

**RISK FACTORS FOR CHILDREN WHO ARE VICTIMIZED AND PUSHED TO
CRIME AND CHALLENGES DURING IMPLEMENTATION OF TURKISH CHILD
PROTECTION LAW**

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ABSTRACT

All negative conditions of the environment where a child grows up and the society to which he/she belongs in general sense have impacts on the condition in which he/she is pushed to crime and/or becomes a victim of a crime. Even though legal and social regulations are tried to be made in consideration of best interest of children, Children are pushed to crime and/or become victims of a crime due to a variety of reasons. After risk factors which push children to crime and/or victimize them because of a crime are elaborately studied, some of the challenges occurring during implementation of Child Protection Law, a law which protects legal interest of children by means of guaranteeing their rights and well-being, are discussed in this study. At the end of this study, solution offers are proposed in order to enable legal and social regulations which will secure safe upbringing of children in an environment that protects their physical and mental integrity to be made and enable these regulations to be implemented.

Key Words: Child Protection Law, Challenges during implementation of Child Protection Law, Juvenile delinquency, Children who become victims of a crime, Risk Factors.

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Risk Factors For Children Who Are Victimized And Pushed To Crime And Challenges During Implementation Of Turkish Child Protection Law

I-Introduction

In accordance with international contracts to which Turkey is a party and Turkish domestic law, every person not turning 18 is considered as a child even he/she becomes mature before that age¹. All rights which people have due to being a human being and all regulations about these rights are applicable for children as well because they are human beings too. However, special protection measures that are peculiar to the children are regulated in a detailed way in texts which are prepared for children; they are also evaluated in accordance with their needs within the scope of their ages and developmental periods².

Protection of child rights is a primary problem in developed and developing countries. How the children are appreciated by the society for the development and progression of the societies is directly proportional to their development levels³. Child benefit is always taken into consideration for all activities in developed societies⁴; moreover, it is accepted in such societies that every child has the right to reach an adequate level of life which can foster their physical, mental, emotional, moral and social developments⁵.

However, children are pushed to crime and/or become victims of a crime owing to a variety of reasons although legal regulations are tried to be made in consideration of best interest of children. This study investigates risk factors which push children to crime and/or make them victims of a crime in a detailed way; afterwards, it discusses difficulties which people experience while applying law of child protection which gives importance to legal benefit of children.

II- Risk factors which push children to crime and/or victimize them because of a crime

Family has the most significant role in development and future of a child. Family has a great role for meeting needs of nursing, nourishment, education, love and affection and to instill cultural and social values since harmony and healthy relationship between family members are important for psycho-social development of children and for the point of being a healthy person in the future. Expanse of the family with whom a child grows up, its socio-economic and cultural status will affect the child's first social experiences and his/her emotional and social development as a consequence⁶. In other words, quality of relationships in the family and existing family environment are decisive to mould a child from different

¹Child Protection Law, Article 3/1 (a), <http://www.mevzuat.gov.tr/MevzuatMetin/1.5.5395.pdf>, 26.07.2016; Convention on the Rights of the Child, Article 1, <http://www.unicef.org/turkey/crc/ cr23c.html>, 26.07.2016.

²Uğurlu Zeynep/Gülsen İpek Aksoy, "Çocuk Hakları ve Hukuki Bağlamda Çocuğun İhmal ve İstismardan Korunması", Uluslararası Sosyal ve Eğitim Bilimleri Dergisi,2014;1(1):36-58.

³Akyüz Emine, Ulusal ve Uluslararası Hukukta Çocuğun Haklarının ve Güvenliğinin Korunması, Ankara Milli Eğitim Basımevi, 2000, p.48.

⁴Convention on the Rights of the Child, Article 3/1, <http://www.unicef.org/turkey/crc/ cr23c.html>, 27.07.2016.

⁵Convention on the Rights of the Child, Article 27/1, <http://www.unicef.org/turkey/crc/ cr23c.html>, 27.07.2016.

⁶Yavuzer Haluk, Çocuk ve Suç, Remzi Kitabevi, 1993, p.155;Gürler Adem, "Çocuğun Suça Yönelmesinde Aile Faktörünün ve Akran Gruplarının Rollerinin İncelenmesi", Doktora tezi, Süleyman Demirel Üniversitesi. Sosyal Bilimler Enstitüsü, Isparta, 2005. p.41;Akbaba Türkan, "Kartal-Kadıköy Bölgesi Çocuk Suçluluğu Profili", Doktora tezi. Marmara Üniversitesi, Sağlık Bilimleri Enstitüsü, İstanbul, 2011;Avcı Müjdat, "Yazgının Yokluğunda Suçun Varlığı Meselesi ya da Ailenin Parçalanmasının Suçla İlişkisi",Atatürk Üniversitesi, Sosyal Bilimler Enstitüsü Dergisi, 2011;15(1):121-140, p.130.

angles⁷. Lack of authority by the family on the child, oppressive attitude of parents, domestic violence and child neglect and abuse of a child within the family and the case where a child is forced to work under grave conditions by the family may cause a child to develop feelings of anxiety, unrest, hostility and delinquency, and eventually push him/her to delinquency and/or become victimized because of a crime⁸.

