

# THE PREVENTION AND TREATMENT OF JUVENILE DELINQUENCY IN TURKEY

by a

TURKISH WORKING GROUP

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F O R W A R D

In a letter written by the Division of Social Activities of the United Nations on 30th of June 1948 they applied us, with the hope that we would help them at their works about the prevention of delinquency and the treatment of offenders. For this purpose they sent the list of some subjects which were worth of studying together with the reports certified by the Social Commission. I replied that I should be very happy if I could be useful in fixing the most convenient treatments of offenders.

With the letter of August 5, 1948 sent by the Chief of Social Defense Section we were informed that they were expecting with an intense desire for our collaboration. At the same letter it was stated that the Division of Social Activities was preparing reports on the following two subjects: "the prevention of juvenile delinquency and the treatments of juvenile delinquents", "Probation". It was also added that working groups which were formed by specialists of several countries have begun to study the two subjects under the light of the needs and experiences of their own countries and with a view to present them to the Division of Social Activities. Thus we were asked if it was possible to set up for this purpose one or two working groups in our contry, we were, also, asked to send them a list of the specialists who were to be called to work in these groups.

On this request, the members of the Criminal Law Chair of Law Faculty of Istanbul together with some colleagues of the Faculties of Istanbul and Ankara decided, to cooperate with the Division of Social Activities of the United Nations. It was also decided that we would concern, only with the first subject, namely "the prevention of juvenile delinquency and the treatment of juvenile delinquents", since in our country "Probation" was not yet in practice, and to propose to the specialists who would be considered convenient to be received to the National Working Group.

After National Working Group having been formed this way, the situation has been written to the Direction of Division of Social Activities of the United Nations, and the names and adresses of the persons who accepted to cooperate has been reported.

The Direction stated its gladness and with the intention to give an idea and knowledge about the main lines and the method which was followed at works concerning the prevention of juvenile delinquency, has sent a summary, showing the main lines of the report that was written by American working group. And it has been proposed that I should accept the presidency of Turkish working group.

For securing our group to work in a determined, basic and methodical program, it has been considered that, first of all, it

was necessary to make a plan containing various aspects of the subject and main lines of Turkish Report on the prevention of juvenile delinquency and the treatment of juvenile delinquents.

The first plan which was made with a profound knowledge and utmost care of Professor Dr. Sulhi Dönmezer member of the working group, has taken its final shape, after having been examined by the sub committee which was consisted by the members of the Institute of Criminology. This plan has been presented to the members of the working group, who have accepted to collaborate in this matter and asked them to inform us if they had some considerations about the plan and the topics presented. They have also been asked to indicate the subjects which they were willing to choose to report.

Other than the members of our Institute, only Ord. Prof. Dr. Fahrettin Kerim Gökay, Prof. Ziyaeddin Fahri Fındıkoğlu, Mümtaz Turhan Ass. Prof. of Pedagogy at the Faculty of Letters and Nebahat Karaorman instructor and specialist in pedagogy, have been kind enough to make a report about the subjects they have chosen in the plan. For this reason, it has been necessary for the members of the Institute of Criminology — namely for Prof. Dr. Sulhi Dönmezer, Ass.-Prof. Dr. Nurullah Kunter, Ass.-Prof. Dr. Naci Şensoy and Ass.-Prof. Dr. Sahir Erman — to write partial reports about other subjects which formed the rest of the General Report.

We should add that the results of the research on juvenile delinquency made previously by our Institute have been very useful in preparing the above mentioned partial reports. Though the classification and arrangements of the records of this research concerning 974 juvenile convicts is not yet finished -as it is possible to understand it by studying our report- there are some quite important and considerable information and elements to indicate some fairly precise conclusions at several parts of our report.

The partial reports that were gathered, after being revised by the above mentioned sub committee, have been classified according to the plan and compiled and summarized in conformity with the necessities and conditions ; and some necessary additions also have been made. The General Report which was arranged in this way, has been printed and sent to the persons who have colla-

borated, to write their considerations if they had ; so it has been presented to their approval.

This report, translated into english by Dr. Vakur Versan, has been sent, together with the turkish original copy, to the Direction of Division of Social Activities of the United Nations.

In a letter of april, 11th 1950 the Direction expressed a deep interest, and informed us that report was very valuable for the study of the problem in all aspects. In the same letter they have stated their thanks and appreciations for the collaboration which was shown.

I consider as a duty to thank again here to Prof. Dr. Sulhi Dönmezer for his valuable work at the correspondence with the Organisation of the United Nations and for the arrangement of the General Report and for the control of the above mentioned translation ; and to other friends for their very worthy assistance.

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of Istanbul, Director of Turkish Institute  
of Criminology.

## REPORT

### *Introduction*

The latest statistics about delinquency in Turkey dates 1942. The figures of this statistics indicate the annual increase of the young convicts. Although there are no new figures for the recent years it is very probable that it continued to increase during the war years. Nevertheless it has never been found in Turkey a rate of juvenile delinquency such as been found in the western world specially during the Second World War. The problem of Turkey on the subject of juvenile delinquency is the lack of application of modern conceptions achieved in legislation and in the institutions.

It is necessary to determine the causes and factors of juvenile delinquency by way of criminological research to realise and succeed a programme for prevention and repression. For it is very natural that all the efforts are bound to fail, if the aim is not certain and determined.

While putting forward this point of view our Committee did not assume the so called unitary conception which reduce to some certain and limited causes and solve the problem of juvenile delinquency. In fact it is known that traditional conception concerning the causes and factors of juvenile delinquency makes a distinction and divides them into two categories such as main causes and subordinate causes, putting, for example, family disturbances in the first category as a fundamental cause of juvenile delinquency. Our Committee is in the opinion that juvenile delinquency is related to the complexity of the whole social structure of the community, being sometimes the result of the organic and psychological disturbances and closely connected to the conditions which give shape to a society. There is no doubt that evolutions and deep cultural changes which has taken place in our country during the last twenty-five years made

effects on juvenile delinquency. It is indeed a well-known fact that number and nature of offences change according to different countries or even to different social groups. In the same way being a socio-pathological event juvenile delinquency reflects the general tendencies and conditions and also social and spiritual position of the society in which it occurred. For the factors and causes which effects juvenile delinquency being derived from the same origin are tightly related to the general inclinations and conditions of the society. Therefore the deep social and cultural changes occurred in a society will undoubtedly make influence on the general trends and conditions, and thus the causes and factors which create juvenile delinquency will not be able to keep away from them.

In fact a close examination of big social and cultural changes which have taken place in almost every part of the world, and especially since the beginning of the last century, indicates that fundamental changes in the conditions and tendencies of a society make a reaction on every aspect of social life. Thus there will certainly be some differences between the offences committed in a society where a fixed and stable order prevails and in a society where there is not yet a stable social structure, a general criterion for appreciation of values, no guiding control of traditions but contradictions existing between various classes and generations.

