

Am I Guilty?  
Are We Guilty?  
Are They Guilty?

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**“Am I Guilty? Are We Guilty? Are They Guilty?”**

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## INTRODUCTION

As a result of the world changing and developing, every passing day children are obliged to live under more risk and unfortunately they are pushed more into crime. Socio-economic and politic factors that negate the social justice and result in spreading of violence, including economic violence, are among these negative conditions. These factors affect the texture of social life as well as families and play a part in putting children in vulnerable positions in which they are open to risks. On the other hand, with developments in the information and communication technologies, ever-increasing influence of press, and stimulants affecting children taking a greater part in our life heighten the risk factors.

Today, we witness that the concept of crime is used easily together with the concept of children. However, childhood is an extremely unique category. It should not be forgotten that notion of crime cannot be handled in the same way for adults and children; and they cannot mean the same thing. Otherwise, there will be new factors added to the factors mentioned above, each of which is a source of abuse and violence and which result in pushing children into crime. A child-centered approach requires questioning of societal conditions that push children into committing crime coupled with more powerful and affective development of protective and preventive mechanisms against risks of violence, discrimination, and abuse.

Approach to these issues started transforming quite late in our country and it continues very slowly. Child Protection Law enforced in 2005 includes provisions on children “who needs protection” and “who are pushed into crimes” and regulates judgement of children.<sup>1</sup>

Without a doubt, it is significant that there are regulations such as Child Protection Law, which prioritizes protection of children. However, it is also a fact that in places where social injustice and violence continue, children will continue to be under risk despite the law. Therefore, relevant institutions and organizations have a significant role on protection of children and removal of risk factors against them.

As a foundation working mostly with children and youth, we consider ourselves responsible about the issue. During studies we conducted for many years with children, we had the opportunity to observe risk factors concerning children and factors that drive them to crime. After our observations, we started finding ourselves more responsible. We thought that we had to work harder. In our studies, we focused more on preventive measures. Because we realized that finding out about the factors resulting in child abuse and reasons driving them to crime have a vital importance. Therefore, in order to draw attention to the factors behind child abuse and child crimes, we realized the project “Am I Guilty? Are We Guilty? Are They Guilty?”. As it can be understood from the title, what we question here is the reasons that push children into crime. In addition, we tried to uncover children’s notion of “crime”

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<sup>1</sup> Said law lists a series of precautions to protect the rights of the child under the chapter Basic Principles, Clause 4:

Article 4 - (1) In application of this law, as to protect the rights of the child, following principles are taken into consideration;

- a) The child’s right to live, develop, be protected and participation should be secured
- b) The child’s rights and well-being should be observed
- c) The child and his/her family cannot be subjected to discrimination,
- d) The child and his/her family shall be enabled to participate into the decision and to be informed,
- e) The child, their family, authorities and non-governmental organizations should collaborate
- f) A just, effective and rapid procedure based on human rights should be followed
- g) During the investigation and prosecution, special care should be taken suiting the child’s situation.
- h) Verdict should be suitable to the child’s age and development level and should be compliant with their education and personality and should increase their social responsibility.
- i) Imprisonment and precautions limiting freedoms of the child are the final solutions to be consulted,
- j) When a cautionary verdict is given, institutionalized care and institutionalized living should be looked into as a last resort,
- k) Children should be kept separated from adults in the institutions where they are looked after, and where corrective measures are practised.
- l) Measures shall be taken for non-disclosure of children’s identity to other parties during proceedings on children, judgement and execution of decisions. (<http://www.mevzuat.adalet.gov.tr/html/1527.html>)

It is obvious that a vast field of study is ahead of us considering the greatness and frequency of the problem. We did not set out to make an expansive study covering each and every aspect of this vast problem. We aimed to look at the study from a very specific angle. Considering our previous work is on people forced to migrate, we aimed to approach the issue from the forced migration angle. Our observations showed that forced migration, which happened in 1990s and led to highly traumatic results, contributed to child abuse and child crimes because of its deep impact on the social conditions.<sup>2</sup>

Violence experienced during and after the migration, displacement, family members being torn apart and some even arrested or getting lost in addition to hardship experienced in the new locale can be counted among the factors that intensified the impact. One of the results, which should be underlined, is poverty experienced in the place of arrival, since one of the most significant results of forced migration have been child labor which opened children to many kinds of abuse and especially economic abuse. Child labor is a bleeding wound of our country. Children who are the victims of forced migration experienced the situation most harshly with all of its negative results, and they still experience it. Therefore we thought it is important to analyze the issue within the forced migration context.

We conducted our project titled “Am I guilty? Are We Guilty? Are They Guilty?” in Diyarbakir and Istanbul, two cities which receive heavy immigration. During the project, our aim was to determine the specific factors pushing children into crime in both cities, to find out about the protective measures against these specific factors and to determine which institutions should act first for more effective practice of these measures. Within this framework, we conducted different activities such as surveys and drama and photography workshops simultaneously.

First we carried out a survey in order to understand similarities and differences between the regions, to see the differences in the expectations and abilities of children, to compare predicaments in front of the children in both cities, and to be able to understand children’s recognition of crime and reasons for crime. After the survey we organized two workshops: Drama and photography. In the drama workshop, we worked with children on crime and children on media. In the photography workshop, we worked on composing visual stories; preparing texts on crime, criminal and child; interviewing; press literacy; and composing stories. These were displayed in various places in Istanbul and Diyarbakir. We concluded our project with a panel/forum titled “Hosted by Children, Who are the Glimmer of Hope of the Future: Children, Immigration and Crime”, attended and hosted by our children with expert opinions on the subject. While discussing children and crime in the panel, we did not forget our children, who are the subject of this discussion. We gave them seats in the panel and asked them to share their thoughts. In order to relay the results of our work to a wider audience, we collected them in this book.