The fact that social life has diverse sides and dynamics of the society change all the time affects behaviors of children and even their ways of thinking in a variety of ways. Changes such as industrialization, urbanization and economic depressions resulting from these cases, irregular urbanization, immigration, social movements because of unemployment are influential in leading children to risky behaviors involving crime⁹.

Not only parents but also children are affected badly by urbanization and migrations to the city in an intensive and uncontrolled way and socialization process coupled by migrations. During this period, children who come to their migration cities by giving up their habits, cultural behaviors, existing social relationships in that circle where they lived before may show risky behaviors involving crime in order to adapt to their new area and new peers there. Similarly, inequality in income distribution in the society also has a role in delinquency or the case where children become victims of crimes. Children of families with low income envy their peers whose families have high income and show risky behaviors involving crime so as to reach such a life style¹⁰.

On the other hand, it is known that children may commit crimes or become victims of a crime with the motive of becoming popular in their group and/or conforming a group (being a conformist) by benefiting terrifying effect of committing¹¹.

Illiteracy of the family who brings up the child, the child's having no education or his/her dropping out because of economic or social reasons can eventually increase the possibility of his/her being in an environment involving crime. This case causes children to be pushed to crime or become victims of a crime¹².

One of the reasons why children are pushed to crime and/or become victims of a crime is that the family of that child doesn't fulfill its responsibilities about that child. A family has to meet physical, social, emotional needs of its children. If physical needs of a child are met in a family but social and/or emotional needs of him/her are not met or not met adequately, that child cannot develop sense of belonging. When sense of belonging which is one of the most important feelings for a child to build up his/her identity and self actualization need are not

⁷Dönmez Emin, "Aile Özellikleri, Riskli Davranışlar Gösteren Çocuk ve Ergenler", Yeniden Sağlık ve Eğitim Derneği, 2007, p.43.

⁸Hanson Cindy L/Henggeler Scott W/Haeefele William F/Rodick J Douglas, "Demographic, Individual, And Family Relationship Correlates Of Serious And Repeated Crime Among Adolescents And Their Siblings", Journal of Consulting and Clinical Psychology, 1984;52(4):528-538.

⁹Çoban Sevgi, Sosyal Çevrenin Etkilerinin Çocukların Suç ve Problemi Davranışları ile İlişkileri, Hacettepe Üniversitesi Sosyal Bilimler Enstitüsü, Sosyoloji Anabilim Dalı, Yayınlanmamış Doktora Tezi, Ankara, 2012, p.93; Gürsoy Mahmut, "Kentleşme Sürecinde Göç Suçluluk İlişkisi", Adıyaman Üniversitesi, Sosyal Bilimler Enstitüsü, Sosyoloji Anabilim Dalı, Yüksek Lisans Tezi, Adıyaman, 2013, p.154.

¹⁰Coşar Yakup, "Kentleşen Türkiye'de Çocuk Suçluluğu", Türkiye Barolar Birliği Dergisi, 2005;56: 281-327.

¹¹Coşar Yakup, "Kentleşen Türkiye'de.....", 281-327; Akduman Gülümser/Akduman Barış/Cantürk Gürol, "Ergen Suçluluğunda Bazı Kişisel ve Ailesel Özelliklerin İncelenmesi Orijinal Araştırma." Türk Pediatri Arşivi, 2007;42(4):156-161, p.57.

¹²Wei Hong-Ping/Yang Fang-Ru, "Social-Psychological Factors Contributing to Male Juvenile Delinquency" Zhongguo Dang Dai Er Ke Za Zhi, 2011;13(11):904-907.

Risk Factors For Children Who Are Victimized And Pushed To Crime And Challenges During Implementation Of Turkish Child Protection Law

met by the family, that child will look for new places to meet his/her own needs. That child who has little experience about life will be alone, open to dangers and vulnerable to crime as a consequence¹³. This situation is also among the risk factors which push children to crime and/or make them victims of a crime.

Where a child grows up or how the society, as a person of it in the broadest sense, thinks about violence is believed to have effects on delinquency or victimization of children because of a crime.

Children who are neglected and/or abused physically or emotionally by their parents or in their social environment normalize risky behaviors involving crime and directed to them and they personally are led to risky behaviors in the course of time¹⁴.

The fact that children live and work in the streets, use alcohol or drugs at a very young age, there are terrorist activities in their environments is also among the risk factors which have influence over the situations where children are pushed to crime and become victims of a crime as a consequence¹⁵. Moreover, honor concept and/or moral values of that environment where a child lives are influential in leading him/her to risky behaviors as well¹⁶.

In short, uncontrolled migration, irregular urbanization, economical difficulties, child neglect or abuse, negative peer interaction, physical environment which children interact with, habits of children and their families have roles in pushing children to crime or making them victims of a crime, and these reasons affect physical/mental developments of children badly; furthermore, personal security of children is jeopardized. Moreover, growing up with no mother and/or no father, being abandoned by parents or people who have the role of caring him/her and social dangers such as prostitution, begging, using alcohol and/or drugs are among serious risk factors for child delinquency and their being victims of a crime¹⁷.

