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## Evaluation of the children on trial in the Ankara 1<sup>st</sup> children's High Criminal Court for peer abuse

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### Summary

**Aim:** Children performing acts defined as criminal law are the children who are dragged into crime. When the victim of the identified actions are children, both the number of children who need protection and who are dragged into crime increases and the victim of both sides in the incident become children.

**Material and Method:** The case files and cartons of decisions of 188 events sentenced in the Ankara 1<sup>st</sup> Children's High Criminal Court for 4-year period between 2007-2010 in which victims are in the pediatric age group were retrospectively examined.

**Results:** All of the children in the proceedings are male. The average age of children dragged into crime is 15.95 and the average age of children who are victims is 13.85. So all of the children dragged into crime have poor economic status; 50.5% of the trial offences are crimes against property, 39.8% are sexual offenses and 8.6% are crimes against person. Only the 26.9% of the defendants' student lives continue, 37.6% of the defendants are workers, 45.2% of our events was sentenced with conviction, 32.8% was fined or probated, 22% was acquitted or dropped by the court. Forty seven percent of the trials were concluded in a year.

**Conclusions:** The circle of friends is as important as the family structure, socio- cultural status and education regarding the juvenile delinquency. Family support and educational programs have a significant place concerning the prevention of crime. When the prevention of crime is successfully managed in coequal delinquency, protection will be provided for both the children dragged into crime and the children who are victimized. (*Turk Arch Ped* 2012; 47: 279-285)

**Key words:** Child abuse, court decision, juvenile delinquency

### Introduction

According to the first article of the Convention on the Rights of the Child "a child is any person who has not reached the age of eighteen unless a different age of maturity is specified in any country's law"(1). According to the Child Protection Act (CPA) a child is any person who has not turned the age of eighteen even if puberty has been reached earlier. Again, according to the CPA a child whose personal safety is in danger because of his/her organic, intellectual, ethical, social and psychologic development, who is being abused or ignored or who is a victim of crime is a child who needs protection. Any child who is being questioned or prosecuted with the claim that he/she has involved in an act

which is defined as crime in the law or for whom security measures have been taken because of commitment of an act is a child who has been dragged into crime (2). When talking about juvenile delinquency in a sociological perspective, the act defined in the law is not defined as crime and the child who has committed this act is not defined as criminal (3).

Peer abuse is mischievous, offensive and aggressive behaviour which is recurrent and continuous where the power is systematically misused against the peers (4). This behavior leads to a wide spectrum of results ranging from psychological stress to physical injury and death (5,6).

According to the Child Protection Act the juvenile high criminal court proceeds cases related to the crimes which have

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been committed by children and which fall into the area of the high criminal court's responsibility (2). Children and adolescents dragged into crime is becoming an important problem in all countries and juvenile delinquency is an international problem (7,8). It has been reported that children who are involved in crime are exposed to peer abuse with a higher rate (9). Juvenile delinquency has also been reported to be a potential risk factor in terms of suicidal behavior (10). It has been found that the rates of negative life experiences, inability to handle with family conflicts and broken family are significantly higher in children dragged into crime compared to the control group and education level, level of handling with negative life experiences and level of familial and social support are significantly lower in children dragged into crime compared to the control group (11). Low economic status is especially a risk factor for crimes committed against livestock. According to the investigation performed by the Confederation of Turkish Trade Unions the hunger limit is 642.10 TL for 2007, 720.66 TL for 2008, 749.49 TL for 2009 and 839.23 TL for 2010 (12). The poverty threshold for a family of four members is 2807.36 TL for November 2010 (13,14).

## Material and Methods

91 case files (25.93%) related to the cases concluded between 01.01.2007 and 12.31.2010 at Ankara 1st Children's High Criminal Court and 260 decision cartons (74.07%) of which case files could not be reached were retrospectively examined. It was found that 351 cases were concluded during this period. In 188 of these (55.56%), the victims were in the childhood age group. The data obtained were analysed using SPSS 16.00 program and the results were shown as tables and graphics.

## Results

In crimes committed against child victims, all of the children judged were male and their age ranged between 12.37 and 17.99 years. The mean age was found to be 15.95 years ( $sd=1.49$ ).

87 subjects (46.8%) were in the 12-15 year age group and 99 subjects (53.2%) were in the 16-18 year age group.