In the book, you are going to read an evaluation of the survey conducted in Diyarbakir and Istanbul as well as presentations from the panel discussion at the end of our work. You can also find thoughts and observations of the specialists of the workshops, and works of the children.

We hope that this project draws attention to significance of a child-centered approach with regard to children and crimes; and it becomes a means for more effective measures for protecting children.

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<sup>2</sup> For our work on the negative effects of forced migration on the children and young in 1990’s please refer to Başak Sanat Vakfı (Başak Art Foundation), 2004, SES ÇIK (Ses Çık Sorun Etme Sahip Çık – Don’t Take Offense, Take a Stance) SES DUY, Effects of Forced Migration on Children and Young 2004-2010 RESULTS OF THE COMPARATIVE RESEARCH, (Başak Kültür ve Sanat Vakfı - Başak Culture and Art Foundation 2010), Çağlayan Handan, Özer Şemsa ve Tepe Doğan NE DEĞİŞTİ Forced Migration Experience of Kurdish Women? İstanbul Ayizi yayınları (2011).

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***Başak Culture and Art Foundation***

**“AM I GUILTY?  
ARE WE GUILTY?  
ARE THEY GUILTY?”**

**Children’s Recognition of Crime  
Survey in Diyarbakir and Istanbul – November 2011**

**Evaluation Summary**

Results of this survey conducted through face to face interviews with 108 children in Diyarbakir and Istanbul have previously been published by our foundation.<sup>3</sup> This hereby will only be a short evaluation of the results obtained.

The aim of the research conducted as part of the project was to find out about social, economic, and psychological dimensions of the topic of children and crime, to analyze the issue in terms of recognition and words of children and to create awareness about the issue. In the survey, interviewees were asked about their expectations as well as their perception of justice, crime, equality, and violence with the aim of finding clues for a solution. In addition, questions about the living space, language spoken at home, the number of people sharing the same habitation and socio-economical situation were asked in order to reveal the reasons in the background of crime and the interviewees’ perception of this subject.

The survey was conducted with children who have been pushed into crimes as well as those who are under the risk.

In the research conducted in two cities, namely Diyarbakir and Istanbul, 27% (n=14) of the interviewees in Diyarbakir were girls while 73% (n=36) were boys; and 47% (n=27) of the interviewees in Istanbul were girls while 53% (n=31) were boys.

According to the results of the survey, migration was a significant phenomenon in terms of children who were pushed into crimes. More than half of the children participating to the survey in Diyarbakir (57%) had migrated to the city from the villages nearby. Same percentage of interviewees in Istanbul had migrated from the other cities of the region. Most of the interviewees declared that they lived in a house while 16% of the children in Istanbul and 8% of the children in Diyarbakir stated that they live outside the house (dormitories and places related to their jobs, such as solid waste repositories). In terms of where they live, approximately one fourth of the children in Diyarbakir (24%) were living in crowded houses of 10-12 people while the number children living in such conditions decreased in Istanbul (5%).

The common point among the houses of these children is poverty. In Diyarbakir, in more than half of the houses (56%) where the interviewed children live, basic needs cannot be provided, while in Istanbul 24% of the houses cannot provide their basic needs. Under these conditions where a significant portion of families cannot provide even their most basic needs, result in children being removed from educational system and child labor. As a matter of fact, even though most of them are in the age group for primary education, 12% of the participants in Diyarbakir and %14 of participants in Istanbul are not enrolled in a school. During the survey, 82% of the children in Diyarbakir and 55% of the children in Istanbul stated that they work or have worked before. It is obvious that inability to access education and child employment is considerably related to child abuse and driving children into crime.

It is observed that there is a difference between children in Istanbul and children in Diyarbakir with regard to being driven into crime. 10% of the children in Diyarbakir and 29% of the children in Istanbul gave a positive answer to the question “Have you had any troubles

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<sup>3</sup> For the detailed evaluation of results of the survey, please see the website of Başak Culture and Art Foundation: <http://www.basaksanatvakfi.org.tr/suclumuyun/projeanket.pdf>



with law?” Most of the children answering the question “Yes” think that they were treated unjustly.

When violence is mentioned, children immediately think of violence they were exposed to within their families. Almost all of the children in Diyarbakir answered the question similarly and this can be interpreted that they experience domestic violence frequently. Moreover, some children in Diyarbakir told that they associated violence with “torture”. This can be linked to the political atmosphere in the city. Answers in Istanbul included “violence against women”. This can be interpreted as the news and commentaries in media in protest of violence against women created such a perception in children.

One of the questions in the survey was about how children defined crimes. According to the answers provided children both in Istanbul and Diyarbakir think of murder, theft, and drugs as well as social problems such as violence against women and social injustice.

It is worth dwelling upon children’s perception of the reasons that drive them into crime. In both cities, children stated social pressure, poverty, injustice, and especially social injustice as reasons that drive them into crime.

In both cities, when it is about justice, children think of actualization of fundamental rights rather than getting a punishment. As a result, only 8% of the interviewees in Diyarbakir and 19% in Istanbul answered this question with the option of punishment, whereas those picked the option of “freedom, equality, democracy” were 39% and 47%, in that order.

The answers of children to questions about how to lower violence show that children believe that violence can be lowered. Children stated that they believe empathy and communication can lower violence. On the other hand, their answers also show that children are aware of the fact that there is a connection between crimes and financial problems. In connection to this, 47% of interviewees in Diyarbakir and 36% in Istanbul counted economical reasons such as unemployment and poverty among the reasons that push people to crime. The word “helplessness” in the answers make us think that children are familiar with the feeling “helplessness”.