Making regulations which will guarantee secure growing up of children in an environment which protects physical and emotional integrity of them are significant from legal, social, physical and emotional angles¹⁸.

III-Challenges during Implementation of Child Protection Law

Child Protection Law which indicates procedures and principles about precautions to be taken and security measures to be implemented for the children who are pushed to crime under the effect of risk factors and/or become victims because of the effects of these factors,

¹³Karakuş Özlem/Tekin Hasan Hüseyin, "Çocuk Koruma Kanunu Uyarınca Haklarında Danışmanlık Tedbiri Uygulanan Çocukların Özellikleri (Konya Örneği)", Sosyal Politika Çalışmaları Dergisi, 2012;7(29):29-44; Çopur Ebru Öztürk/Ulutaşdemir Nilgün/Balsak Habip, "Çocuk ve Suç", Hacettepe Üniversitesi, Sağlık Bilimleri Dergisi, 2015;1:120-124, p.121.

¹⁴Acar Gülşah/Demir Aynur/ Görmez Dicle/Keser İlkay, "Aile ve Çocuk Suçluluğu İlişkisi", Hacettepe Üniversitesi Sağlık Bilimleri Fakültesi Dergisi, 2015;1:651-656.

¹⁵Polat Oğuz, "Türkiye'de Çocuk Haklarının Durumu", Toplum ve Demokrasi Dergisi, 2014;2(2):149-157.

¹⁶Unicef, Riskler ve Çocuk Koruma, <http://www.unicef.org.tr/sayfa.aspx?id=22>, 26.07.2016.

¹⁷Günşen İçli Tülin, Çocuk, Suç ve Sokak, Türkiye Cumhuriyeti Başbakanlık Aile ve Sosyal Araştırmalar Genel Müdürlüğü Yayını, Ankara, 2009. İçli Tülin, Kriminoloji, Bizim Büro Basımevi, Ankara, 1994, p.40.

¹⁸Coşar Yakup, "Kentleşen Türkiye'de....", 281-327; Çopur Ebru Öztürk/Ulutaşdemir Nilgün/Balsak Habip, "Çocuk ve Suç",122.

and which regulates foundation and duty authorization of child courts came into force in 2005¹⁹. The aim of this law is to protect both victimized children and children who are pushed to crime and to guarantee their rights and well-being²⁰ as childhood is a period that must be specially protected among other developmental periods²¹. However, although there are many legal cases regulated in the existing law for children who are pushed to crime and/or become victims of a crime, different implementations in practice and some challenges damage the effective implementation of the law.

Clause 1 of Article 15 of Child Protection Law stipulates that public prosecutor working in child unit personally conducts investigation about children who are pushed to crime²². However, it is known that there are some cases in practice where law-enforcement officers take first statements of children who are pushed to crime. As a result, different implementations in practice which occur despite explicit provision of the law are among important challenges which reduce effectiveness of child protection law²³.

In accordance with Clause 1 of Article 17 of Child Protection Law, investigation and prosecution related to children and adults is respectively carried out in case children commit a crime with adults²⁴. Clause 3 of the same article states that if it is obligatory to discuss cases regarding children and adults together, decision of joinder can be taken in general trial courts at every stage of trial on condition that courts approve, and joined cases can be discussed in general trial courts²⁵. Child legal system is based on priority of benefit of children and legal process regarding children must be followed in a different way than that of adults in order to protect children, this situation is another challenge of Child Protection Law during implementation²⁶.

Article 18 of Child Protection Law states that using chain and similar tools on children and handcuffing them is prohibited. However, the same article also states that necessary precautions can be taken by law-enforcement officers in order to prevent children from running away and avoid dangers in terms of life or body integrity of the child himself/herself or other people in case of obligatory cases²⁷. In spite of existing regulation of the law in practice, it has been observed that the handcuffing prohibition for people who are regarded as

¹⁹Child Protection Law, Article 3/1 (a), Article 2/1, <http://www.mevzuat.gov.tr/MevzuatMetin/1.5.5395.pdf>, 26.07.2016.

²⁰Child Protection Law, Article 2/1, <http://www.mevzuat.gov.tr/MevzuatMetin/1.5.5395.pdf>, 26.07.2016; Çocuk Koruma Kanununa Göre Verilen Koruyucu ve Destekleyici Tedbir Kararlarının Uygulanması Hakkında Yönetmelik, https://www.tbmm.gov.tr/komisyon/insanhaklari/belge/um_cocukkorumatedbirkararlari.pdf, 26.07.2016.

²¹Türkiye’de Çocuk Adalet Sisteminin Yönetimi, Ankara, 2012;1-180, http://shsempozyum2014.baskent.edu.tr/files/turkiyede_cocuk_adalet_sisteminin_y%C3%B6netimi.pdf, 26.07.2016; Tüysüz Ahmet, et al., Suça Sürüklenen Çocuklara Hukuki Yardım Eğitimi El Kitabı, 2010;1-262, http://cocukhaklari.barobirlik.org.tr/dokuman/egitimbasvuru_egitim/sucasuruklenencocuklara.pdf, 26.07.2016.