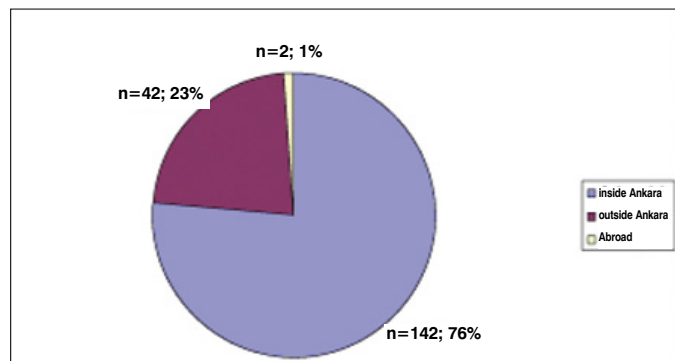
131 (70.4%) of the child victims were male, 55 (29.6%) were female. The age of the child victims ranged between 2.40 and 17.94 years and the mean age was found to be 13.85 years ( $sd=3.20$ ). 34 of the victims (18.3%) were in the 0-11 year age group, 106 (57%) were in the 12-15 year age group and 46 (24.7%) were in the 16-18 year age group. The distribution of the age groups of the children dragged into crime and the child victims are shown in Table 1. A significant difference was found in the distribution of the age groups ( $p<0.001$ ).

In graphic 1, the birth places of the children dragged into crime are shown. It was found that 168 (90.3%) of the children

dragged into crime had an education level of primary school and 18 (9.7%) had an education level of high school.

All of the children dragged into crime had a low economic status. The distribution of education level and occupational groups is shown in Table 2. No significant difference was found between the groups ( $p>0.05$ ). The residence of 116 subjects was not known. When 70 subjects whose residence could be determined were evaluated in themselves it was found that 25 (35.7%) lived in shanty houses, 19 (27.1%) lived in a rented house and 26 (37.2%) lived in a house which belonged to the family. Information about the parents could not be reached in 122 subjects. When 64 subjects in whom information related to the parents could be obtained were evaluated in themselves, the parents of 46 (71.9%) subjects were found to be together, the parents of 15 (23.4%) subjects were found to be separated, the mothers of two subjects (3.1%) were found to be lost and the father of one subject was found to be lost. Since all the subjects judged were children, the monthly income level of the families was evaluated. There was no family with a monthly income level above 1500 TL. the distribution of the monthly income level of the children dragged into crime is shown in graphic 2.

It was found that 94 (50.5%) of the crimes for which the children dragged into crime were judged were committed against livestock, 74 (39.8%) were sex crimes, 16 (8.6%) were committed against persons and 2 (1.1%) were narcotic crimes. When the 94 crimes committed against livestock were



Graphic 1. Birth places of children who are dragged into crime

Age groups of accused children (year)	Age groups of victims (year)			Total
	0-11	12-15	16-18	
12-15	28 15.1%	46 24.7%	13 7%	87 46.8%
16-18	6 3.2%	60 32.3%	33 17.7%	99 53.2%
Total	34 18.3%	106 57%	46 24.7%	186 100%

evaluated, it was found that 66 (70.21%) were qualified robberies, 22 (23.5%) were robberies, 3 (3.19%) were unauthorized assumption crimes and 3 (3.19%) were theft crimes. When 74 sex crimes were evaluated, it was found that 46 (62.16%) were child sexual abuse and 9 (12.16%) were sex crimes committed against minors. 19 subjects (25.68%) were found to be judged by the related articles of the 756 numbered Turkish Criminal Law which was in force before 06.01.2005, 7 (9.46%) were found to be judged by the 414<sup>th</sup> article and 12 (16.22%) were found to be judged by the 415<sup>th</sup> article.

When the 16 crimes committed against persons were evaluated, it was found that 7 (44.375%) were injuries, 5 (31.25%) were wilful murders, 3 (18.75%) were deprivation of liberty and 1 (6.25%) was attempted murder. 178 (95.7%) of the defendants had no criminal record and 8 (4.3%) were ex-convicts. One person was the defendant in 135 (72.6%) of the trials, two people were defendants in 36 trials (19.4%), three people were defendants in 10 trials (5.4%), 5 people were defendants in one trial (0.5%) and six people were defendants in one trial (0.5%). In 130 events (69.9%), the crime was committed in the center of Ankara and in 56 (30.1%) events the crime was committed in the countryside. The places where the events took place are shown in Graphic 3.