Among the answers discussing how to prevent violence, it’s remarkable that in Diyarbakir, the option of putting an end to economical problems and providing job opportunities was by far the most prominent one (35%). In Istanbul, the option of equality and justice was the most chosen one (21%). In Diyarbakir peace and freedom took the second place while in Istanbul it was overcoming the financial difficulties.

Answers to the question “Who do you think commit violence the most?” are especially important as they show how and where the violence starts and how it forms a base for criminal behavior. It is quite interesting that in Diyarbakir 47% of the interviewees answered with their families (fathers and mothers) and 39% their teachers. 40% of the answers in Istanbul point to state, military, and police, which can be related to politic atmosphere, created by migration. The frequency of the same answer in Diyarbakir is 27%.

As the location violence was used, 78% of the interviewees in Diyarbakir named home, school and streets (everywhere). 29% of the interviewees in Istanbul gave the same answer.

It’s significant that the percentage of interviewees giving a positive answer to whether violence can be prevented is a high; 82% in Diyarbakir and %60 in Istanbul. But it’s also worth noting that 40% of the interviewees in Istanbul answered this negatively. Both groups think that understanding, justice and peace can prevent violence. At the same time, the notion giving freedom to women will lessen violence speaks an important condition for the interviewees’ point of view.

In conclusion, although the answers are more or less the same in the surveys in Diyarbakir and Istanbul, sometimes differences were observed in accordance with the place of residence. Besides, it’s possible to say that both daily experience and news articles in media affect perspectives of children about crime, violence, justice, rights, and equality.

Even though some answers given reflect the hopelessness of children in both cities; their suggestions for solution and/or expectations for prevention of crime and violence are quite

worthy of consideration. Children's answers to by whom and where the violence is inflicted is an extremely useful guide to solution.

### ***Panel Discussion Hosted by Children who are the Glimmer of Hope of the Future***

#### **CHILDREN, IMMIGRATION, AND CRIME**

The panel discussion was held at Cezayir Restaurant in Istanbul on March 31, 2012. The panel was moderated by Gülnur Elçik and attended by Pınar Ögünç, columnist for daily newspaper Radikal; Yüce Yöney from independent news network Bianet, Assoc. Prof. Dr. Serra Müderrisoğlu from Boğaziçi University, lawyer Ayşenur Demirkale from Istanbul Bar Association; Children and Daycare Services Branch Manager Abdulkadir Güger from Diyarbakır Metropolitan Municipality and Social Services Expert Nihat Tarmeri as panelists.

Children who attended the activities as part of our "Am I Guilty? Are We Guilty? Are They Guilty?" project were not merely the listeners of the panel discussion. They also took the floor and voiced their opinion. Panel-forum's opening speech was made by project coordinator Hümeýra Tusun Yeğın and the presentation was made by Project Consultant Taşkın Adgüzel.

#### **Opening Speech**

##### **Hümeýra Tusun Yeğın**

##### ***Başak Culture and Art Foundation (Project Coordinator)***

Dear friends, members of the press, beloved children and youth,

I would like to welcome you all. We're here today to discuss a subject which is a particular concern for all of us and to look for solutions together. We are going to talk about children today, who are light of hope for our future. We are going to question the reasons pushing our children into crime and we are going to talk about what we can do to prevent them. Of course everybody has their own perspective on the issue. But how much do we listen the children? Do we try to understand them? Are we able to listen children who are the main subjects of the issue? Are we able to see the reasons behind these crimes? Starting from these questions, we, as Başak Culture and Art Foundation, started this project with ÇAÇA. We wanted to put forward the perception, words, and especially feelings of children. Today, we are all going to share our ideas. We are going to discuss the reasons that push children into crime not only on the legal level, but also on sociological, psychological, and social levels. We are going to dwell on child crimes together with non-governmental organizations, academicians, specialists, representatives of local governments, and of course with children and young.

We'd very much like the decision-makers on this subject were here among us today; but even though they were invited, they did not accept our invitation. As part of the event, exhibition containing of the photographs taken by children migrated to Istanbul or Diyarbakır as a result of the forced migration will be open to visit between April 1 and 8 in the adjacent exhibition hall. Photographs in the exhibit will light the way to understand our children better and have an idea about their self-perception. The report compiled after the panel discussion and exhibition will be published in three languages: Turkish, Kurdish, and English. Surely, we are going to share the report with decision-makers and the public. We hope to have realized an important work on childhood crime. We would like to thank everybody who worked on the project. First of all we give our thanks to our instructors, our project team, the children, the press members who showed an interest in the topic and all our honored guests here.

I hope that it will be a great event and an effective work for all of us.

**Taşkın Adıgüzel**  
**ÇAÇA (Project consultant)**

Once again, welcome. Now, I will try to summarize this 8-month journey to you. Fields of study have been determined as Diyarbakir and Istanbul. The aims of the project are to find out the reasons that drive our children into crime, to determine the possible measures for preventing crimes, by whom these measures should be taken to be effective and to create awareness considering children's perceptions and words on the issue including the social, psychological and economic levels. As was mentioned in the introduction, this awareness was aimed to be created not only with the perception of us adults but with the more active participation of children and come up with suggestions for a solution. Our target group was children between the ages 12 and 18 who are pushed into crime or in the risk zone. We had 100 children benefiting from the project. Among our activities were surveys, drama workshops, drawing workshops, the exhibition, and a panel discussion. All these activities were conducted simultaneously in Diyarbakir and Istanbul with children. In the photography workshop, during 4 weeks there was education on photography reading and analyzing light and composition in photographic presentation once a week.

In the photography workshop held once a week for 4 weeks, training concerning reading photographs, light and composition in photography presentation. In an activity exploring what is crime, how it's told and how it's expressed, a collage was made with newspaper headlines related to these questions. The content of photography lessons were reading, interpretation and making a photo frame; introduction to the camera, methods to be used while shooting, making and interpreting news and stories about crime; field trips and scenic photoshoots.