²²Child Protection Law, Article 15/1, <http://www.mevzuat.gov.tr/MevzuatMetin/1.5.5395.pdf>, 26.07.2016.

²³Akbulut Berrin, “Ceza Mevzuatında Çocuk ve Çocukların Yakalanması ve Gözaltına Alınması”, Prof. Dr. Nur Centel’e Armağan, 2013; 541-586, <http://e-dergi-marmara.dergipark.gov.tr/download/issue-file/492>, 26.07.2016.

²⁴Child Protection Law, Article 17/1, <http://www.mevzuat.gov.tr/MevzuatMetin/1.5.5395.pdf>, 26.07.2016.

²⁵Child Protection Law, Article 17/3, <http://www.mevzuat.gov.tr/MevzuatMetin/1.5.5395.pdf>, 26.07.2016.

²⁶Birleşmiş Milletler Çocuk Adalet Sisteminin Uygulanması Hakkında Asgari Standart Kurallar (Pekin (Beijing) Kuralları), http://cocukhaklari.barobirlik.org.tr/dokuman/mevzuat_uakararlar/cocukadaletsistemininuygulanmasi.pdf, 26.07.2016.

²⁷Child Protection Law, Article 18, <http://www.mevzuat.gov.tr/MevzuatMetin/1.5.5395.pdf>, 26.07.2016.

Risk Factors For Children Who Are Victimized And Pushed To Crime And Challenges During Implementation Of Turkish Child Protection Law

child being between the ages of 0 and 18 is not obeyed when law-enforcement officers send and transfer them²⁸.

On the other hand, general courts are authorized to make works and transactions which require judgment concerning children in cases where juvenile courts cannot be established even though there are regulations about foundation and duties of juvenile courts in Article 25 and 26 of Child Protection Law²⁹. The fact that children cannot be judged because of works and transactions about them in juvenile courts is against the principle of fair trial³⁰ which children also have and this situation is another challenge experienced during implementation of child protection law which aims to protect children by considering best interest of a child.

There is no explicit provision showing which court will decide on arrest warrant in cases where children need to be arrested according to Child Protection Law³¹. However, Clause 1 of Article 42 of the same law stipulates that provisions of Code of Criminal Procedure, Turkish Civil Code, Code of Civil Procedure, and Law on Social Services and Child Protection Institution will be employed in the event that cases with no provision in this law occur³². For this reason, arresting will be carried out in accordance with concerning provisions of Code of Criminal Procedure when arrest warrant which is one of the protection precautions needs to be implemented³³. In other words, provision 42/1 of Child Protection Law³⁴ stipulates that arrest warrant for children will be taken by judge of criminal court of peace upon request of public prosecutor at investigation stage in accordance with the regulation in Clause 1 of Article 101 of Code of Criminal Procedure; on the other hand, the court will decide on its own motion or upon request of public prosecutor at prosecution stage. This circumstance is another problem during implementation of Child Protection Law which is regulated to provide best interest of children because childhood period bears special importance³⁵. The reason is the fact that regulations about all works and activities concerning children in Child Protection Law itself will be legally secure for the benefit of the child.

In practice, many transactions about children who are pushed to crime are carried out by law-enforcement officers of police station, and then documents about these children are assigned to the child department. However, all works and activities concerning children who are pushed to crime need to be carried out by child unit of police-force in accordance with best interest of children. Although available equipment and lack of staff in child unit of police-force give rise to this situation, legal implementations concerning children who are

²⁸Unicef, “Çocuk Koruma Kanununun 4 yıllık Değerlendirme Toplantısı Aralık 2009/ Toplantı Raporu”, 1-35.

²⁹Child Protection Law, Article 25-26, <http://www.mevzuat.gov.tr/MevzuatMetin/1.5.5395.pdf>, 26.07.2016.

³⁰Council of Europe „Guidelines of the Committee of Ministers of the Council of Europe on Child-Friendly Justice, 1-51, <https://www.coe.int/t/dghl/standardsetting/cdcj/CDCJ%20Recommendations/GuidelinesChild-FriendlyJusticeE.pdf>, 26.07.2016.

³¹Tüysüz Ahmet, et al., Suça Sürüklenen..., 2010;1-262,

http://cocukhaklari.barobirlik.org.tr/dokuman/egitimbasvuru_egitim/sucasuruklenencocuklara.pdf, 26.07.2016.

³²Child Protection Law, Article 42/1, <http://www.mevzuat.gov.tr/MevzuatMetin/1.5.5395.pdf>, 26.07.2016.

³³Tüysüz Ahmet, et al., Suça Sürüklenen..., 2010;1-262,

http://cocukhaklari.barobirlik.org.tr/dokuman/egitimbasvuru_egitim/sucasuruklenencocuklara.pdf, 26.07.2016.

³⁴Child Protection Law, Article 42/1, <http://www.mevzuat.gov.tr/MevzuatMetin/1.5.5395.pdf>, 26.07.2016;

Criminal Procedure Law, Article 101/1, <http://www.mevzuat.gov.tr/MevzuatMetin/1.5.5271.pdf>, 26.07.2016.