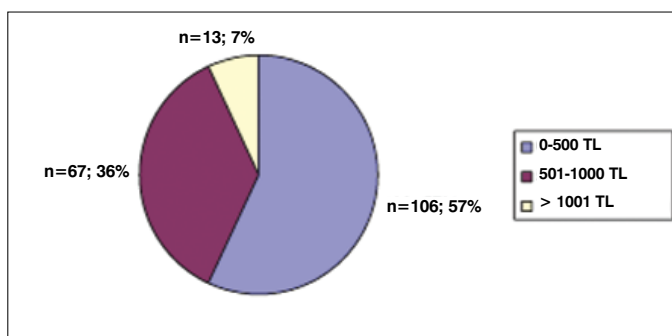
The court concluded prison sentence in 84 subjects (45.2%), pecuniary penalty or probation in 61 (32,8%) subjects and acquittance or nonsuit in 41 (22%) subjects. When the 84 subjects who were sentenced to prison were evaluated, it was found that 29 (34.52%) were sentenced to 0-2 years, 34

(40.48%) were sentenced to 3-5 years, 14 (16.67%) were sentenced to 6-8 years and 5 (5.95%) were sentenced to more than 8 years. The sentences of two people (2.38%) who were sentenced to 0-2 years of prison were reprieved. The distribution of crime type groups and court decision groups is shown in Table 3 excluding two subjects who committed narcotic crime. A significant difference was found between crime type and the sentences ( $p < 0.001$ ).

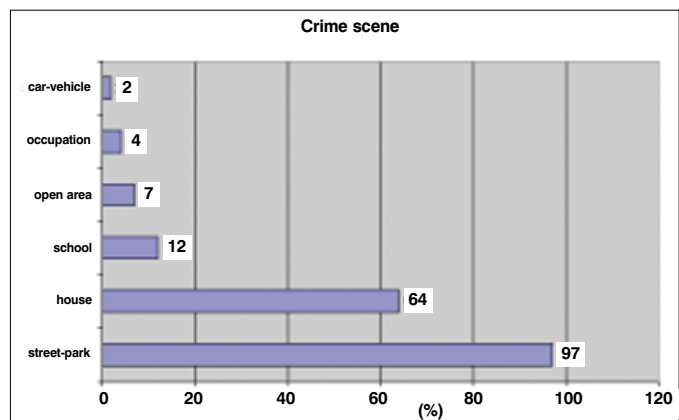
There was no significant difference in terms of crime types between the child age groups of the children dragged into crime ( $p > 0.05$ ). The times of decision from the date of the event are shown in graphic 4.

When the 44 subjects whose psychiatric examination reports could be obtained were evaluated, 42 subjects (95.5%) were found to have no psychopathology and 2 subjects (4.3%) were found to have antisocial personality disorder which did not affect mischievous discretion. No information about substance abuse was found in 161 subjects. When 25 subjects were evaluated, it was found that 19 subjects (76%) did not have substance abuse, two subjects (8%) smoked, one subject (4%) used volatile substance, two subjects (8%) used narcotics and one subject (4%) used narcotics and volatile substance according to the statements included in file information.

Information about occupation and education of the victims could not be reached in 137 cases. Information about 186 cases of which information related to occupation and education of the victims could be obtained is shown in Table 4.



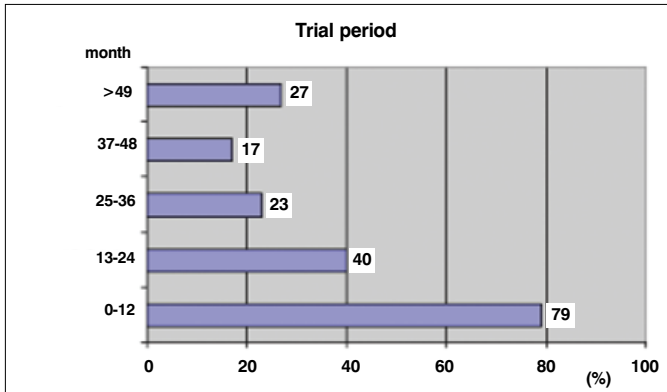
Graphic 2. The distribution of monthly income of children who are dragged into crime