In the drama workshop, we tried to find out what is children's perception of crime and being a criminal in Diyarbakir. We used different methods such as improvisation, photo frame, still image, letter writing, empathy and writing in the role. For the field research same interview forms were used in both cities. Children were asked questions about how justice, equality, violence and such concepts were perceived by them. Besides, we inquired the interviewees' expectations and tried to derive clues for a solution. We conducted a survey with 108 children, 58 of whom are from Istanbul and 50 from whom are from Diyarbakir. When we asked what types of problems drive children to crime, the primary answer was inequality, followed by societal pressure, poverty and injustice. We had a question inquiring where and by whom the violence was being inflicted and it was one of the most important questions for me. The answers were equally striking. In Diyarbakir 39% of the children answered the question with "at school by teachers" and 47% answered with "families" meaning their mother, father or other elderly family members. So, it is obvious that children are victims of violence in the two places where they spend most of their time. The situation is a little bit different in Istanbul. 40% answered the question with "Government and police". Furthermore, the third area where children are exposed to violence in Diyarbakir most is streets. They stated that in the streets, they fell victim to violence of both adults and their peers. After this, a second question was asked to children about their suggestion to prevent violence and crimes. This answer was taken directly from children: "People talking to and actually listening to each other in a more democratic and equal atmosphere, developing empathy and communication, people being nice to each other and loving each other," they said. When they are asked which one is more important for them; justice, equality, compromise, or violence, 39% of children in Diyarbakir responded with equality while 34% of children in Istanbul responded with justice. They told in an environment which is a little bit more just or equal than the current one, crime or violence will either lessen or end altogether. This shows us that in the regions where the people who immigrated because of same reason are trying to build a new life; social, economical and political structure defines the needs.

A 8-month period cannot possibly be described this briefly, but I think kids also have things of their own to tell after me. That was our 8 months long study. Thank you very much.

**Glnur Elik**

***Moderator***

Greetings, I welcome you all. Meeting for such a topic is very important since this issue has never been analyzed in such a comprehensive way. Now these three friends, who have experienced the forced migration, will tell us their stories.

**M.A (14 years old):** First of all I want to welcome you all. I'm with Bařak Culture and Art Foundation. My name is M. I am 14 years old. I have been visiting Bařak Culture and Art Foundation since I was 4 or 5 years old. I am from a family from Bitlis. Today, we are all going to talk about reasons that drive children into crime. I welcome you all, once again.

**E.B (16 years old):** I would also like to welcome everybody, because this can just a panel for you that will end in just one day but this is a very precious and meaningful day for us and I'm really very happy that all of you are here. I would like to thank all of you for being here. If I were to talk about myself: My family migrated here. It is not a result of the forced migration, but nevertheless they migrated. I am the sixth child of a family from Siirt. I am 16 years old and I go to 10<sup>th</sup> grade in the trade vocational high school

**K.T (13 years old):** Welcome, how do you do? I'm K., I'm from Diyarbakır. The reason why I came here is that we took a decision and started on photography and drama classes. After that we exhibited our photos and decided to share them with you. This is what we'll be doing right now.

**Glnur Elik**

***Moderator***

Can you tell us about your experience in the project? What have you done?

**E.B (16 years old):** First of all, please excuse us, we're very excited and nervous, I just want to get it out. At the exhibition inside, there're also our friends from Diyarbakır and İstanbul groups. We weren't the only ones in this project; they and our instructors also contributed. While doing this project, we wrote fictional stories all by ourselves and became the heroes of these stories. Then we wrote our own stories and made them into photographs. We made them into news articles, just like how we see them in the media.

**M.A (14 years old):** I actually could not attend these activities. I only could attend the meetings on crime. We talked about ourselves in those meetings. We talked about what crime is, who a child is, and what reasons drive children into crime. We found out that it's mostly their neighborhood, their family, and financial status. We all talked about the crimes we committed. I would like to tell you about one. Me and some of my friends went to the grocery store one day. Most of my friends had money with them and bought stuff for themselves. I also picked up an item. My friend asked me if I had money. I told them I didn't, but it was a very difficult thing for me to say, I felt so ashamed. Then, when thinking about whether I should take that candy bar or not, I just dropped it into my T-shirt and walked out. Then I told it to my friends. I also wanted to share this with you

**E.B (16 years old):** Before I talk about crimes, I would like talk about the language problem first. There's this fact: My family, actually my mother, is from Siirt. Therefore she speaks Kurdish. But she gave birth to her children in İstanbul. We all speak Turkish and we have a language breakdown. I understand Kurdish but I have difficulty in speaking. I had problems in the family, in the school and at streets because of it. My mother speaks Kurdish; she understands Turkish but cannot translate. At home her children speaks Turkish. My father sometimes speaks Turkish and sometimes Kurdish. And my mother only speaks Kurdish. We understand each other and it's a very precious thing for us. It is sufficient for us even to understand one another. Maybe we're not speaking the same language, but we understand each other even while speaking different languages. I've experienced problems at many points in my life. I even experience difficulties expressing myself. This is how I express myself right now. The first questions teacher ask at school are about your name, surname, where you are from, and what your mother and father do for living and such. When I told where I am from, everybody seemed to look at me anxiously, as if they were angry at me. I always felt like a criminal, also when I am outside. When we were playing outside with my friends and we had an argument, they always told me I was Kurdish and I couldn't bear it being used against me as if it was something wrong. I felt like a criminal. Thank you for understanding me. I ran into many problems, both psychologically and about expressing myself. I'd like to dwell on the subject of crime a bit. As I said, people somehow view me as a criminal. I don't think anybody is a criminal, certainly not a child under 18. If there is inequality and injustice somewhere, there is also crime there. What I want to ask is that if there is justice and equality somewhere, will there be any crimes there?

