated by the results. Many of the children have at least one criminal family member. This number which rise to eight also indicates that crime is a family business. According to the result that children's accomplices are largely peers from the same living area, neighborhood seems to be another important factor in delinquency. The influence of family, peers and neighborhood manifests the importance of a total approach towards children involved in crime. On particular, the fact that release children to the same social settings after return underscores the importance of a monitoring mechanism.

The lack of a monitoring mechanism for children released from penal institutions is a problem especially for specialists working on the reformation of the juvenile justice system. This mechanism would be more functional if it is developed by NGOs to help children adapt to outside world. This mechanism must be independent to prevent children from being labeled as criminals and being excluded from society.

Thus reparative and rehabilitative approaches are still not as effective as they can be. The most important reason for this ineffectiveness is that the reparative principle is not valid (taken into account) until the jurisdiction. In the investigation and prosecution processes, children can be treated badly by the police and can be confined in inappropriate conditions such as prisons. Some of the children are treated well by the children's police. However, many others are caught by other police officers and in this process, can be insulted and beaten. Also, children kept under detention with crime suspect are kept in prisons for very long periods from several months to two years. This has negative outcomes for children: When compared to reformatories, prisons have many disadvantages for children. For example, while children in reformatories can work outside and visit family every year, working outside and on leave for

family visits are prohibited in prisons. Furthermore, children sometimes stay together with the adult criminals in closed prisons. First, adults can harm children; second, juveniles in prison are at risk of being put through the “prisonization” process, which inhibits reintegration into society later in a long term. However, children are kept in prison much longer than in reformatories. Children stay in prison almost seventeen months while stay in reformatory centers no longer than seven months on average. This causes a serious problem of prisonization as indicated in the related literature (Clemmer, 1940; Zingraff, 1975; Kuanliang, Sorensen and Cunningham, 2008). A part of the children in reformatory centers get time off for good behavior. On the other hand, most of the children are sent back to prison due to misconduct such as smoking, drug use, running away from the center, getting involved in a fight. This explains to a great extent why the time spent in reformatories is considerably short. Thus, children usually serve their sentence mostly in prison. Prisonization becomes a serious problem at this point.

The three children that were unavailable because of their aggression due to substance withdrawal show the importance of a special treatment for addicted children in a separate social services unit. Otherwise violence in reformatory centers is a serious risk.

In conclusion, while the juvenile justice system is reparative in principle, for children kept in detention with crime suspects, there is an unintended retributive principle in effect. To correct this, measures to be taken are as such: The pedagogical approach must be actualized. For this purpose, social workers and experts working in children’s police units and juvenile courts must be provided by both resources to conduct investigations of children’s social environments (socio-economical status, family life, school success, etc.). In addition, jobs of social workers and experts must be clarified in the law for them to have authority to intervene in the prosecution with the reports they prepared. Third, children’s police must be more actively involved in protecting children under investigation and in detention.

In the Joint Platform for the Human Rights report (Atilgan and Atilgan, 2009, p. 75), as a solution of the problems mentioned above, it is recommended that children’s crimes be considered from the children’s perspective instead of an adult-centered justice model. From this perspective, crimes that children commit can be evaluated through the “antisocialiata” (behaviors harmful for the society and social life) principle instead of the legal definitions of crimes. A model in which juvenile suspects do not become the object of law enforcement officers and are excused from criminal justice procedures but are subject to rehabilitative practices is recommended. Such a model is essential for strengthening the reparative character of the juvenile justice system in Turkey.

In Turkey, there are no NGOs actively monitoring children's rights in the juvenile justice system. However, NGOs' monitoring based on prison visits, interviews with the children, criminal justice personnel is crucial especially for the enhancement of detailed children's quality of life.

Another important point is that the aim of the juvenile justice system should not only be reintegrating former convicted children but also determining the risk factors for juvenile delinquency and developing a protective policy on delinquency. In this respect, a national database including data on socioeconomic characteristics, social problems, victimization and deviance experiences of the children in Turkey must be created. This would be the first step for understanding and intervening children's social problems that lead children into committing crime.

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