In a country where a radical change and revolution has just been completed, as there is not much to replace the disturbed ancient order, contradicting moral values, old traditions and despised customs, uncertainty, hesitation and indefiniteness appear in social relations. Changes in moral values, new habits, new tastes, new fashions, new methods of education shake the position of old generations which are the pillars of the society and make young people hostile disobedient to them. This weakens the prestige and authority of old generation and creates a sort of instability and restlessness in society. In a society of radical changes and revolutions, great differences will arise between the old and new ways of living. Moral judgments, tastes and habits may diametrically be opposed, an act which was formerly considered as an offence may be accepted permissible in a short lapse of time, a popular custom may become unpopular and a belief which was sacred yesterday may no longer be the same.

This, causes a struggle between the old and new generations, one defending the old conceptions and the other preaching the new way of life. Thus disobedience to the grown-ups becomes almost a duty. This shakes the prestige of the old generation which is essential for a society as a safeguard and pillar and deprives it from their services as a guide, administrator, educator and places them as opponent to new generation. If we add to this the biological and psychological factors of puberty age which create a sort of natural feeling of resistance against authority we may well be content to trace the fundamental causes of juvenile delinquency in societies of transition and evolution.

It is clear that it is impossible to apply without reservation the factors and causes of juvenile delinquency found in a well and long formed and stable society to other countries which are living or post-transitory and revolutionary periods.

If we consider the evolution which has taken place in Turkey during the last twenty-five years we can easily appreciate the importance of this explanation.

It must not be assumed from the above explanation that our committee is sceptical in determining the causes of juvenile delinquency in Turkey. Although it is accepted that juvenile delinquency is a complex subject closely related to the structure of the society it is evidently useful to try to find out social and other factors and also study their degree of influence.

Our Committee finds it necessary to sketch the outlines and give useful information on the characteristics of juvenile delinquency in Turkey, before submitting its point of view based on the realities of the country. It is for this reason that our report is divided into two parts.

## FIRST PART

### THE CAUSES AND FACTORS OF JUVENILE DELINQUENCY IN TURKEY

#### *1. — Offences committed by young delinquents in urban and rural areas :*

In Turkey children living in rural areas commit more offences than those living in towns and cities, which is in contrast to the position in Europe and America. According to the criminological research made in 1.7.1945 by the Turkish Institute of Criminology of the University of Istanbul, 62% of the young delinquents committed their offences in the rural areas and 36,5% in cities. Another inquiry made by the same Institute in 19.9.1946 on 974 young delinquents gave a similar result. (The documents concerning this inquiry are kept in the archives of the Institute).

The main reason of young delinquents committing their offences in rural areas is that Turkey is largely an agricultural country, most of the population being scattered in the villages, with no important industrial centers to attract the people and create a mass emigration between various regions.

Criminological research made in 1946 by the Turkish Institute of Criminology of the University of Istanbul indicates the kinds of offences committed in cities, towns and villages. Out of 974 young delinquents examined 754 committed their offences in rural areas (villages) and 220 in towns and cities.

Offences committed in towns and cities :

Offences committed against a person : 89

(Manslaughter, assault and battery threat)

Offences committed against property : 76

(Larceny, pillage, embezzlement)

Sexual offences : 48

(Rape, abduction, adultery)

Other offences : 7

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220



Same offences committed in rural areas :	
Offences committed against a person :	508
Offences committed against property :	63
Sexual offences :	172
Other offences	11
	<hr/> 754

This shows that offences committed against a person is 67.37% of the whole in rural areas and 40.45% in towns and cities.

The ratio of offences committed against property is 8.35% in rural areas and 34.45% in towns and cities.

Sexual offences is 22.81% in rural areas, 21.81% in towns and cities.

The real difference is seen in offences committed against a person and against property.

The increase of manslaughter in rural areas can thus be explained : Children live in towns under better civilised conditions ; they are under much better protection of law to pacify their temperament and to safeguard their rights ; young people living in villages are generally left by themselves specially when they are working in the fields and on the mountains. They have to rely only upon themselves and to their own weapons when they are attacked, and they usually do not hesitate to use them.

But the real difference is seen in offences committed against property : the ratio in rural areas is 8.35% and in towns 3.45%. This shows that the commitment of offences in towns and in villages is reflected mainly on this kind of offences.

## *II. — Common Causes of Juvenile Delinquency in Rural and Urban Areas :*

### a) Housing :

Houses consisting of a single chamber with bad hygienic conditions undoubtedly effect the health of the child, and also sexual intercourse of the parents and other similar behaviour in the same room makes the same reactions on the moral hygiene of the child. Inquiries made in Turkey have shown that a great proportion of young delinquents were living in the same room

together with their parents, sisters and brothers. It is our opinion that the housing conditions in villages is one of the main factors of juvenile delinquency in Turkey.

We think that it will not be a mistake to declare that housing difficulties and bad conditions of living which appeared after the Second World War may also be taken as another factor to indicate the trend of juvenile delinquency in our time.

b) Relations with the parents :

It is obvious that a sound family tradition and family control plays an essential part in the moral education and developments of moral judgments of the child. Among the cases to justify the maxim of "strong family strong society" the relation of the parents with the children occupies an important place.

We may use the words orderly, tidy and harmonious to qualify the word "sound" in the term of "strong family". Financial situation of the family also must be considered. It is rare to find young delinquents within the families which do not suffer economic and moral insufficiency. It is also permissible to think that these rare cases of delinquency found among the members of comparatively well-off families is the result of the desire of acquiring a high standard of living which is only found among the upper classes. We must also add to this the moral restraint and outlook of the young towns-man conscious of the wealth of his family and the way that wealth was acquired, and spent.

It is impossible for our young people not to suffer from the effects of the social, moral and legal changes which have taken place in Turkey during this transitional period. Considering the role of religious education as a moral guide of social judgments and therefore a necessity for the young people, it may be probable that the lack of this kind of education is among the factors of juvenile delinquency in Turkey.

c) Neighbourhood :

Imitation plays a very important part in child psychology, as it is seen in the collective psychology of primitive or semi-civilized societies. Like the "super degenerate type" found among intellectual upper and upper middle classes, the circle of young delin-

quents may constitute a danger for others by neighbourhood and imitation. It is an important fact that in some of our cities young people, under the influence of movies and detective novels, form small bands and gangs to imitate what they have seen or they have read. The negative effects of such dangerous neighbourhood may clearly be seen in such activities as desertion, exaping to foreign countries, constituting groups for stealing etc. The traditional and invisible controlling power of "parish honour" of old Istanbul has long been vanished and people living in flats are no longer interested with the affairs of their immediate neighbours. People inhabiting in great cities do not care about the sense of "Neighbourhood", which may still be found in small towns and villages. Children live in the cities free from the moral influence of neighbourhood and there are, also, no unions, no youth centers or organizations to unite them or create a sense of neighbourhood among themselves.

" School-family " unions of our educational system serve only in part to bring parents and teachers together.

d) The effects of friendship and complicity in juvenile delinquency :

Taking into consideration the way of commitment, one of the main characteristics of juvenile delinquency is complicity in committing an offence. As it is seen in the inquiries made in some of the European countries and in some states of the United States of America, in the results of similar inquiries made in this country, this fact appears as a characteristic of juvenile delinquency. Indeed, according to the inquiries made in the prisons of Istanbul and Üsküdar 38% of offences done by the young delinquents are committed by complicity. It must be added to it that these offences are not committed by gangs or bands as it is done in some other countries, but they are committed in a simple way as it is described in article 64 of the Turkish Criminal Code.

