

The Situation in Turkey regarding Juvenile Crime

IAJ/UIM

Third Study Commission Questionnaire

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(TURKEY REPORT)

For 2015, the Third Study Commission has selected “Juvenile Justice” as the topic for study and discussion. The treatment of juveniles in the criminal justice system is of special importance. Juvenile crime is generally recognized as quite different in quality from adult crime. The need to deter and punish criminal conduct by juveniles, and to account for the interests of the victims of such crime, must be balanced by the recognition that youthful offenders may not have fully-formed notions of the wrongfulness of their conduct, as well as the idea that a juvenile offender should be treated in a way that promotes the likelihood of a law-abiding lifestyle in adulthood.

To facilitate our study and inform our discussions, we request the following information with respect to your country’s system of Juvenile Justice:

- 1) Please describe how juvenile crime is handled in your country, including A) the age at which a person is considered a juvenile, B) a description of court process including information on any specialized courts for handling juvenile crime, C) whether there is a right to have an attorney and D) how trials are conducted.

The way how Juvenile crime is handled has distinctive character. The procedures to be followed and courts where juvenile crime is heard are quite different than adults' ones.

In our legal system, a person under the age of 18 is considered juvenile. Those whose ages are under 12 do not have criminal responsibility because of their acts. Once a juvenile commits a crime, he is treated in a different way before the court and during the correction.

There are specialized courts handling juvenile crime, juvenile courts and juvenile courts for felony crimes. The investigation over juvenile can be launched by special prosecutors, "juvenile prosecutors". It is obligated that during all phases of the process juvenile must be provided with an attorney. In addition, there must be a social worker in the course of investigation and judicial proceeding.

- 2) If a juvenile is detained in custody, are there special facilities to maintain separation of juveniles from adults?

Yes, there are special facilities to maintain separation of juveniles from adults. If there is no adequate or special facility, custodies must be separated in an appropriate way to keep juvenile away from adults.

- 3) Are judges specially trained? How?

Yes, they are. They have certain periods in their profession to be trained.

In order to become a judge in juvenile court, prospective judge must be older than 30 year-old and have children. The judges of juvenile courts work as a three-panel judge and there should be at least a female judge in the panel.

- 4) In your country, are juvenile cases handled separately from adult cases? How?

From the beginning of investigations to the end of the trials, paperwork for juvenile is separated from adults' ones. Their investigation and court process must be separate.

All judicial proceeding including arrest, seizure, detain, hearings, etc are different than usual process.

- 5) If a crime is committed by a juvenile, what is the range of punishment? Are there specialized prisons? What education and/or counseling is available to the juvenile offender when in prison or other custody?

Juveniles who are under 15 year-old cannot be arrested if the upper limit of the sentence of the crime is lower than 5 years in prison.

The highest sentence for Juveniles between 12-15 year-old is 12 years in prison.

The highest sentence for Juveniles between 15-18 year-old is 24 years in prison.

There are “education houses” for juvenile and they can follow formal educational stages. Also, they can benefit from distance educational opportunities. There are also some correctional centers offering vocational education.

- 6) Are juvenile prosecutions open to the public, or are they handled on a confidential basis?

They are handled on a confidential basis.

- 7) Can a juvenile prosecution case be transferred to adult court? If so, what are the considerations and how is that handled? Who decides, the judge or the prosecutor?

Judges can decide to transfer juvenile to adult courts if the crime committed jointly.

- 8) Is there a role in juvenile prosecutions for a social worker? What is that role?

They prepare social examination report to submit prosecution office and to courts.

This report is taken into consideration by prosecutor and judge. It reflects the amount of juvenile’s awareness of his wrongdoings.

They must be present during testimony of juvenile.

Judges can give some duties regarding social examination of juveniles.

- 9) Is there a role for Restorative Justice in juvenile cases?

There are some roles for restorative justice in juvenile cases as follows;

- **Juvenile – victim mediation process.**
- **Community or family group meetings**
- **Group discussions**
- **Probation and community boards.**
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10) What do you see as the strengths and weaknesses of your country's juvenile justice system?

- 1) It does not work as must pursuant to current legal system.**
- 2) Measures for prevention juvenile crimes are mostly ignored.**
- 3) The system is based on sentencing not restoration in practice.**
- 4) The tie between families of juvenile and juvenile is not established in a way that it contributes to handle problems more appropriately.**

11) If you could change anything in your country's system of juvenile justice, what would you change?

I would establish very strong review process for proceeding of all phases of juvenile crime.

Prepare many community programs to raise awareness to decrease the amount of juvenile crime.

Establish a system that enables schools and teachers to be involved in whole period of juvenile life.

Establish a fund to support families of the juvenile criminals.

Education would be major focus in the system to be established.