Graphic 3. Crime scene

Education level	Occupational groups				Total
	Unemployed	Worker	Student	Self-employment	
Primary school	29 15.6%	61 32.8%	45 24.2%	33 17.7%	168 90.3%
High school	4 2.2%	9 4.8%	5 2.7%	0 0%	18 9.7%
Total	33 17.7%	70 37.6%	50 26.9%	33 17.7%	186 100%

There was no information about the kinship of the victim and the child dragged into crime in 129 cases. When 57 cases about which this information could be obtained were evaluated, it was found that 21 (36.8%) subjects were foreigners, 31 (54.4%) subjects were friends, three (5.3%) subjects were first-degree relatives and two subjects (3.5%) were neighbours.



Grafik 4. The period from scene date to decision date

## Discussion

Peer abuse is usually observed as bullying/extortion behavior. Peer abuse is mischievous, offensive and aggressive behaviour which is recurrent and continuous and which is applied by one person or group to another person where the power is systematically misused. The World Health Organization defines peer abuse as actions including evil, unpleasant statements, actions and recurrent teasing applied to a child by another child or a group of children. Discussion or struggle of two children of the same power has not been defined as peer abuse (15,16,17,18).

Since children are delicate and sensitive and their growth and development is dependent on the adults, families, the public and the government are responsible in terms of prevention of violence against children and protection of children. The fact that 55.56% of the victims in the cases concluded in Ankara 1<sup>st</sup> High Criminal Court were in the childhood age group shows that children dragged into crime abuse against children.

In our research, the birth place of 76% of the children dragged into crime was Ankara. Since we investigated the

Tablo 3. The distribution of the crime type and the trial decision

Offense	Court judgement			
	Prison sentence	Punishment of fine and freedom	Acquittal and dismissal of case	Total
Sexual crime	21 11.4%	37 20.1%	17 9.2%	75 40.8%
Offenses against property	55 29.9%	19 10.3%	20 10.9%	94 51%
Offenses against the person	8 4.3%	4 2.2%	3 1.6%	15 8.2%
Total	84 45.7%	60 32.6%	40 21.7%	184 100%

Tablo 4. The distribution of the education and occupation of victims

Education of victims	Occupation of victims				Total
	Student	Unemployed	Worker	Self-employment	
Uneducated	0 0%	1 2%	0 0%	0 0%	1 2%
Primary school	20 40.8%	7 14.3%	4 8.2%	2 4.1%	33 67.4%
High school	9 18.4%	2 4.1%	2 4.1%	0 0%	13 26.5%
University	1 2%	0 0%	0 0%	1 2%	2 4.1%
Total	30 61.2%	10 20.4%	6 12.2%	3 6.1%	49 100%

cases of Ankara 1st High Criminal Court, this is an expected result. In the study performed by Güral (19) in the province of Erzurum about juvenile delinquency, the birth place was found to be Erzurum in 69.6% of the subjects examined. In the study performed by Ok (20) in Izmir Reformatory School, the birth place of most subjects was found to be the Egean region.

It was reported that male children frequently committed theft and violence crimes, most events took place in provincial centers and the rates of smoking, alcohol and substance abuse were increased in children dragged into crime (13,21,22,23,24). In a research performed in Van, among 289 subjects for whom forensic report about penal responsibility (ability to perceive the legal meaning and outcomes of the committed action and to direct his/her behaviours related to this action) was requested, 288 were found to be male (25). In our research, all of the children dragged into crime were male. According to Table 1 most of the victims were in the 12-15 year age group independent of the age of the child dragged into crime. In a study performed in 223 male aggressive adolescents who committed sexual assault, the best finding in terms of classification was found to be the age range (child, adolescent, adult) of the victims (26).

In the seventeenth century, Victor Hugo stated, "construction of a school means closure of a prison" and draw attention to the relation between education and delinquency. In our research, the mean age of the defendant children was 15.95 years, but 90.3% of the subjects had an education level of primary school. Incompatibility of the mean age and education level of the children suggests that the children did not continue high school education after the primary school which was compulsory in our study group. In our study group, the education level of the child victims was higher and the rate of students was higher.