This qualification of juvenile delinquency must be considered natural ; for the commitment of an offence by more than one person instead of one, facilitates both the commitment of the act and also attainment of the object.

e) Economic situation :

Although economic situation of young delinquents or of the family to which they belong is not considered as an essential factor by some of the authors, many inquiries made in various countries to find criminological qualification of juvenile delinquency have shown that young delinquents are generally brought up under lowest economic conditions, and economic disturbances show a vital effect on juvenile delinquency.

We must point out that similar inquiries made in our country gave similar results. One of the main reasons to illustrate the economic disturbances and poverty of our young delinquents and their families is the work done by their parents. The results of the inquiries done in our country show that almost 50% of the parents of the young delinquents are unqualified workers. The number of the parents of young delinquents who are non-qualified workers and thus earning little money and unemployed are factors to illustrate sufficiently the economic situation of the families of young delinquents.

We must also mention that the economic disturbance of the family generally force the child to work for his living.

f) Educational situation :

Effects of the nonfulfilment of a general primary education : There is a very interesting situation in Turkey concerning general education of young offenders according to inquiries made about juvenile delinquency.

According to the results of one inquiry made about a group of young offenders 43,8% of the children questioned was found illiterate, and among those who could read and write only 12% was registered with a primary school education.

The primary importance of the school is that it occupies the time of the child, gives him a duty, that which we must concentrate our efforts on sending him to school in order to force him to abandon his vagrancy.

On the other hand it can generally be said that people who have reached to a certain intellectual standard can attain a way of living which is much more disciplined, much more appropriate to the necessities of social life than ignorant people, and they can

better keep the rules and orders established for the welfare of the society.

According to the Turkish Constitution primary education is general, obligatory and gratuitous. But because of many impossibilities this is not brought into application yet fully. Everything is made to realize the application of the obligation of primary education within ten years.

g) Organic and Psychological factors :

We did not think necessary to deal here with the organic and psychological factors of juvenile delinquency. For these factors are not altogether different from those found in other European countries. According to the inquiries made on this subject the offences made by abnormal children are larceny, vagrancy, homosexuality, gambling, assault, manslaughter, diffamation. It has been found that they suffer from oligophreny, organic psychopathy, schizophrenia and toximany. There is no reliable statistical information to show the kind of psychological disease which effect young delinquents.

III. — *Factors concerning juvenile delinquency in Urban areas :*

a) Effects of Industrialization : It is a well known fact that the growth of industry and specially during XIXth century attracted people to cities and industrial centers from rural areas. The working of young people in the industry and removing of the control of their parents who went out daily to work in factories were factors to increase juvenile delinquency.

Because of the growth of industry and other social and economic elements great towns and cities began to emerge creating a new system of living with apathy to relationship, and neighbourhood by the people living in houses and flats. The old conception of neighbourhood and relationship which served as a sort of social control lost its meaning. Thus the old Turkish saying of "Every sheep is hung from its own leg" became a social base of our present day life.

The most effective means of controlling and prevention for

juvenile delinquency is the disapproval of the activities of the young people by their relatives and their neighbours. For a long period of time without having any legal status, the parish played a very important role as a social unity, everything being under the social control of it. But specially after the First World War it has started to lose its importance. Nevertheless in some of the middle-size towns of Asia Minor and in some remote parts of Istanbul this social solidarity of old parish tradition may still be found even in our time. For this reason we may say that factors of young delinquency resulting of anonymous character of city life is not as effective in Turkey as in the western world.

*b) Child employment and the employment of children in Industry :*

This problem did not influence child delinquency in Turkey as it did in western Europe. The traditions of this country for centuries kept the young apprentices under the control of their masters, and thus created a sort of guild hierarchy. It must also be said that in Turkey children did never work in the heavy industry like in the European countries. The centuries old guild system of our country and its traditions began to disappear after the beginning of the XXth century and today they may be considered as a relic of the past. Today the relations between the masters and apprentices are no longer based on the old methods and the old craftsmanship began to disappear more or less.

In the big cities like Istanbul where the young people doing unqualified jobs such as selling news-papers, working as messengers, office boys, pages, porters the ratio of delinquency is higher than other places.

*c) The Nonexistence of Sufficiently close Cooperation between Home and School :*

It could not undoubtedly be said that nonexistence of sufficiently close cooperation between home and school is an essential factor to effect juvenile delinquency in Turkey. As it can be understood from the index we have stated above, the number of young people who could read and write among the delinquents is not very high.

It is true that there is no close cooperation between home

and school. The "School-Home Unions" established recently have for the time being concentrated their efforts on financial matters.

*d) The problem of "Besleme" Children :*

"Besleme" is a domestic servant brought up in a house from childhood, and this problem is still a subject of manifestation of an old and continuous custom peculiar to great cities. Indeed poor rural families still come to towns and give their daughters of seven to fifteen years of age to rich families as servants. According to the custom, the family taking the child acquires the responsibility of looking and bringing her up, and the child is under the obligation to work in the house. Thus the destiny and good fortune of the child is within the hands of the family to which she has been given. It is evidently very true that there are many families which looked after these children, brought them up, felt themselves responsible for their marriage, and helped them to establish their own homes. But there are also families which made them work under deplorable conditions, feeling no sense of human toleration for their smallest offences. There is no inquiry done in Turkey to illustrate the position of these children. But there are reasons to believe that some of these are converted to prostitution.

*e) Juvenile Vagrancy in Urban Areas :*

Juvenile vagrancy is found in the limited cities of Turkey and specially in Istanbul. Generally children with no fathers and mothers and children who have deserted their homes linger in the streets of Istanbul free from every kind of control. An "Act for the children in need" passed by the Assembly recently will serve good to save them from vagrancy.

These young people try to earn their living by many ways; they sometimes cooperate with older offenders and act as black-marketeters before the box offices of movie theaters. These vagabond children are the main source of juvenile delinquency in Istanbul.

Destitute children and young vagabonds constitute a problem for the city of Istanbul. These are generally found among the people coming from the remote parts of Anatolia to Istanbul to seek a job. They are usually the product of illegal marriages or divorces or

even they may be the children of a conscript with no wife to look after the child when the father is in the army. These people linger in the streets of Istanbul, in poverty. According to a report of the Municipality of Istanbul given in 1943 the number of these children between the ages of 5 and 17 is 2848. Of course this number is not as big as 1943 since the war is over.

*f) The Employment of Children as Unqualified Workers :*

The employment of children not attending schools is highly important to save them from vagrancy and to secure their future. These jobs will stimulate their zeal of working and will concentrate their attention on working and promotion. But the job must be a continuous one with qualifications to maintain the attraction and zest of the child. For jobs with no particular qualifications are usually temporary employments.

The employment of children in unqualified jobs, effects juvenile delinquency in many ways and specially makes influence on the offences committed in the cities.

Almost all the jobs which do not need a special qualification are employments which bring the child into close and continuous contact with the mass of the public. Barrow boys, newspaper boys, pages, porters are always and constantly in contact with every sort of people and this position affect their conducts immensely.

When young people do not earn sufficient money to look after himself and his family he naturally incline towards a vagabond life. These conditions together with the bad influence of the street life pushes the young vagabond into the dangerous zone of delinquency.

