

Evaluation of juvenile sexual delinquency at the Ankara 1st Children's High Criminal Court

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ABSTRACT

Aim To evaluate the events being tried for sexual crimes and to get information about children who committed sexual crimes.

Methods The case files in which the trials were completed were retrospectively examined and analyzed for sexual offenses at the Ankara 1st Children's High Criminal Court between 2008- 2009.

Results All 54 children involved into sexual crimes were males and the average age of those children was 15.68 and the average age of 54 victims was 12.04 years. There was a significant difference between the age groups of assailants and victims. The assailants had mainly committed those crimes against age groups younger than themselves. All the families of children involved into sexual crimes have poor socio-economic status. There were only nine (16.7%) high school graduates.

Conclusion Taking necessary measures before a crime is committed, and social rehabilitation of offender and victim if the crime occurs, will be the success of a contemporary society. Prevention of children from committing a crime again and social rehabilitation will provide serenity and confidence of society.

Key words: sexual violence, sex offenses, child abuse, sexual, court decision.

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INTRODUCTION

According to the first article of the Convention on the Rights of the Child, "a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier" (1). Juvenile delinquency is the involvement of a child in behavior that violates the law (2). According to Isiksac, juvenile delinquency is based upon the structural characteristics of the child, environmental factors (family and socio-cultural environment), and his family's living conditions (3). Scientists have begun to do researches on juvenile delinquency at the beginning of 20th century (4). Sexual assault includes a broad spectrum of nonconsensual sexual activity aimed at sexual satisfaction by using physical force and forcing like threat, deception and fraud against a person without the consent of or a person whose consent is not accepted because of the age or the mental deficiency or illness (5). Every country in the world has different applications on the age of criminal responsibility. While the countries like Bangladesh and Australia (Tasmania) can be exemplified to start the age of criminal responsibility from the age of 7, Belgium, Colombia and Panama start it at the age of 18. In Turkey the age of criminal responsibility starts at the end of the age of 12 (6,7).

In Turkey, Children's High Criminal Court deals with crimes committed by children and crimes requiring aggravated life imprisonment and more than 10 years of punishment (2). Children discover sexuality in the period of adolescence as a step of bio-psycho-social development (8). In studies, the ratio of children perpetrators of sexual assault may go up to 30% (9,10).

The aim of this study was to evaluate the events tried as sexual crimes and to get information about children who committed sexual crimes and seek solutions for preventing juvenile delinquency by defining the person who committed a crime and its socio-demographic characteristics.

EXAMINEES AND METHODS

The files of all cases tried at the Ankara 1st Children's High Criminal Court between January 1, 2008 and December 31, 2009 were retrospectively examined. According to the Court decisions 54 cases of sexual crimes du-

ring this period were found. The cases were evaluated according to gender, mean age, criminal records, level of education, proximity degree of the assailant and the victim, scene of crime, unity of mother and father, living place, monthly income and decision of the court.

RESULTS

All of the cases involved in sexual crimes were males. The mean age of the offenders was 15.68 ± 1.62 (aged 12-18 years).

Among victims, 34 (63%) were females and 20 (37%) victims were males. The mean age of the victims was 12.04 ± 3.99 (aged 2-19 years). There were only two cases older than 18 (they were 19 years old).

Table 1. Distribution of defendants and victims by age groups

Defendants' age groups (years)	No (%) of victims in age groups			
	0-11	12-15	16 and up	Total
12-15	17 (31.5)	11 (20.4)	0	28 (51.9)
16-18	3 (5.6)	17 (31.5)	6 (11.1)	26 (48.1)
Total	20 (37)	28 (51.9)	6 (11.1)	54 (100)

The age group distribution of assailants and victims is shown in Table 1 and a significant difference was found between them ($p < 0.001$). While 51 (94.4%) of children involved in sexual crimes had no criminal records, three (5.6%) of them had criminal records with simple offenses.

It was determined that 45 (83.3%) assailants had primary school education and nine (16.7%) of them had high school education (Table 2). Information about education and profession of 32 (59.26 %) from 54 victims could not be obtained. The distribution of education and profession of 22 victims is shown in Table 3.