**Guest:** Most certainly not. I very am proud, you expressed yourself beautifully. Thank you. We are proud of you.

**E.B (16 years old):** First of all, I would like to thank you for giving us the chance to be here, for understanding and respecting our ideas. I would like to touch upon the concept crimes once again. It is easy to label somebody as a criminal. But I think no child is a criminal. You may ask, if I caught somebody red handed, would I still think they are not a criminal? They may be committing crimes. But are they aware that it's a crime? Or is there a reason they're doing it? Maybe they're encouraged to do so by others. For example, in one of the stories we wrote, one of my friends steals a bread for their family and they're thrown to jail. I accept that concept of crime is there, but why does that child steal bread? They don't know the consequence of their actions clearly. They have psychological problems. Instead of sending them to the courthouse immediately, aren't they supposed to send them into rehabilitation center first? According to Convention on the Rights of Children, children are supposed to have many rights which will benefit them. But many children are being put to trial. There are many examples of this, we see them on TV, on press, in the news, in newspapers, and at many other places. Maybe it's because of the press that everybody has a prejudice about the concept of crime. But I guess I talked too much. I'd like to leave the ground to my friends.

**M.A (14 years old):** Actually we must find out the reasons that drive a child into crime rather than labeling him as a criminal. When they ask the reasons for the crime a child committed, they ask in police stations or in similar places. But if they ask him in a place where they would feel more comfortable like in a park or something, they can express themselves more comfortably, because they won't feel pressured when they're in a place they like. I think Turkish society still couldn't discover the importance of listening to children.

**K.T (13 years old):** First of all I want to tell you this: We are here because we wanted to share what we have learned. We started with the drama workshop first. We were all happy when we began, because we would go there and meet new people. We would learn how to communicate with them. This made us very happy. After the drama workshop, photography workshop began.

Similarly, we were excited about the photography workshop too. Some of us were even astonished, because this was the first time we went to a photography workshop. It was good we went there, because we learned how to take photos. We met new people and we shared our photos with people in Diyarbakır and İstanbul. We were very excited about coming to İstanbul. We suggested sharing what we have learned with everybody else so that violence in our lives and surroundings can diminish.

**M.A (14 years old):** My friend E. Has just mentioned the language problem. Actually this is a very significant problem in the society. For example, when I was at school I had friend from Mardin. As I speak Kurdish a little, I talked to them in Kurdish from time to time. But us speaking Kurdish drives people away from us both in the class and in the society. We're being labeled as criminals. They look at us as if we weren't supposed speak each other in this language in the society. Actually, Kurdish is our native language and we prefer speaking it. Besides, whenever I have the opportunity, I try to speak in Kurdish. Because when Kurdish is spoken in my family, I understand some sentences and I don't understand some. I watch and try to learn. Hopefully, I will someday.

**E.B (16 years old):** While language problem on the table, I'd like to make a point. It's nice when a child can speak two languages. But only when it is French, German or Italian, it is thought as normal. Society views it differently when you are speaking in Kurdish or speaking Kurdish and Turkish. This isn't considered nice, just the opposite. If somebody asked me when I was younger whether I wanted to speak two languages, I would definitely say no because of what I have experienced. I feel sorry about speaking two languages. It's a fact. Even though I cannot speak Kurdish properly, I can understand what is said. I have difficulty in translating. But I feel like I have two personalities. I feel like my personality is damaged. A language is a person, two languages are two people says a Turkish proverb. But the society I live in perceives it very differently. Therefore, I don't want to speak two languages.

**M.A (14 years old):** Actually speaking two languages is a good thing, but when you speak, for example, in English or French among other people, it wouldn't be misinterpreted. But people see us differently when we speak in Kurdish. They understand we are Kurdish, and they view the Kurdish as bad people.

**K.T (13 years old):** Speaking two languages is great. But think of a Kurdish man. People around him speak Turkish and he doesn't understand what they are talking about even though we wonders. What can we do if want to help him? So if you speak that language, you can tell him what it is about. And this is better. This is why I think speaking in only one language is not good.

**Gülnur Elçik**  
*Moderator*

I want to add something reminding that not learning the language is a problem in front of accessing opportunities of life. Both men and women come here through migration. But generally men use the social and public places. And the only alternative for women becomes staying home. Therefore, women lack the opportunity to come in contact with the dominant language of social life. And this excludes them from the social life and causes language discrepancy between the mother and the child.

**Yüce Yöney**  
*Bianet Editor*

While listening to the children, I wished they never stopped talking, because in my opinion they expressed the problems better than any of us could. I apologize for the nervous gravity of my own “adult” speech after their candid opinions. But unfortunately we have to look at the problems from an adult point of view and add in a few words on how press approaches children.

First, we can possibly infer this: We either don’t hear the children’s voices as clearly as we do in this project, or we don’t listen to them. Press is not exempt from this either. Children’s representation in press is quite problematic. First of all, compared to their percentage to the whole population, their representation in press is very low. This is lack of representation! This stems from the press in a way ignoring this dense children population and its problems. When children pushed to crime can find themselves a spot in the press, they’re generally presented through negative examples.

We should not ignore that the newspapers have children’s pages. These pages have their own editors and columnists. But I don’t think they need to be a part of this discussion. Maybe I should say that to see children’s representation limited to these pages is the problem itself. Because in my opinion these pages are manipulated by the newspapers’ relation to certain markets and corporations. Therefore, when we put these aside, it’s possible to say that children in press are either ignored or come into public eye with rights’ violations and negative examples. The foremost of these right violations is that their identities are revealed.