³⁵Türkiye’de Çocuk Adalet Sisteminin Yönetimi, Ankara, 2012;1-180,

http://shsempozum2014.baskent.edu.tr/files/turkiyede_cocuk_adalet_sisteminin_y%C3%B6netimi.pdf,

26.07.2016; Tüysüz Ahmet, et al., Suça Sürüklenen Çocuklara Hukuki Yardım Eğitimci El Kitabı, 2010;1-262, http://cocukhaklari.barobirlik.org.tr/dokuman/egitimbasvuru_egitim/sucasuruklenencocuklara.pdf, 26.07.2016.

pushed to crime must be performed by child unit of police-force if the aim is to protect and reintroduce children who are pushed to crime to the society. As a result, increasing equipment in child unit of police-force and employing staff in sufficient number bears much significance for required implementation of child protection law³⁶.

On the other hand, the fact that trials of children take much time because of such reasons as not finding address, opening a case without collecting enough data about the incident which is claimed to be a crime during prosecution stage, legal expert investigations which last long³⁷ reduces effectiveness of the law in practice whose aim is to protect children. If the aim to be reached by Child Protection Law is to protect children, putting an end to the trial as soon as possible will be of great importance for best interest and mental well-being of the child.

Although there is a provision in Article 2 of Child Protection Law³⁸ indicating that procedures and principles of security precautions to be implemented for children who are in need of protection will be regulated in this law, there is no regulation about it in the concerning law. There are protective and supportive precautions in Article 5 of the law; the aim is to enable the regulation about these precautions to be applicable for security precautions peculiar to children³⁹. Even though there is a discrimination between protective and supportive precautions and security precautions in the concerning law, one may think that protective and supportive precautions are regulated in a detailed way in the concerning law; however, security precautions are not prepared in a detailed way⁴⁰. In other words, the fact that there are no regulations in the law about procedures and principles concerning security precautions peculiar to children and implementation of them is thought to be another challenge experienced during implementation of this law. As a result, regulating security precautions peculiar to children and procedures and principles about these precautions is believed to increase effectiveness of Child Protection Law during implementation.

In Article 236 of Clause 3 of Law of Criminal Procedure, there is a provision stating that “an expert in the field of psychology, psychiatrics, medicine or education must be present while victimized children or another victim who becomes mentally depressed are testifying⁴¹. Provisions which are in use for experts are also applicable for these people.” Furthermore, Article 34/1 of Child Protection Law⁴² mentions duties of social workers. In accordance with Clause b of this article⁴³, social workers have to be with the child who is pushed to crime while he/she is testifying or being questioned. Despite existing regulations in Article 236 of

³⁶Unicef, “Çocuk Koruma...”, 1-35.

³⁷Unicef, “Çocuk Koruma...”, 1-35.

³⁸Child Protection Law, Article 42/1, <http://www.mevzuat.gov.tr/MevzuatMetin/1.5.5395.pdf>, 26.07.2016.

³⁹Topaloğlu Mahir, Çocuk Koruma Kanununda Tedbirler Sorunu, İstanbul Barosu Dergisi, 2007;81(4):1647-1660; Topaloğlu Mahir, Türk Hukukunda Çocuklara Özgü Güvenlik Tedbirleri, Marmara Üniversitesi, Sosyal Bilimler Enstitüsü, Kamu Hukuku Bilim Dalı, Yüksek Lisans Tezi, İstanbul, 2008;1-120.

⁴⁰Topaloğlu Mahir, “Çocuk Koruma...” 2007;81(4):1647-1660.

⁴¹Criminal Procedure Law, Article 236/3, <http://www.mevzuat.gov.tr/MevzuatMetin/1.5.5271.pdf>, 26.07.2016.

⁴²Child Protection Law, Article 34/1, <http://www.mevzuat.gov.tr/MevzuatMetin/1.5.5395.pdf>, 26.07.2016.

⁴³Child Protection Law, Article 34/1(b), <http://www.mevzuat.gov.tr/MevzuatMetin/1.5.5395.pdf>, 26.07.2016.

Risk Factors For Children Who Are Victimized And Pushed To Crime And Challenges During Implementation Of Turkish Child Protection Law

Law of Criminal Procedure and Article 34 of Child Protection Law, there are some difficulties in implementation of these provisions about social workers. On the other hand, lack of experts in this field creates some difficulties in implementation of this law adequately⁴⁴.

Evaluation of family, school and social environment which they interact with bears much importance for child trials for best interest of children who are pushed to crime and/or become victims of a crime when implementing Child Protection Law⁴⁵. Within this period, experts like social worker, psychological counselor/psychologist prepare a report to present it to the court so that data about children can be generated. One of these reports is social study reports which are prepared by social workers and may contribute to decision-making process of judicial office. These reports which are defined as Social Study Report include physical, mental and social traits of children, familial and environmental conditions where child grow up, information about the behavior of the child which is alleged to be a crime and what can be done for reintegration of children into the society. Moreover, these reports include information about how and under which conditions these children who are pushed to crime are reached, who accompanies these children when they are asked to come to the court office⁴⁶. While preparing Social Study Reports, interviews are held in either court office or at homes of children, and these meetings will be held in court office if there are cases which create danger for security of experts conducting the study or people to conduct meeting⁴⁷. Social Study Reports to be prepared by experts must be obligatory for every child during legal procedure and these reports must be standardized. Social Study Reports need to be prepared via interviews to be held in physically suitable places in accordance with Child Protection Law in order to protect children who are pushed to crime and/or become victims of a crime. Furthermore, these reports must not be just necessary documents to be in files belonging to children; they must serve a purpose for decision-making of legal office for benefits of children⁴⁸.