The bad effect of employment in jobs which do not need a certain qualification, on juvenile delinquency is illustrated in an inquiry made on 124 delinquents under 21 years of age in the prisons of Istanbul and Üsküdar, in 1942 by the students attending the seminars and practical classes of criminal law and procedure of the Faculty of Law of Istanbul University. 25% of these delinquents were unemployed and 47% were boys selling newspapers. Other inquiries made in other times confirmed this fact by similar results.



g) *Kinds and Qualifications of Offences Committed by the Young Delinquents in the Cities :*

This leads to think that the problem is mainly economic. The kinds of offences committed in the cities have been mentioned above. The great amount of offences being committed against property and the financial situation of the offenders indicate that one of the sources of juvenile delinquency is partly economic. Necessary information concerning this subject is given in the appropriate paragraphs above.

h) *Effects of Insufficient Sexual Education Given to Children :*

The teaching of sexual education to children is propagated in Turkey since after the First World War, by psychologists and psychiatrists. In the meetings of the Turkish Society of Mental Hygiene this subject has been continuously discussed. In the People's Houses, in the schools many lectures has been given and many publications has been issued by these institutions.

According to the inquiries made by the Turkish Institute of Criminology on young delinquents out of 974 young criminals examined 522 were convicted for manslaughter, 13 for assault, and 12 for causing death for grave negligence. The number of the criminals convicted for manslaughter or assault is 55% of the total.

The most important matter in this question is the great number of manslaughtering because of woman. Indeed among 536 young delinquents convicted for manslaughter 89 committed their crimes because of women. If we add to this 28 persons convicted for manslaughter for abduction the total amounts to 117, which is 22 % of the total manslaughtering committed by young delinquents. Also out of 41 young delinquents convicted for assault, 9 committed their offences for women, which is 22 % of the total. Again according to the same statistics the number of those convicted for abduction is 58, for indecent assault 148, 9 children is convicted for attempting to rape, 3 for adultery. Thus the number of young delinquents convicted for manslaughter for women, for abduction, for assaulting because of women, for abduc-

tion, rape and attempting to rape and adultery amounts to 344. This number is 35% of the total young delinquents in Turkey. It is interesting to note that inspite of the variety of the causes of delinquency in the statistics, more than one third of the young delinquents committed sexual offences.

It is obvious that the negligence in giving an appropriate sexual education to young people and old social customs and traditions affect the present position of juvenile delinquency in Turkey.

#### IV. — FACTORS CONCERNING JUVENILE DELINQUENCY IN RURAL AREAS :

The causes and factors of juvenile delinquency in rural areas of Turkey are not yet investigated by sociological and criminological studies. Inquiries started by the Turkish Institute of Criminology of the University of Istanbul on this subject are still in progress.

According to the general observations made on this subject, the social pressure of regional customs, the system of our criminal code which reduces the punishments when the offences are committed by the young people, the blood feud, the lack of police control in the villages are the main factors of juvenile delinquency in rural areas.

In the second part of this report which is concerning the subject of prevention these factors will be dealt in due course.

## SECOND PART

### I. — PREVENTION

We are in the opinion that the information given about the characteristics of juvenile delinquency in urban and rural areas of Turkey is important and useful for the application of the prevention scheme planned by our Committee. While submitting our observations we are not far from keeping in view that juvenile delinquency in Turkey is the result of many factors, that is, a problem attached to the general social conditions of our country, together with economical, cultural, psychological and pathological aspects. For this reason we need to underline the necessity of planning a scheme to cover the whole of social structure.

#### *1) Measures of Prevention Applied in Turkey :*

Up to now some efforts have been spent in our country to prevent rather indirectly juvenile delinquency and delinquency in general. But it must be confessed that all these efforts were spent separately and were not applied according to a general plan.

#### *a) Activities of the People's Houses :*

There are some measures to prevent juvenile delinquency in the programmes and activities of the people's houses. But the activities of people's houses in a few cities are not sufficient.

Among these activities the theatrical section of Eminönü People's House preparing theatrical performances and plays for children is worth mentioning.

A People's House should be the master of its name and be interested with juvenile education and more appropriately with juvenile delinquency, by performing special plays for children which should try to influence them. In some of the People's Houses the sports sections do useful work by reserving

their drill rooms and gymnesiums to youg people. If People's Houses organize a scheme to work for the prevention of juvenile delinquency and cooperate with other similar institutions many beneficial results may be obtained.

*b) The Activities of Private Organisations :*

Neither in Istanbul nor in other parts of Turkey there are no special institutions to promote education for children and to fight against juvenile delinquency. Various organisations of teachers founded in various times dealt with the problem of juvenile delinquency only in theory and within the scope of their special activities. As an example the Association of Teachers of Istanbul aranged a series of lectures during the years of 1947, 1948 and 1949 on juvenile delinquency and related subjects which provoked a great interest among its members and the parents.

At the present time the Association of Children's Friends is preparing to deal with the subject and specially taking measures to find jobs for the young people living a sort of vagabond life by themselves in certain parts of Istanbul. Although nothing has yet been done by this Association the schemes and plans which they organize are very hopeful.

*c) The Activities of the Association for the Protection of Children :*

The activities of this Association is outstanding among other similar institutions.

Association for the Protection of Children is a private institution with branches all over the country. The object of the Association is to help the children between '0' and '12' years of age. This assistance is made by giving free medical and hospital treatments to the children in need. Association for the Protection of Children also assists the mothers and expectant mothers and treats them during the period of pregnancy. For this purpose the Association has established in Istanbul a special hospital with 16 beds.

Only children whose mothers are working are accepted to the children's centers during the days. There is only in Ankara a hostel with 300 beds. As the object of the Association is to promote its assistance and activities among the working classes these insti-

tutions are preferably established in the quarters where these people mainly dwell. This last year a nursing home with hundred beds had been established in Eyüb, a center of dwelling of the working population of Istanbul.

Although it is not specifically stated in its statuts the Association is interested with the deserted children of Istanbul. After investigations made in the quarters where these children mainly live about four hundred of them have been picked up. But after inquiries and close examination of their records some hundret of them have been registered as having no one to look after them, and the rest three hundrer is given to their parents or guardians when they appealed by using their of guardianship.

The Association has rent a building belonging to the municipality of Istanbul at Çiçekpazari and made necessary changes and furnished it as a hostel for 100 deserted children. These children were taught to wash themselves and they were supplied with food and cloths. Two special teachers taught them elementary education at the level of primary school. Jobs also have been found to them by the Association. Now 30 of them are earning their livings as shirt-makers, hair-dressers, news agents, and spinners. But the remaining seventy refused to work, permanently and all the efforts to keep them working have failed. Almost all the children supplied with cloths and suits sold their belongings in the first time, but kept them when they were given a second time. The majority of them refused to wear shoes. They either sold them or kept them in their hands. Only those going out to work have consented to wear their shoes.

But the hostel failed to appeal the interest of the young deserters. Although it was free to reside in this hostel, being scared of the great patrons which organize beggar traffic within the city and employ them, they preferred to turn back to their own quarters.

The activities were not among the objects of the Association and it had no repressive sanctions to oppress them. Therefore the Association tranferred the hostel to the newly created Association of Children's Friends, and appealed to the government to take care of them.