First example that comes to mind is photos. We see the pictures of children pushed to crime in newspapers all the time. Don’t we see the photographic illustrations on web pages? Yes, they are there but in majority we see the photograph itself, with an amount of pixellation so low that we can recognize the child, or with a simple black band across the eyes. We all know that the band is not enough. It just fulfills a legal obligation, but not the ethical one. Another important point in violation of rights of children who are driven to crime or victimized is making their names public. Their names are either spelled out, or represented with their initials. Is enough protection to represent them with their initials? Is it a correct stance? It isn’t. What should be done here first is to change the names and then represent them with initials. For example, Yüce Yöney must be represented with Pınar Ögünç’s initials, P.Ö. There are media outlets that actually do this, I also give them their due. For example, when the situation in Pozantı Prison came to public eye, in an interview carried out with the children who suffered because of TMK (Anti-Terror Law), one of the children was represented with initials T.G. Their name had nothing to do with the letters had T.G. Let’s name this; this is the correct attitude and what should be done. In contrast to this, 90% of the news made using this interview afterwards used the child’s actual name. It’s very easy to obtain the name, of course. When you’re making the news you call the related institution and they tell the child’s real name while giving you information. This is not a problem, this is how journalism should be, you have to know the child’s name; but when you present the news in the newspaper, on TV or on the internet, the name should be kept hidden with different initials. Unfortunately, there’s another negative example and this is also related to violating the child’s rights by revealing the child’s identity. Their name is given with correct or incorrect initials, but they’re described through their surroundings. The city they live in, the prison they’re in, their school, the neighborhood they used to live in, their friends... These are unnecessary details but they still use them in the news and you can easily deduce who that child is. That child has loved ones, that child lives in a neighborhood, in a town and attends to school there. They can easily be recognized by those around him. So this is also a violation since it reveals the child. Another thing that shouldn’t be done.

Since we’re talking about it, I’d like to relate a very prominent bad example to this phenomenon: A newspaper supposedly hides the name of the child, but also interviewed their father. In the same article, his first and last names show up at two points. You know the name

of the father, so now you know the child's last name, you also know where they live. There's no point in hiding the rest of the importation. This is also ethically unacceptable. It's against the international conventions on the subject and the ethics created up until this point. Maybe we should emphasize a point, which is one of the most problematic viewpoints of the press: We started out with the Pozanti Prison incident, let's carry on with it. Since I made news articles about it, I can give you four sets of initials. You can remember two, or just check them out with a quick web search. But try as you might to search on the internet or from newspaper archives, you can't come across the initials of any of the four officials who were unseated or transferred to a different post because of this incident easily. Jog your memory, do you know them? No, you don't. I don't either. And when I try to find out, I experience difficulties. These people's posts were changed. You experience difficulties finding out where they work now, up until a new problem breaks out, or the public is not informed about it. We talked about description through surroundings a while. You cannot use that tactic on these guys; neither on their names nor their current work places. But there's a prison director who is being investigated. When is this revealed? When these children are transferred to Sincan Prison. We find this out by using which sources? Usually İnsan Hakları Derneği (Human Rights Association), efforts made by some congresspeople, activists and non-governmental organizations. Now, due to the general outrage, that director was transferred to yet another post. We don't know where he is currently. What I'm trying to say is; ethically the press is obliged to see the events from the child's perspective. However, not only they don't see the events from child's perspective, they approach it from an angle which serve to those who violated the child's rights. That angle is usually the government's angle.

I find it necessary to talk about another rights violation: The violation of the right of protection. In news articles about children who were pushed into crime, the press focuses on the crime itself. Let's say that the crime attributed to the child is thievery. This in itself is newsworthy of course; but the points to take into consideration while making the news are how the conditions developed, why did that child had to take that bread, why did they have to steal; or in case of murder, why did they had to kill the victim, etc. But the press usually ignores the causes and the underlying system and focuses on the event itself, because there's a sensational quality to it. Most of the so-called "third-page news" are such news. There's a literature called "third-page news", regrettably. They're a type of news sensationalizing violence and petty crimes. But the system that couldn't improve the child's living conditions, problems in the social security structure and in-depth analysis of these problems are never in the news. Conversely, there's an alternative press which is trying to accomplish these tasks the best it can. But in mainstream media, violence or crime (we should be careful when using the concept of 'crime', actually) make the news, not the reasons that led to them. And what's the picture usually presented? Unfortunate child and the government that shows compassion to them. We cannot ever determine why that child is there and due to which problems they had to go through this. Because the one that is protected is the government. The press acts as if the government fulfilled all of its responsibilities, even though we're face to face with a government that turned to a blind eye to violence against children and to children's being deprived of their universally recognized rights, that could not build social protection mechanisms, that could not fulfill its responsibilities. We should tell it like it is. Another little observation: In all the news articles, the children themselves are presented as the threat. The subtext is always telling that the child committed a crime, disturbed the society's peace, stood against the government, is a terrorist, etc. Subtext is constantly that. I was reminded of a question while I was listening to our friends' speech on children's rights a minute ago: While making these news, where should our viewpoint be both as a society and the press? Neutrality is of course important, but what's really important is protecting the child's higher interests. This does not rule out the principle of neutrality, it surpasses that principle. Our perspective should be; just like in the novel *The Miserables*, did Jean Valjean take the bread, or did he steal the bread? Another form of news that violates the children's rights in media is being labeled with words that mean "thief, murderer, monster" a long time before the child's guilt is proven. A very typical example to that



would be the case of Üzeyir Garih murder in early 2000s. Only 2 or 3 hours after the murder, a child was arrested as the murder suspect. He was 13 years old. He stayed in custody for 2-3 days if I'm not mistaken. A mainstream newspaper which was as popular it is today as it was then, proclaimed the child a murderer. Many other newspapers followed suit. All the articles were written using the child's full name. And all the crimes were listed citing National Police Force and Ministry of Internal Affairs as references. And again if I'm not mistaken, three days later the child was released because it was revealed that he had nothing to do with the crime. He was a shoeshine boy of 13 years old, working to cover his school expenses, to support himself and help his family financially. But during the time he was in police custody his father and his older brother were fired from their jobs, their landlord evicted the family from the house. Who's going to account for these?