IV-Conclusion

Rules about protection of children are regulated with basic principles primarily in the Constitution within Turkish Law System. Many new legal regulations have been made in terms of crimes which are committed against children and/or children who are pushed to

⁴⁴Unicef, “Çocuk Koruma...”, 1-35.

⁴⁵Uluğtekin Sevda, Çocuk Mahkemeleri ve Sosyal İnceleme Raporları, Türkiye Barolar Birliği, Ankara, 2004; 1-210.

⁴⁶Tomanbay İlhan, Sosyal Çalışma Sözlüğü, Ankara, 1999.

⁴⁷Uluğtekin Sevda, Çocuk Mahkemeleri..., 1-210; Buz Sema/Düzyurt Kübra/ Sağlam Mehmet, Aile Mahkemesinde Çalışan Sosyal Çalışma Görevlilerinin Sosyal İnceleme Raporlarına İlişkin Değerlendirmeleri: Ankara Adliyesi Örneği, Toplum ve Sosyal Hizmet, 2015;33(2):7-29.

⁴⁸Artan İmdat, Dünyada ve Türkiye’de Sosyal İnceleme Raporları (SİR), 1-12, <http://www.pskososyalhizmet.com/4/dtsir.pdf>, 27.07.2016; Buz Sema/Düzyurt Kübra/ Sağlam Mehmet, “Aile Mahkemesinde Çalışan...”, 2015;33(2):7-29.

crime with regulations within the law system recently. Elimination of problems occurring during implementation of Child Protection Law which is one of these regulations and aims to protection of children are significant for child protection and legal benefit.

A child must be taught at early ages that he/she is a person, has right to determine his/her own future at a certain rate or at least the ability of expressing himself/herself is important and necessary. Children must be brought up in the way that he/she can communicate, and they have the awareness to complain about acts involving crime when these acts are directed to them.

As children cannot be thought without considering their social environment, policies to improve their social environments are very important for prevention of child delinquency⁴⁹.

When one considers the fact that family institution is the keystone of the society, parent-child relationship is a point to be given much importance by the society and the country in general sense. When a child grows up in a physically and emotionally healthy way in family unity, he/she is prevented from being pushed to crime or becoming a victim of a crime. At this point, programs which will reinforce family-child relationship so that parents can bring up healthy children must be developed⁵⁰.

Child-friendly attitudes of law-enforcement officers (Police and Gendarmerie) for legal procedures to be implemented for children are indispensable for securing child rights, confidence in law-enforcement officers shown by children and usage of right to complain by children in case of criminal acts directed to them⁵¹.

In the event of forming a database about cases or situations where children become victims of a crime and/or they are pushed to crime, risk factors about children who are pushed to crime and/or become victims of a crime can be found out and necessary precautions can be taken for the protection of children.

Concerning governmental institutions should have knowledge about whether court injunctions about children who are pushed to crime and/or become victims of a crime are carried out, and there must be coordination between these institutions. Moreover, asking opinion of psychologists, pedagogs and social workers who work in the courts about children who are pushed to crime and/or become victims of a crime will be important for the benefit of children, their fair trials and protection⁵². Social investigation reports which are prepared by concerning experts working in Social Services Society for the Protection of Children must be arranged elaborately, and reports must be sent to all concerning institutions so that children can be sufficiently protected. Furthermore, services of foster-parents which are carried out by the same institution must be supported as well.

⁴⁹Gomes Rui et al, *Compass: Manual On Human Rights Education with Young People*. Strasbourg: Council of Europe Publishing, 2012.

⁵⁰Karakuş Özlem/Tekin Hasan Hüseyin, “Çocuk Koruma Kanunu...”, 29-44.

⁵¹Öntaş Özlem Cankurtaran, “Çocuk Adalet Sistemi ve Çocuk Polis İlişkisi”, *Toplum ve Sosyal Hizmet Dergisi*, 2008;19(2):21-37; Gemalmaz Mehmet Semih, “Küçükler Bakımından Adaletin Yürütümü Hakkında Birleşmiş Milletler Asgari Standart Kuralları”, *Çocuklar ve Suç-Ceza, Karşılaştırmalı Güncel Ceza Hukuku Serisi*, Ankara, 2015, 49.

⁵²Filiz Orhan, “Türkiye’de Aile Mahkemeleri Uygulaması ve Uygulamanın Değerlendirilmesi Üzerine Bir Araştırma”, *Sosyal Politikalar Çalışmaları Dergisi*, 2011;25(25):73-96.