*d) Child Salvation Centers of the Municipality of Istanbul:*

This institution finds its roots in the "Yamalı Hamam Yurdu" established by the Party of Union and Progress for the deserted children. This transformed to "Galata Çocukları Kurturma Yurdu" in 1933 and put under the administration of Kâzım Zafir.

In the report given to show the necessity of the establishment of this institution it is stated that it is essential to teach them handicraftmanship but at the same time their intellectual education and moral formation must not be omitted, and they must be prepared to social living.

The hostel started its activities in 1933 and looked after 7 of these children. In 1937 the number increased to 125 and a great number of them were saved and started to work .

As the hostel was closed in 1938 the gradual increase of vagrancy during the Second World War necessitated the establishment of a similar institution.

*e) Intellectual Efforts Made to Provoke a Conciousness in Public Opinion About Juvenile Delinquency :*

Our Committee believes that it is necessary to submit the social problems to public opinion and awake a social consciousness in the public about their own affairs. Otherwise it is impossible to solve these problems. For this reason our Committee considered with great appreciation the articles appeared in the Turkish press exposing the problem of juvenile delinquency to Turkish public opinion.

It is because of many appeals and recommandations made on the subject of juvenile delinquency in certain circles that enables to bring the "Act for the Protection of Poor and Deserted Children" into force at the beginning of 1949.

*f) Provisions about Guardianship and Tutelage in the Civil Code Might be Considered as Efforts for Prevention of Juvenile Delinquency.*

Our Civil Code has sometimes formulated provisions to cover every aspect and this put every-body under protection till they reach the certain age of majority. The genuine object of these

two institutions are not to seek the personal benefits of the guardians and tutors but to protect the children from material, moral and specially legal aspects.

To achieve this object our Civil Code, attached primary importance to guardianship which is based on legitimacy and established the institution of tutelage in substitution.

According to the Civil Code the right of guardianship remits some rights and obligations to the guardians. The most important of them are briefly :

*aa) Rights :*

The guardian has the right to educate the child. He has the right to punish, and even if the child disobeys the orders of his guardian because of bad manners, in case of no other measures to take the parents may ask the judge to put the child under the care of a family or institution.

*bb) Obligations :*

At first we must mention that the rights which is stated above are also obligations which must be fulfilled by the gardian. In the domain of family law where complusive rules are much numerous than in any other branch of civil law, the nonfulfilment of the obligations necessitates the intervention and thus the control of the State which rather gives a character of public law to this branch of private law.

We can thus summarise other essential obligations of the guardian as such :

The guardian is under the obligation of bringing up the child and give an education to him in accordance of his well being. This education will be moral, professional and religious. The guardian is obliged to spend the income of the child primarily for his maintenance and education. It is also an obligation to return the property to the child at the end of guardianship.

*cc) Sanctions :*

In the case of nonfulfilment of the rights and obligations apertaining to the guardian by the law, the Civil Code has taken into consideration the application of certain sanctions. The object

of these sanctions is to enable the taking of the precautions for the protection of the child.

Among these if it is understood that the parents are incapable of using the authority of guardianship or they themselves are put under guardianship or abused their authority or made a grave negligence in the conduct of the affairs, the judge may remove the right of guardianship and appoint a tutor to the child. In the case of remarriage of one of the parents the judge may — such as if he suspects the future treatment of the child by the step mother or father — again remove the guardianship and appoint a tutor. In case of disappearance of the cause of removal the judge may reconstitute the guardianship after the expiration of one year since the disappearance of the cause.

In case of nonfulfilment of the obligations about the administration of property by the guardian, the law considers the intervention of the judge. Also in the case of nonfulfilment of the duties about administration and usufructing which the law bestowed on the parents the judge may consider any measures which he thinks fit for the protection of interests of the child. If the judge finds a potential danger for the property of the child he may apply the same control on the parents which he may use on the tutor, and may ask the parents for a guarantee, he may also appoint a curator.

Thus it can be seen that our Civil Code has provided many provisions for moral and material protection of the child under guardianship. After having surveyed very briefly the provisions of the law we may now turn our attention to the facts :

In the inquiries made on 974 children it has been found out that out of this number 56 children had no guardians when they committed their offences.

According to the provisions of Civil Code there should have been guardians appointed to these children. In the time of inquiry it has been found that 83 children had no guardians. Only 35 of these children had tutors and the remaining 48 had no tutors.

We have also to note that out of the remaining 891 children which is under tutorship only from one father the right of guardianship had been removed. Nevertheless out of this 891 children 69 had complained from the brute treatment of their parents and 67



from their indifference. That is 15.26% of the children were not content from the guardianship of their parents.

Again out of this number 76 had their fathers 3 their mothers and 8 both their mothers and fathers been convicted. This means that 87 children had experienced from their parents and yet left under guardianship of the same parents. Also 60 had declared the misbehaviour and misconduct of their fathers and 2 of their mothers. 43 had fathers, 6 had mothers, and 3 both fathers and mothers with physical or moral anomalies. This shows that control and tutelage on 52 children were not sufficiently made because of these anomalies. 140 said that their parents had the habit of cursing and swearing.

Summing up the numbers indicated above we see that the "duty" to educate which the law bestowed on the guardians and the tutors, and which is the most essential obligation of guardianship and the most preventive element of juvenile delinquency is not applied on 477 children. The sole example of removal the right of guardianship from the parents is an interesting case to illustrate the scope of application of the provision of the Civil Code relating guardianship.

*g) Activities to Prevent the Offences Committed Because of Blood Fued :*

Although it does not exclusively concern juvenile delinquency, as there are children convicted because of blood fued we thought fit to illustrate the precaution taken to prevent the commitment of offences because of it. An act has been passed by the parliament to present the crimes committed because of blood feud. There are still people in the country thinking the only way of acting to live an honorable life in the society is to take personally the revenge of their fathers, grand-fathers or uncles. In fact the government being aware that blood feud still exists in some parts and specially in the eastern and southern regions of the country, submitted a bill to the parliament to prevent the innocent people to annihilate each other under the influence of primitive conceptions. According to the Act passed by The Grand National Assembly on June 11, 1937, if a person commits the offence of manslaughter or participates in the commitment of the offence because of blood

feud all the members of his family — ascendants, descendants, brothers, sisters, husbands or wives — living under the same roof at the time of the commitment of the offence will be transferred to another place. The person committing the offence is also transferred to another place after coming out of the prison. The court may also decide the transfer of the members of the family of the person killed, if it thinks that there are strong evidences that they are threatened by the family or relations of the prisoner. Those who are transferred can not live within a distance of 500 kilometers from the place of their domiciles. They are free to choose the place of their dwelling outside this radius.

It is clear that the object of this act is to separate the members of the two hostile families and thus prevent the blood feud. There are no statistics to show the application of the act. There are also no evidences to prove the effectiveness of the act. Our Committee is in the opinion that the real and effective prevention will only be by way of culture and only then the social conceptions and regional customs will leave the safety of human rights and honours to the hands of the judiciary.

## *II. — Measures to be Taken on the Subject of the Prevention of Juvenile Delinquency :*

a) Assistance to the Children in Need Act (23 May 1949, No 5387).