We have to look at this issue so that the press has to look out for the child's long term interests, not only their short-term interest. It's like this not only in Turkey, but around the world. Bianet has a book, which I think is a must-read for everybody and every news outlet whether or not they have civil rights as their focus. I'd like to give a little example from the book, an example to media's discourse that has its equivalent in all countries. It's about homeless children, or "street urchins". Even though the people gathered here do not feel that way, for the majority of that society "street urchin" evokes the image of a despicable element which may create problems and be a threat. Now for the names given to homeless children in various countries. In Brazil they're called "the marginal", which means and accepts that they've been pushed out of the margins of the society. In Colombia they're called "bedbugs", in Peru "fruit birds", in Vietnam "dust mites", in Cameroon "files", in Rwanda "bad children". I find it very striking that majority of them is associated with an insect imagery. Pests which will damage the society and have to be exterminated! Turkey is not exempt from this attitude. Our expression does not evoke insects, but we see these children as a problem to overcome. Most of the time they're called "children that need to be rescued". But it's very important what you mean by "rescue" and in this context we have to look into projects concerning these children and unveil them.

I'd like to note two more topics to talk about if we have any time left: It's important to decipher the media's language and consecutively in which format children are visible in media. "Stone-throwing children" is one of the expressions media use and one which is very subjective in actuality. It's very important why those children were throwing stones. Sedat Yarcioğlu from Hacettepe University carried out a research on this subject. In interviews inquiring why they threw the stones, which I won't be able to read since there isn't enough time, the children used very specific expressions making it very easy to understand they were victims of Anti-Terror Law. People wonder why did those children acted like that. When you read the interviews, you understand. And lastly, I'd like to say that those children should not be in prison. They should be in social institutions in which they can receive education and which allow them to meet their families from time to time. Thank you very much.

**Doç Dr. Serra Müderrisoğlu**  
**Boğaziçi University**

I welcome you all. I think work carried out by Başak Culture and Art Foundation and The Association of Children Under the Same Roof on violence, crime, equality, justice and relationship to these with one another through the eyes of children as well as the survey, photography workshop and the products are all very important. The results obtained there and the affiliations made do not exist in the eyes of adults. They are stuck on certain incidents and as Mr. Yöneş mentioned before they are only represented in a disjointed way, with criminal actions. Therefore, I think children's narratives within the context should reach everyone.

I am also very much interested in the title of the project. I'll try to finish by explaining why the questions "Am I Guilty? Are We Guilty? Are They Guilty?" is very important, which is

also my stance on the matter. I will try to end my speech by underlining the question. But I'm a psychologist, therefore I'd like to analyze the issue in a more psychological way.

I'd like to be talking about childhood, residues of all these happenings experienced in childhood, their effects and finally if there's an action, what was put into action. Naturally, just like what we said earlier, putting the words "child" and "crime together... I don't know a word other than crime which is as heavy and which rips a child or an adult instantly from their past and future, turning them into an object that lost the quality of being a subject. It instantly isolates, estranges one from everything. Actually, there's an intent of violence in the usage of that word, because it takes everything out of context, especially in the mind. Unfortunately, that's what media does. It locks on an action, creates a point that takes the spectator's mind away from the person and focuses it on an action. It paralyzes, freezes the minds only through that action. Who stabbed whom finally, or whether or not they stabbed the other person becomes the sole focus. Actually, how the incident developed and its context are very important points. To understand this thing called crime, I mean if we have to use that word, to unfreeze those frozen minds and understand where it all started, we should rewind the tape frame by frame. Only when we rewind, we can see what happened, why it happened and what it is an answer to clearly. Actually we all know it clearly. As a result of having been children of ourselves, we can make the connection between cause and effect.

We also should look into the reasons why we as adults in certain positions -such as people in press and media, and those with decisive authority on the matter- break the causality while looking into the situation. Because, as I said, everybody can establish that relationship between cause and effect from a very early age. Everybody's able to think what's behind an action. Our mind has this mode of operation, but we don't use it. If we don't, in my opinion we also need to check out the reasons why. Completely disconnected from the past, from perception, from the moments and periods in the lives of those people... Us adults, at least, should give the top priority to the deliberate disruption of the relationship between cause and effect. As Mr. Yöney said adults' and the media's part in this is crucial. Because otherwise, we will have committed one of the biggest right violation and under this light, we are the criminals. When we don't look at the cause-effect relationship from those points and lock on to a single action we can't find who's guilty, and it's only normal that we can't. So, we actually make an accusation. We accuse somebody with something, we put a label on them an most of the time we don't leave them any mechanism to defend their action with. Of course I'm not saying anything new here, we already know and think about these. When someone suggests the "rewinding" of events, usually someone reflexively answers with "Okay, let's go back frame by frame, but we'll only find somebody doing something else as a result of the violence they themselves experienced. If it goes on like this, we can't find anybody guilty." This is such flawed logic. As if the actual aim is to find somebody guilty, and declare that they started it all and put all the guilt on them. Putting the blame on a single person or an action, not the conditions surrounding them. I did not study law, of course, maybe there's such a conceptualization somewhere in the legal system. But if I look into the psychological aspect of it, I'll say depending on a single person and action poses problems. I think everybody is very confused and this confusion affects not only the spectators but also those involved in the action itself, that the question "Am I actually guilty?" come to mind both for children and for adults. And in my opinion, this is not an easy question to wrap your mind around.