Risk Factors For Children Who Are Victimized And Pushed To Crime And Challenges During Implementation Of Turkish Child Protection Law

Although the fact that child protection law has problems in practice cannot be overlooked, society must be educated to have the awareness that protection of children is not a duty of only law-makers or law-enforcement officers. Moreover, compliance with laws and best benefits of children must be favored for all actions and procedures which will be implemented for children who come and/or are made to come to police forces as they are pushed to crime or become victims of a crime.

As a consequence, the aim should be to prevent children from coming across criminal acts actively or passively in any way instead of performing child protection law when children become victims of a crime and/or are pushed to crime. One should not forget that making laws will not be adequate to prevent child delinquency or victimization on its own; it is significant that social life should be based on these rules.

Bibliography

- Acar Gülşah/Demir Aynur/ Görmez Dicle/Keser İlkay, “Aile ve Çocuk Suçluluğu İlişkisi”, Hacettepe Üniversitesi Sağlık Bilimleri Fakültesi Dergisi, 2015;1:651-656.
- Akbaba Türkan, “Kartal-Kadıköy Bölgesi Çocuk Suçluluğu Profili”, Doktora tezi. Marmara Üniversitesi,Sağlık Bilimleri Enstitüsü, İstanbul, 2011.
- Akbulut Berrin, “Ceza Mevzuatında Çocuk ve Çocukların Yakalanması ve Gözaltına Alınması”, Prof. Dr. Nur Cenetel’e Armağan, 2013; 541-586, <http://e-dergi-marmara.dergipark.gov.tr/download/issue-file/492> , 26.07.2016
- Akduman Gülümser/Akduman Barış/ Cantürk Gürol, "Ergen Suçluluğunda Bazı Kişisel ve Ailesel Özelliklerin İncelenmesi Orijinal Araştırma." Türk Pediatri Arşivi, 2007;42(4):156-161.
- Akyüz Emine, Ulusal ve Uluslararası Hukukta Çocuğun Haklarının ve Güvenliğinin Korunması, Ankara Milli Eğitim Basımevi,2000, p.48.
- Artan İmdat, Dünyada ve Türkiye’de Sosyal İnceleme Raporları (SİR), 1-12,<http://www.psikososyalhizmet.com/4/dtsir.pdf> , 27.07.2016
- Avcı Müjdat, “Yazgının Yokluğunda Suçun Varlığı Meselesi ya da Ailenin Parçalanmasının Suçla İlişkisi”,Atatürk Üniversitesi, Sosyal Bilimler Enstitüsü Dergisi, 2011;15(1):121-140.
- Birleşmiş Milletler Çocuk Adalet Sisteminin Uygulanması Hakkında Asgari Standart Kurallar (Pekin(Beijing) Kuralları,
http://cocukhaklari.barobirlik.org.tr/dokuman/mevzuat_uakararlar/cocukadaletsistemininu_ygulanmasi.pdf , 26.07.2016.
- Buz Sema/Düzyurt Kübra/ Sağlam Mehmet, Aile Mahkemesinde Çalışan Sosyal Çalışma Görevlilerinin Sosyal İnceleme Raporlarına İlişkin Değerlendirmeleri: Ankara Adliyesi Örneği, Toplum ve Sosyal Hizmet, 2015;33(2):7-29.
- Child Protection Law, <http://www.mevzuat.gov.tr/MevzuatMetin/1.5.5395.pdf> , 26.07.2016.
- Çoban Sevgi, Sosyal Çevrenin Etkilerinin Çocukların Suç ve Problemi Davranışları ile İlişkileri, Hacettepe Üniversitesi Sosyal Bilimler Enstitüsü, Sosyoloji Anabilim Dalı, Yayınlanmamış Doktora Tezi, Ankara, 2012.
- Çocuk Koruma Kanununa Göre Verilen Koruyucu ve Destekleyici Tedbir Kararlarının Uygulanması Hakkında Yönetmelik,

Risk Factors For Children Who Are Victimized And Pushed To Crime And Challenges During Implementation Of Turkish Child Protection Law

https://www.tbmm.gov.tr/komisyon/insanhaklari/belge/um_cocukkorumatedbirkararlari.pdf, 26.07.2016.

•Convention on the Rights of the Child, <http://www.unicef.org/turkey/crc/cr23c.html> , 26.07.2016.

•Coşar Yakup, “Kentleşen Türkiye’de Çocuk Suçluluğu”, Türkiye Barolar Birliği Dergisi, 2005;56: 281-327.

•Council of Europe ,Guidelines of the Committee of Ministers of the Council of Europe on Child-Friendly Justice, 1-51,

<https://www.coe.int/t/dghl/standardsetting/cdcj/CDCJ%20Recommendations/GuidelinesChild-FriendlyJusticeE.pdf> , 26.07.2016.

•Criminal Procedure Law, <http://www.mevzuat.gov.tr/MevzuatMetin/1.5.5271.pdf> , 26.07.2016

•Çopur Ebru Öztürk/Ulutaşdemir Nilgün/Balsak Habip, "Çocuk ve Suç", Hacettepe Üniversitesi, Sağlık Bilimleri Dergisi, 2015;1:120-124.

•Dönmez Emin, “Aile Özellikleri, Riskli Davranışlar Gösteren Çocuk ve Ergenler”, Yeniden Sağlık ve Eğitim Derneği, 2007, p.43.