### *1. — Preparatory Period of the Act :*

The Government considering the physical fitness and mental and moral health of children, submitted to the Parliament a bill on the "Salvation of destitute, deserted and abnormal children" in November 6, 1947 which subsequently became law.

In the leading motives of the bill it is stated that the strength of a state cannot only be measured by the number of people living within its boundaries. But the people must be strong physically, mentally and morally. Today a great number of children born in Turkey die very young because of the lack of necessary help of their families. Also among those who survive many suffer from the physical and moral hardships. The bill dealt with the treatment

to save the child from death and also to bring him up as a citizen healthy in physical, mental and moral respects. The government confessed that it was impossible to estimate the scope of application of the bill because there were no reliable statistics at hand, but preferred to tackle the question in a moderate scale to secure a preliminary success with the hope of a later and gradual extension.

The bill passed by the Grand National Assembly on May 23, 1949. As the abnormality of the children can only make a difference for the way of treatment, the title was changed by the Assembly, and was called the Act for the Assistance to the Children in Need.

### *2. Children in Need of Protection :*

In article one the act defined the children in need of protection. They are the children with no father and mother or with unknown parents whose physical, mental or moral dispositions are in danger, or according to the provisions of the Civil Code who are necessarily to be placed under special preventive treatment. As the provisions of the Civil Code has been taken into consideration, the children with father and mother but indisposed for physical, mental or moral defects are placed within the scope of the law and thus the importance of the existance of the parents is greatly reduced. The important point is now the physical, mental and moral fitness of the child.

### *3. — The Protection of Children and its Forms :*

The Act defined in article one what it meant by the protection of children. Protection means the treatment of children by the decision of the court until the age of majority within the conditions stated in the act, which is to look after them and to secure a profession.

When the local education officer is informed about the existance of such a child by the police or by the local municipality, he will at once take necessary measures and at the same time apply to the court. The court will consider the case, make necessary inquiries and decide where the child will be placed, and how his property will be administered.

If the court places the child under the protection of a family

or an institution, in the villages the parish council and in the cities the municipalities will be in charge of controlling the treatment. Municipalities within the same province may jointly establish institutions to look after these children.

In the case of impossibility to take care in the local villages, towns or cities, the state will be responsible for the protection of children. Those who are below the school age will be sent, to nursing centers and others will be sent to training centers, established in the places where children can easily find jobs. Nursing centers will be established by the Ministry of Health and Social Security and the training centers will be established by the Ministry of Education.

Children living in the nursing centers will gradually be transferred to the training centers. After teaching elementary knowledge either in the training centers or in the local schools they will be employed in appropriate professions. It will mainly be stressed on the professions which will enable the children to secure a good way of living in the future. Those who show outstanding capacity after passing necessary examinations to obtain a scholarship will be given the chance of proceeding to the higher degrees.

If the children working as apprentices in the firms are not accommodated and looked after by these enterprises, they will be supplied by the training centers.

Further it will be able to adopt these children living in the nursing and training centers according to the provisions of the Civil Code.

For the children whose special positions necessitate special training, the Ministry of Education will establish necessary institutions. Those going to these institutions will be under special treatment.

#### 4. — *Financial Provisions :*

The Act also provides sources to cover the expenses of protection.

In the villages the expenses will be covered by the payments either in kind or in money of the village community, and by other

donations. If the child has property or parents to afford a contribution for his protection and care, the court may decide the amount of their contribution in terms of the provisions of the Civil Code. If it is impossible to maintain the centers by the support of the villagers, local authorities will help them by giving half percent of their annual income.

In the places where municipal organisation is established the expenses will be covered by them at the rate of one percent of their annual income.

If it is still impossible to maintain the institutions with these funds Ministry of Public Health and Social Security and Ministry of Education will cover the expenses as much as possible of the children who are below and in the school ages respectively.

The children working as apprentices in the firms and earning money will contribute to the expenses for their own maintenance at the rate approved by the Ministry of Education.

#### 5. — *Consultative Assemblies :*

According to the Act three different consultative assemblies will be created to study the application of the law and related regulations.

##### aa) General Consultative Assembly For Child Protection :

This assembly will meet every year for a week at the Ministry of Education. The chairman of the Assembly is the Minister of Education. It will compose of one member of the board of education, director of elementary education of the Ministry of Education, a member of the consultative assembly of the Ministry of Public Health and Social Security, representatives of the Ministries of Education, Public Health, Justice, Home Affairs, and Labour, four governors of the provinces elected by the Minister of Education, 4 mayors, 4 aldermen, representatives of the charitable societies and the Red Crescent, a director of child centers, a representative of school teachers and a member of medical association, two local education officers, an expert of pedagogy from the universities, two doctors specialized on infantile and mental diseases, two businessmen and two persons who have endowed for the welfare of the children.

bb) Provincial Child Security Council :

This council meets three times in a year under the chairmanship of the governor at the provinces. It is composed of the mayor, a counsellor, local education and health officers, municipal doctor, two school teachers, two businessmen, representatives of charitable societies, two members of the public contributed for child protection.

cc) Borough Child Security Council :

It meets under the chairmanship of the sub-prefect in the boroughs. Its composition is similar to the Provincial Child Security Council.

Preparations necessary for the application of the Act are almost completed. It is hoped that when the Act comes into force next year many good results will be achieved on the field of which it regulates.

III. — *Reforms Recommended by the Turkish Committee for the Prevention of Juvenile Delinquency in Turkey.*

a) It is necessary to make wholly applicable the certain articles of the Civil Code about guardianship and tutelage and other provisions concerning the protection of the children having no parents. It is our opinion that some reforms should be made to change the old mentality and organisation, and new financial sources should be found. But we found no possibility of dealing with this subject in detail this being out of the scope of the report, but it may be dealt separately.

b) It is necessary to inform public opinion on the importance of juvenile delinquency and convince them.

Our Committee believes that social problems should be submitted to the public and a social consciousness should be awakened in the public opinion to solve them. Because of this reason preventive measures adopted from other countries can never be successful in any part of the world. Therefore people must be convinced about the danger of juvenile delinquency and they must realise its danger on the vital functions of the society. After considering the elementary conditions it is necessary to get

into contact with the people and with the forces which give shape to society and thus take preventive measures. For this reason all the institutions within a society such as schools, mosques, churches, political parties, charitable societies, People's Houses, etc... should coordinate with the public for the prevention and direct their activities for the achievement of the same object.

c) As a natural result of the opinion stated above it is necessary to propagate the foundation of special societies to deal with child delinquency. People from various walks of life should join these societies. As the social consciousness about the danger of juvenile delinquency is one of the fundamental elements of success, the foundation of such special societies to deal with this subject is one of the main instruments to achieve the intended object.

d) Our Committee is also in the opinion that it is necessary to apply a wide programme to deal with the economic roots of juvenile delinquency. For this reason it is essential to have a good housing scheme. As it is in the other parts of the world the Second Great War created a crisis in the housing problem of Turkey. Children living in small and primitive houses built in a few days in the suburbs of the cities, with the lack of elementary housing conditions may easily turn into young delinquents.

e) Provisions in the legislation which make elementary education in the villages compulsory should be made wholly applicable.

The main reason for the non-application of compulsory elementary education in the villages is the existence of twenty thousand schools in the forty thousand villages.