Poverty is a problem which is difficult to handle especially in young ages (13). Resolution of economic problem will decrease (50.5%) crimes against livestock which is determined to be the most commonly committed crime. In this research, all of the families of the children dragged into crime had a low economic status below the poverty threshold. There was no family with an monthly income of above 1500 TL.

Incompatible relationship between the mother and father is important in terms of juvenile delinquency, because the child will always imitate his/her parents in his/her relations with the parents or with other people (27). The child acquires the property of socialization inside the family in the most intensive and sincere form (21). The family is responsible of meeting the needs of the child including love and protection in addition to vital requirements (28,29). It was reported that the rate of juvenile delinquency was higher in children of broken families and structural change in families was also a factor affecting delinquency (30).

In a study performed in children living in prison, a history of intra-family violence was reported in seven of eight children (31). Since our study was a retrospective study, family integrity

could not be evaluated in each case, but it was found that 28.1% of the cases in which information about this subject could be obtained had broken families. In the study performed by Oter (32) in the province of Antalya which examined the social causes of juvenile delinquency, it was reported that 30% of the subjects had broken families. In the study performed by Ergündüz (33) in 2010 in İstanbul which evaluated previous abuse which the children dragged into crime had been exposed to, it was found that the parents of 82% of the subjects were together and the remainder had broken families.

The most important step in the criminal investigation is crime scene investigation in elucidating the crime committed. In contrast to the wrong belief that crimes are committed in dark and dead end streets, it is known that home environment is important in crimes (34). In our study, 34.04% of the crimes committed occurred in home environment.

In Turkey, the main crimes children commit include robbery, pick pocketing and violence behavior (17). In many studies performed about power of discernment, the most common crime committed by children was found to be robbery. In these studies, the rate of robbery ranged between 28.4% and 70.6% (17,35,36,37,38,39,40,41,42,43,44,45,46,47,48,49,50,51,52). In our study, the most commonly committed crime was found to be crime against livestock with a rate of 50.5%. More than 90% of the crimes committed against livestock included robbery and qualified robbery. The lower rate of theft compared to other studies conducted on this subject was related to the fact that our study group was selected from the cases of the high criminal court.

Several studies have shown that the most commonly committed crime in juvenile delinquency is crime against livestock and this was followed by sex crimes or crimes committed against bodily privacy. In the study performed by Güral (19) in Erzurum, 47.3% of the crimes were committed against livestock and 35.45% were committed against bodily privacy. In the study performed by Çoğan (53) in the province of Edirne, 34.6% of the crimes were committed against livestock and 6.8% were sex crimes. In the study performed by Öter (32) in the province of Antalya, 67% of the crimes were committed against livestock and 16.6% were sex crimes. In the study performed in Izmir Reformatory School, 55.67% of the crimes were committed against livestock, 25% were unauthorized assumption crimes and 25% were sex crimes. In our study, 51% of the crimes were committed against livestock, 40.8% were sex crimes and 8.2% were committed against person.

In our research, the court process was completed in one year in 42.02% of the cases. In the study performed by Çoğan (53) in the province of Edirne, the court process was also completed in one year in 48.6% of the cases. Rapid conclusion of especially child courts is very important in terms of preventing trauma in the children during the long judgement process.

In juvenile delinquency, the family, education and peer environment are important factors. Peer group may have

positive or negative effects and even these negative effects are predominant. It can be stated that children with inadequate family relations who have a tendency to be dragged into crime are more interested in peer groups and are affected negatively by peer groups (55). The fact that multiple defendants were present in 25.53% of the cases in our study suggests that children can be affected by one another and can be exposed to abuse by evil-minded people.

When a child is dragged into crime, the most important objective is to prevent the child from committing another crime. In our study, 95.7% of the children dragged into crime had no criminal record and 4.3% were ex-convicts. When the child is dragged into crime, the rate of committing another crime was reported to be decreased only by family therapy program among programs including case management, personal therapy, family therapy, youth court and corrective justice programs (56).

## Conclusion

The main important point in juvenile delinquency is to prevent children from being dragged into crime. In this context, family support and education programs are important. The risk of committing new crimes and requirements of children and adolescents should be evaluated and measures should be taken accordingly.

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