When the proximity degree of the assailant

Table 3. Information on education and profession of victims

Victims' profession	No (%) of victims' by education			
	Primary education	High school	University	Total
Student	12 (54.5)	2 (9.1)	0	14 (63.6)
Unemployed	5 (22.7)	1 (4.5)	0	6 (27.3)
Worker	1 (4.5)	0	0	1 (4.5)
Other	0	0	1 (4.5)	1 (4.5)
Total	18 (81.8)	3 (13.6)	1 (4.5)	22 (100)

and the victim was investigated, it was determined that 34 (65%) were friends, 12 (24%) were strangers, four (8%) were relatives, two (3%) were neighbors and there were no incestuous cases.

Fifty (92.6%) incidents in the proceedings had one defendant, three (5.6%) of them had two defendants and one (1.9%) of them has three defendants. The crime scene in 41 (75.9%) events was home, in seven (13%) events it was street-park, in three (5.6%) events open space, in two (3.7%) events school and one (1.9%) event happened at workplace.

Information about the unity of mother and father could not be obtained in 27 (50%) cases. When information for 27 families was obtained about this topic and evaluated on their own, it was determined that 18 (66.7%) parents were together, eight (29.6%) parents were divorced and in one (3.7%) case mother was determined to be deceased.

No information could be obtained about the living places of 27 (50%) cases. When 27 families that could be obtained information about this topic were evaluated on their own, it was determined that 12 (44.4%) families were living in shanties of their own, seven (25.9%) families were tenants in shanties, eight (29.6%) families were tenants.

Monthly income of 32 (59.3%) families was 0-500 TL (approximately 0-219 Euro), 20 (37%) families had 501-1000 TL (approximately 219-437 Euro) and two (3.7%) families had above 1001 TL (approximately 437 Euro). There was no family earning more than 1500 TL (approximately 650 Euro) a month. All the families were economically below the poverty line. Decisions made as a result of the trials are shown in Figure 1. When 17 cases sentenced to imprisonment were evaluated on their own, it was found that seven (41.2%) children were sentenced to 0-2 years, five (29.4%) children were sentenced to 3-5 years, four (23.5%) children were sentenced to 6-8 years and one (5.9%) child was sentenced to more than 8 years of imprisonment.

When 25 cases sentenced to probation and fine were evaluated on their own, 23 (92%) children were sentenced to probation and two (8%) children were sentenced to criminal fines. When 12 cases acquitted or dropped by the court were evaluated on their own, it was determined that five (41.7%) children were acquitted and seven (58.3%) cases were dropped by the court. The distribution of time

Table 4. Distribution of decisions according to elapsed time from the date of event until the date of decision

Elapsed time from event date to decision date (months)	No (%) of court decisions			
	Imprisonment	Criminal fine and probation	Acquitted and dropped	Total
0-12	5 (9.3)	5 (9.3)	3 (5.6)	13 (24.1)
13-24	5 (9.3)	3 (5.6)	1 (1.9)	9 (16.7)
25-36	1 (1.9)	4 (7.4)	3 (5.6)	8 (14.8)
37-48	3 (5.6)	5 (9.3)	1 (1.9)	9 (16.7)
≥49	3 (5.6)	8 (14.8)	4 (7.4)	15 (27.8)
Total	17 (31.5)	25 (46.3)	12 (22.2)	54 (100)

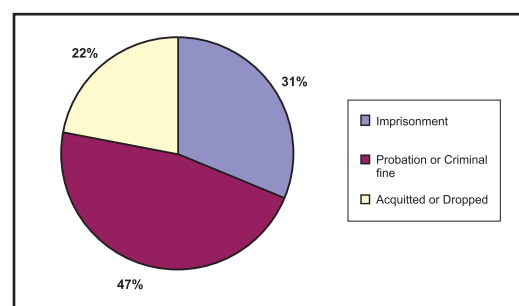


Figure 1. Decisions of the Court

that elapsed from the date of the event until the date of the decision and groups of decisions are shown in Table 4.