Peasants wishing to educate their children generally send them to the nearest village school. But people living in the remote parts of the country have no possibility of sending their children to schools, for the nearest village with a school may be far away.

Another reason for the peasants not to send their children to schools is that they need the help of their children for the cultivation of their lands. Therefore, it is necessary to arrange the school time in accordance with the farming conditions. Schools should be attractive to the children. At present there are agricul-

tural activities in the programmes of the village schools, but as nothing is given from the production to the children to attract their interest they usually consider it as a kind of forced labour.

Everything necessary must also be made in the villages which have schools, to make children graduating from these schools, not forget their reading, writing and arithmetic. Thus it is necessary to make special publications for the young people living in villages.

In the villages where there are no village schools temporary courses may be given in the village common rooms by the moving school teachers.

Ministry of Education, through Directorate General of Elementary Education and the organisation of village institutes in many parts of the country has been doing everything for the application of a programme to enable compulsory elementary education in each of the forty thousand villages of Turkey in the next ten years.

f) There must be a mutual understanding and cooperation between home and school :

It is at first necessary to give psycho-pedagogical education to the school teachers so as to form them to give necessary knowledge to their pupils to prepare them to life. It can only be thus possible to help children physically, mentally, ideologically, and consider their defects. To achieve these results it is necessary to have school-psychologists. At the present the number interested in school psychology is very few among the staff of our schools.

Secondly it is necessary for the school to get into touch with the families and to cooperate with them. It must mainly be stressed on cleanliness, health, attendance, material needs and above all, moral education and the formation of character of the school children. Teachers and school-psychiatrist must help the parents to overrun the obstacles which they meet while they educate their children. Voluntary groups may be formed to visit the homes. The "School-Home Unions" established recently may create a special branch to work on this field. These unions are at present working as social institutions to help the material needs of the children. It is necessary to attract the attention of both the family and the school on the problems of child psychology and help them on the



psycho-pedagogical formation of the children. As this is a matter of speciality, Turkey — like other countries — ought to stress on the subject of school psychology.

g) Social Pressures Created by the Local Customs must be broken :

Turkish peasants specially in the matters concerning women have a great sense of honour. For this reason social pressures, specially when the action is about women, create a very strong reaction on the individuals. For this reason it may be said that there is a belief and even a custom in the villages that a person is under moral obligation of killing his wife and her lover because of adultery, or to take revenge from a man who assaulted his wife, sister or mother. With this position the child believes that it is his duty to kill to live a decent and honourable life in his village, and thus like a man who trusts in God, or a victim of social environment, he commits his crime and surrenders to the police.

Being aware of the extenuating circumstances of the Criminal Code for the offences committed by the children, some parents try to take the family revenge with the help of their children.

Also even if it is limited to some parts of the country sometimes children commit their offences under the beliefs which accept blood-fued as a social necessity.

We are convinced that it can only be possible to fight juvenile delinquency created under the conditions expressed above by a wider scheme of education, by creating a new conception among the people that their rights and honours could only be guarded by the judiciary.

h) Another Important Category of precautions to prevent Juvenile Delinquency is Hygienic Conditions.

First the effects of heresy must be accepted. The provisions of the Turkish Civil Code which prohibits the marriage of insane persons is correct. We do not think that sterilisation is necessary. It is very convenient to establish consultative agencies and propagate the effects of the marriages of insane persons, by

giving lectures, or by publication. Effects of great age differences of the couples should also be made public.

There should be a campaign against alcoholism and other drugs. It is also necessary to facilitate the births, in case of using forceps every care should be taken not to hurt the brain. Electroencephalography shows us epilepsy plays a subsidiary role in the commitment of many crimes. The system of child treatment is also very important. The feeding of the baby, intellectual and psychological developments of the child, educational system, special treatment of abnormal children, sexual education, prohibition of alcohol and other drugs, physical and mental training, hospitals and special institutions for mental disease, working centers for the children having mental defects are necessary subjects to be dealt with.

It is our opinion that by giving a sound education of mental training it is possible to prevent many offences committed by children.

## II

### REPRESSION AND PRECAUTIONS

#### A) *Present System :*

As the two positions are quite different from each other it is necessary to study separately the legal and factual positions so as to understand the sanctions applied to young delinquents in Turkey.

#### *Legal Position.*

Measures taken for the young delinquents are stated within the General Provisions of the Turkish Criminal Code. There is no special code in Turkey to provide the sanctions and no special court to apply them.

The Turkish Criminal Code based on the Italian Criminal Code of 1889 had established two sorts of sanctions one being punishment and the other precautions.

#### *1) Precautions.*

Those who are under the age of 11 when they commit the offence or over the age of 11 but under the age of 15 and having no power of discernment have no criminal responsibilities. Their responsibility is restricted to precautions. If the punishment of an offence committed by such a child is one year of imprisonment or more the one of the following precautions is taken for the child:

1) The child is either put to a correctional institution under the state control up to age of 18, or,

2) The child is given to his parents or guardian in which case the court will ask for a written guarantee from them. They are warned if the child commits an offence because of their negligence they will be confined to pay a certain sum of money (not

exceeding 200 Turkish pounds). This precaution can only continue until the young delinquent reaches the age of 18.

The court may any time change its decision and take any other measures which it thinks fit.

## 2) *Punishments :*

The law punishes those who are over the age of 11 and under the age of 15 at the time of the commitment of the offence but having no power of discernment, and also those who are over 15 and under the age 21 at the time of commitment, but reduces their punishments according to a scale accepted in consideration of their ages. These groups are also important because of the provisions, places and kinds of punishment :

a) The first group is those who are over 11 and under 15 with power of discernment when they committed their offences.

Their punishment is greatly reduced and they do not lose their right of employment in public life and they are not put under custody. The punishment given to them cannot be the subject to recidivism. They are put to correctional centers if they are under 18 at the beginning of their imprisonment.

b) The second group consists of those who are over 15 but under 18 at the time of the commitment of the offences. The punishments of those who are in this group also reduced. They also do not lose their rights of public employment and they are not put under custody. They are either sent to correctional centers or put into special sections in the general prisons if they are 18. When they are over 18 if they are sentenced for a period of more than 3 years and if the rest of their imprisonment is more than two years when they reach the age of 18 they are transferred to the general prisons. But in special cases they can be kept in special prisons or in the special sections of the general prisons.

Those who are over 18 at the time of imprisonment and the sentence passed on them is less than 3 years they may be put in a special division of the general prison if they have a good record. But in any case those who are above the age of 21 are sent to general prisons.

c) The third group consists of people between the ages of 18 and 21 at the time of the commitment of the offence. Their punishment is slightly reduced, and there is no speciality in their imprisonment.

### *Factual Position.*

There is a great difference between the provisions of the law and its application. It is appropriate to show this difference by distinguishing the precautions and punishments.

#### *1. — Precautions :*

a) The most important of the two precautions provided by the law is undoubtedly the one about correctional institutions. We regret to say that there is no correctional institution in our country. Even if the child centers provided by the law for the deserted children is established it will be impossible to put young delinquents in to these centers.

b) The only precaution which is applied to young delinquents is their handing over their parents or guardians. But it is certain that this precaution is not always useful. As in the case that the same persons may be responsible for the influence of the commitment of the offence.