•Filiz Orhan, “Türkiye’de Aile Mahkemeleri Uygulaması ve Uygulamanın Değerlendirilmesi Üzerine Bir Araştırma, Sosyal Politikalar Çalışmaları Dergisi, 2011;25(25):73-96.

•Gemalmaz Mehmet Semih, “Küçükler Bakımından Adaletin Yürütümü Hakkında Birleşmiş Milletler Asgari Standart Kuralları”, Çocuklar ve Suç-Ceza, Karşılaştırmalı Güncel Ceza Hukuku Serisi, Ankara, 2015, 49.

•Gomes Rui et al, Compass: Manual On Human Rights Education with Young People. Strasbourg: Council of Europe Publishing, 2012.

•Günşen İçli Tülin, Çocuk, Suç ve Sokak, Türkiye Cumhuriyeti Başbakanlık Aile ve Sosyal Araştırmalar Genel Müdürlüğü Yayını, Ankara, 2009.

•Gürler Adem, “Çocuğun Suça Yönelmesinde Aile Faktörünün ve Akran Gruplarının Rollerinin İncelenmesi”,Doktora tezi, Süleyman Demirel Üniversitesi. Sosyal Bilimler Enstitüsü, Isparta, 2005. p.41.

- Gürsoy Mahmut, “Kentleşme Sürecinde Göç Suçluluk İlişkisi”, Adıyaman Üniversitesi, Sosyal Bilimler Enstitüsü, Sosyoloji Anabilim Dalı, Yüksek Lisans Tezi, Adıyaman, 2013, p.154.
- Hanson L Cindy/Henggeler W Scott/Haeefele F William/Rodick J Douglas, “Demographic, Individual, And Family Relationship Correlates Of Serious And Repea Crime Among Adolescents And Their Siblings”,Journal of Consulting and Clinical Psychology, 1984;52(4):528-538.
- İçli Tülin, Kriminoloji, Bizim Büro Basımevi, Ankara, 1994, p.40.
- Karakuş Özlem/Tekin Hasan Hüseyin, “Çocuk Koruma Kanunu Uyarınca Haklarında Danışmanlık Tedbiri Uygulanan Çocukların Özellikleri(Konya Örneği)”, Sosyal Politika Çalışmaları Dergisi, 2012;7(29):29-44.
- Öntaş Özlem Cankurtaran, “Çocuk Adalet Sistemi ve Çocuk Polis İlişkisi”, Toplum ve Sosyal Hizmet Dergisi, 2008;19(2):21-37.
- Polat Oğuz, “Türkiye’de Çocuk Haklarının Durumu”, Toplum ve Demokrasi Dergisi, 2014;2(2):149-157.
- Tomanbay İlhan, Sosyal Çalışma Sözlüğü, Ankara, 1999.
- Topaloğlu Mahir, Çocuk Koruma Kanununda Tedbirler Sorunu, İstanbul Barosu Dergisi, 2007;81(4):1647-1660.
- Topaloğlu Mahir, Türk Hukukunda Çocuklara Özgü Güvenlik Tedbirleri, Marmara Üniversitesi, Sosyal Bilimler Enstitüsü, Kamu Hukuku Bilim Dalı, Yüksek Lisans Tezi, İstanbul, 2008;1-120.
- Türkiye’de Çocuk Adalet Sisteminin Yönetimi, Ankara, 2012;1-180, http://shsempozyum2014.baskent.edu.tr/files/turkiyede_cocuk_adalet_sisteminin_y%C3%B6netimi.pdf, 26.07.2016.
- Tüysüz Ahmet, et al., Suça Sürüklenen Çocuklara Hukuki Yardım Eğitimci El Kitabı, 2010;1-262, http://cocukhaklari.barobirlik.org.tr/dokuman/egitimbasvuru_egitim/sucasuruklenencocuklara.pdf , 26.07.2016
- Uğurlu Zeynep/ Gülsen İpek Aksoy, “Çocuk Hakları ve Hukuki Bağlamda Çocuğun İhmal ve İstismardan Korunması”, Uluslararası Sosyal ve Eğitim Bilimleri Dergisi,2014;1(1):36-58

Risk Factors For Children Who Are Victimized And Pushed To Crime And Challenges During Implementation Of Turkish Child Protection Law

- Uluętekin Sevda, Çocuk Mahkemeleri ve Sosyal İnceleme Raporları,Türkiye Barolar Birlięi, Ankara, 2004;1-210.
- Unicef, “Çocuk Koruma Kanununun 4 yıllık Deęerlendirme Toplantısı Aralık 2009/ Toplantı Raporu”, 1-35.
- Unicef, Riskler ve Çocuk Koruma, <http://www.unicef.org.tr/sayfa.aspx?id=22>, 26.07.2016.
- Wei Hong-Ping/Yang Fang-Ru, “Social-Psychological Factors Contributing To Male Juvenile Delinquency” Zhongguo Dang Dai Er Ke Za Zhi, 2011;13(11):904-907.
- Yavuzer Haluk, Çocuk ve Suç, Remzi Kitabevi, 1993, p.155.