DISCUSSION

Criminality is an important problem of a society. In recent years, juvenile delinquency is increasing especially in big cities (11). Children involved in crime commit such crimes also against children in general (8). Juvenile delinquency is a problem that affects the society. However, first and foremost, a child is different from an adult by perception, evaluation and appropriate behavior, and the necessity of evaluating children in a special status should not be forgotten (12,13). Some factors affecting the etiology of juvenile delinquency are personal, familial and environmental factors. One of the most important personal factors is gender. Many researches have reported that males are the dominant gender (9,10,14). According to Hirschi, because of stronger family bonds of girls than boys, they are engaged in delinquency less than boys (15). A research made about juvenile delinquency in 2001 determined that 98% of the cases were males (16). Also in our study, all of the children involved in sexual crimes

were males.

Children engaged in sexual crimes may offend children, adolescents or adults (17). The average age of victims in our study was 12.04 and of children involved in crimes was 15.68. Only two of the victims were older than 18 years and they were 19 years old, which was a very close age to pediatric age group. It is understood that children involved in sexual crimes mostly commit this crime against younger age groups (18). In our study, it was determined that 63% of the victims were females. The research of Cantürk and Koc, which evaluated all the sexual crime cases, reported that 78.57% of the victims were women (14). A research in Diyarbakır reported that only 3% of the victims were boys (16).

The role of deviant close friends in juvenile delinquency especially during the period of adolescence was reported. (14). Children are influenced by friends during adolescence and the effects of family and school are pushed to the second plan. In this period, children may be affected by positive and negative effects of friends and the social environment of children may drag them into crime. For this reason violence is generally carried out by a group in juvenility (17).

According to the results from this study in 7.4% events the number of attackers was more than one. School is the place where the identity coming from the family will be consolidated, appropriate behavior in the society will be learned by child, where child finds the idea of future. Child begins to socialize in school. Education is an effective factor for both giving the child discipline and making juvenile delinquents' life regular (19,20). Only 16.7% children had high school education in our study. This is incompatible with the average age of our cases, it may be an indication that children, criminal offenders, do not attend school. Numerous studies reported that delinquent children exhibited the behavior of truancy or leaving the school (20). Ensuring continuity of education is an effective factor in the prevention of delinquency.

When the degree of proximity between children involved in sexual crimes and victims were examined in this study, the assailants were strangers in only 24% of incidents. It was reported in a research from Istanbul that 35% of sexual assault happened in defendant's or victim's house (14). This ratio was 75.9% in our study and when the trial was completed,

all the assailants were in the juvenile age group, and they committed their crimes at home where they felt more secure.

Family conflict effects the criminality and aggressive behavior of adolescents (21). It is stated that the ratios of negative life events, immature personality traits and having separated family are higher in the group of juvenile delinquents than the control group. Juvenile delinquency affects the children having poor relationship with parents directly (22). The family control, discipline, monitoring of family or effective communication between family and child are factors reducing juvenile delinquency (23). In this study 33.3% of parents of children involved in crimes were separated - 29.6% of parents were divorced and 3.7% of mothers were deceased.

Poverty is a factor leading to crime (24). Low level of income, low parental education, inadequate family control, large family, immigration, repetitive criminality and smoking are reported as risk factors for aggressive behavior (16). In our study, all the families of children involved in crimes lived in economic conditions that were below the poverty line, 59.3% of families' monthly incomes were below the hunger threshold.

According to the results of this study 46.3% of cases were sentenced to criminal fines and probation, whereas 31.5% of cases were sentenced to imprisonment. It was reported that arrested children had more health problems when compared with children who had not been arrested (25).

According to the Child Protection Law, decisions on arrest of children under 15 years of age cannot be rendered for the acts facing imprisonment that does not exceed the upper limit of 5 years. It is noted that various arrangements are made by legislator for rehabilitation and reintegration of the child involved in crime in the community. In many countries, various legal arrangements for the benefit of child are made in juvenile justice system (26). Therefore, the results of our study imply that it is not preferable and desirable to issue decisions on arrest or imprisonment against the children.

In conclusion, two unwanted concepts of child and sexual crime together impose duties and responsibilities on all sectors of the society to base their response on education, rehabilitation, inspection, legal arrangements and social projects.

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