#### *2) Punishments :*

1) It is written in the law that those who are over 11 and under 15 at the time of the commitment of the offence will be put into a correctional institution if they are under 18 years of age at the beginning of the imprisonment. There is only one correctional center in Turkey for the delinquent boys. This institution which is in Kalaba village, near Ankara is for 250 delinquents and only those having detention of more than six months are accepted to it.

As it is impossible to correct a delinquent in a lesser time and considering that some time will pass on the way to the prison this restriction may sound logical. But the thing which is not logical is the punishment of delinquents for correctional purposes by giving less than six months imprisonment, and waiting until they are 18 to send them to the general prisons.

Although it is said that they will be put to the special sections of the general prisons there are no special sections in every prison. We must also add that although in almost every part of the world the correctional centers for the children are considered as schools where the employment of the children occupying a secondary importance, the correctional center of Kalaba has restricted teaching and, emphasized mainly on the showing of craftsmanship to children to make them earn their livings. The handicrafts which are taught in these centers are those which do not need expensive utensils, which can be useful in every part of the country, such as shoe making, tailoring, masonry, etc.. Ignorance being an important element of juvenile delinquency in Turkey the administrators of correctional centers prefer to follow such a system.

2) We have stated that those who are above the age of 15 but under 18 at the time of the commitment of the offence will be sent to special prisons if they are under 18 at the time of the commencement of their imprisonment. At present there are two special prisons one being at Eskişehir and the other at İzmir. As the capacity of the two prisons is less than 300 which is not big enough to accommodate every delinquent between these age limits, those who reach the age of 18 are sent to the general prisons. The law provides that those who are in this group may be kept in the special sections of the general prisons. But we regret to say that There are very few general prisons with a special section for the young delinquents.

3) As there is nothing special accepted for those between the ages of 18 and 21 they are sent to general prisons. But we may add here that in the general prisons there are no necessary establishments to fulfill the requirements of the law such as the division of the imprisonment to four stages or three stages according to its kind. We can only indicate the establishment of prisons based on working system where only last two stages of imprisonment is applied.

*B) Measures to be Taken in Future :*

The idea that the provisions of the Criminal Code is not sufficient and it is necessary to have sanctions with educational

and reformatory objects has recently began to flourish in Turkey. The draft of the Criminal Code prepared by the Ministry of Justice in 1941 raised the age of criminal responsibility to 13 and accepted security measures for the children. The Committee formed to consider necessary reforms in the existing Criminal Code of Turkey has mainly stressed on the provisions concerning the children and almost rewritten the whole of this section. But because of different reasons nothing is achieved from the work of the Committee.

*Recommendations of Our Committee on this Subject :*

It is possible to summarize the recommendations of our committee on the prevention of juvenile delinquency and the measures to be taken on this subject as follows :

1) It must be accepted the irresponsibility of those under the age of six both for punishment and for precautions. As our present code did not accept a minimum age limit it can be possible to attribute a precautionary responsibility to them.

It is possible to meet such decisions in the practice.

Our Committee is in the opinion that a precautionary responsibility should not be adopted before a certain age. As offence can only have a meaning if it is a product of pathological or normal personality it is useless to try to find out such a quality when there is no such a personality in such a small child. It is no good to bring such small children into the courts no matter how perfect are the laws of procedure. On the other hand there are special provisions for the children in the Civil Code and the application of these rules may be sufficient.

2) Only precautionary provisions must be taken for the children over six years of age but under 15.

Our Committee does not think that those children should be punished. It is a reality that in many countries legislatures are even wishing the abolishment of the punishments based on the principle of giving harm, and they are in the opinion that only measures for the security of the society should be taken. The education rather than punishment of the young delinquents is the point on which the whole world is united. Therefore they should be sent to reformatories and not to prisons.

Offence is an alarm signal to show the situation in which the child is living, and gives the opportunity to the judge to take necessary precautions. The wide meaning of punishment which embraces precautions may be ambiguous, therefore these sanctions should be called *precautions*.

Our Committee thinks that it is not sufficient to change only the names of the sanctions applied to young delinquents. Precautions should change according to the character of the child and not according to the degree of the offence. The present Turkish Criminal Code seeks the degree of the offence to take precautions for children having no criminal responsibility. It accepts an objective criterion. But in fact precautions with reformatory and educational objects should consider the character.

3) The administration of the reformatories should be different from the prisons, and they should teach elementary education as well as professional. They should be administered by pedagogues and medical doctors. Our Committee being in the opinion that the character of the child should determine the kind of the reformatory, recommends that reformatories should be different from each other according to the system they apply. These different institutions will be able to stress on treatment or on education enabling the separation of normal and abnormal delinquents.

As the object of education and reformation is not the punishment of the young delinquents there is no need to administer these institutions by lawyers. On the contrary it is wise to give these institutions to the hands of pedagogues or medical doctors. Our Committee also recommends that both professional and general education should be taught in these institutions.

4) Reformatories for the young delinquents, other institutions for children, charitable societies should have a central organisation.

Our Committee considering the present situation which various social institutions is attached to various departments recommends a central administration for all. Thus the transfer of children from one institution to the other, the control of them will be facilitated, and it will also be possible to bring a new spirit to the staff of these institutions.



5) Juvenile courts should give decisions on the precautions applied to young delinquents. The nature of the precautions and the degrees of the punishments necessitate that the judge should be a trained lawyer. For this reason our Committee thinks that the presiding judge should be a trained lawyer sitting with two fellow benchers who are not lawyers but citizens interested in children.

Until we find special judges with special knowledge on juvenile delinquency our Committee is in the opinion that the president of the court should be appointed among the justices of the peace. The members should be chosen by the borough councils among the teachers and also among women interested in child welfare.

We must specially stress on the point of the building of correctional centers before the establishment of juvenile courts, or at least they must be instituted together.

6) Children put under precaution must be protected. Our Committee is not satisfied with the simple application of the precautions. At the termination of the period of imprisonment the interest of the society should not be changed. They should still be helped, guarded and protected.

Young delinquents coming out of prisons and correctional centers must be placed under a control, they must be guided and prevented from following a criminal life.

We do not think it will be very difficult to find probation officers. It is both possible to appoint the school teachers as probation officers in small towns and villages and also to select them among people with good records. Probation service should be accepted as a civil duty like guardianship.

7) Detention given to the children between the ages of 15 and 18 should have an educational character. The character of the child is in formation both morally and intellectually. Physical formation is generally completed earlier. It is because of this reason that a young person of 15 years of age should not be accepted wholly as a child. Therefore it is necessary not to apply the measures considered for the children to these people but to give them punishment having educational character. As it is

impossible to have a complete formation before the age of 18 the punishment considered for the people under this age should be reduced. But our Committee do not accept the reduction of the punishments given to the delinquents over the age of 18 and thinks the provision of our present code which reduces the punishments of those who are between the age limits of 18 and 21 make a great effect on the offences committed by these people.

There must not be the object of doing harm in the punishments given to the people between the ages of 15 and 18, the object must be to educate and to reform them.

While they are kept in the special institutions during their period of detention they must be taught professional knowledge, and after coming out of these places they must be protected by special institutions.

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