Yesterday, while I was thinking about what to say in my speech, I remembered this movie called "Butterfly Effect" that I saw previously and I watched it again. I don't know if you saw it, but it's a fascinating movie. It's a work of fiction of course, with fantastic elements. But it's closely related to our topic: We follow four friends, who were victims of serious abuse when they were around 7-8 years old through the years, during the flow of their lives, and see what happens to them. All four of them give a different reaction to the abuse. There's also sexual abuse in that story. After the abuse, they start to show the symptoms of abuse which infected their lives. They find explosives in their house and wonder what will happen if they explode it somewhere. They place it in a mailbox and as a result of a coincidence, young mother who is

living in that house dies along with her baby in the explosion. From one angle, this is the result of a violent tendency. But it leads to a conclusion they did not expect at all and the child who places the dynamite loses his mind. Afterwards, one of these kids who were abused starts blacking out later in life, doesn't remember anything, the moments disconnect. Another one of them is introverted, he experiences a whole lot of problems. His older brother has violent tendencies and they start growing by the minute. They first give us this picture and then the movie starts telling about the events 7 years later. The important point is very significant for describing the flow. At one point the protagonist tries to gather his disconnected memories of violence, he finds out that he can go back to that moment and change it. Every change he makes in turn changes something else, because when one single thing changes in his life, his whole trajectory changes. The path he can take, his future chances, his abilities and choices change. This is very striking since it's very similar to how real life flows. When a child is born, events in his life are aligned in such a way that his options are not endless. Every kid is not the same distance away from every choice. This is a very important point we often overlook. I'll again use an example from the media or other minds: Why did that child take that decision? Did he have the chance to choose something else? How many alternatives we leave the children with in that emotional state? What has alternatives and what hasn't? This is usually a practice we don't ponder. If we relate these, the movie underlines something different. The protagonist, in his guilt, constantly goes back to the moment in which the abuse and violence started, thinking what should he do to save his friends. He keeps going back in time with guilt and tries to create the best moment possible. In my opinion, this fictional story tells us a lot about children and development. This is exactly why we should understand the breaking points well and know why it's not easy to go back after a breaking point, why the trajectory changes. Especially if we think the child's life side by side with the word "crime", the first crime is actually being born into the life as a victim. I mean what's that? That's violence, of course. All kinds of violence the child was subjected to since they were born. The economical violence the family was exposed to, forced immigration and the atmosphere of violence the family lives in which was determined long before the child was born. Later on be it within the family, on the street in the neighborhood they live or in the schools that are actually supposed to protect them, the children come face to face with violence. Violence through language, physical violence, emotional violence, sexual abuse; the children endure it all and the point they take is among all this legitimized violence, nobody is paying the price for their actions. In actuality, everybody is aware that this is a crime, but in the child's life they never get to see them as what they are and nobody is punished. It's never asked what the financial status of the family is, under which conditions they live and who's responsible of that. Teachers and adults can always stand in positions where they are protected. So we say justice and equality. The child experiences a lot of trouble figuring out how these should be established. Then we expect the child to internalize, to heal, to convert all these traumatic experiences he's been through and calmly contribute positive actions to society in return. But we ourselves don't do this. Whether we're teachers at a school, parents in a family or authorities which are supposed to protect the child, in actuality we replicate the legitimized violence that we all partake in and are a part of. To what extent we replicate it or stop it? This is a very important question. That's why I believe that in this project, the question "Are we guilty?" should be asked by us first, from a very fundamental position. Because psychology says that in every environment children live, and shows it very clearly. This is not the same for every case, but you probably know from your own experience: You start elementary school. You're physically tiny and along comes a fifth-grader bully. They try to beat you up or take your money. These things happen. When you grow up a bit and start fifth grade, how many of you would go back and to the same thing to a first-grader? Actually, the percentage is quite high. This is not important in terms of discussing who is guilty and who is not, but understanding this psychological fact: For a person not to repeat the action I described, some certain psychological conditions should be realized. Nobody wants to stay in the submissive, weak role. So, as soon as they get power, they use it. When healthy ways to use power are not displayed and when violation of rights is always carried out through power, the

child internalizes the notion that if you have a small amount of power , you can use it to abuse others or to protect yourself, because it's been legitimized. At that point, not understanding the effects of violence the child first experienced; not giving a sincere apology or helping with a genuine healing can lead to very problematic situations. So that's why for a kid to convert... that's what we expect: Whatever you experience, don't turn it into crime. We're all responsible of this. A child needs spaces to metabolize this in a different way; to convert the residue, all the feelings of being downtrodden, worthless and powerless into something else. First of all they need an environment which empathizes with them, understands them and takes care not to let similar things happen. Or else, one gets desensitized to repeating events. In this case, the child will become desensitized both to the violence they experience and violence they inflict. This is a very basic thing, it's like the  $2+2=4$  for psychology. That's why we should be aware of where and how much we are acting upon the violence we legitimize, be it our language, our mind or our actions. Also, what kind of environment we present to children to develop and express themselves? How can we judge them upon what we don't give and present them?

I'd like to conclude my speech by saying we should own up to faults we actually have and solve them, and should take this into consideration as a whole.

**Av. Aysenur Demirkale**  
***Istanbul Bar Association***

Hello. I congratulate Başak Culture and Art Foundation and ÇAÇA for their work, since the one of the greatest problems in our country is a lack of statistical, informative and assesseive work by institutions working in the field. This kind of inspective work shall blaze the trail for determination of the problem and finding ways to solve it.

Before going into the details of legal procedures concerning children, I'd like to state that violence is not only physical. Not having rights, not being able to benefit from the rights already granted and special protective measures are also types of violence. Consequently, when we take national and international laws into consideration, every child is a victim whether they committed the crime or harmed by it. The most basic legal regulation about children is United Nations Convention on the Rights of Children. This convention defines the basic children's rights. The primary rights are rights to life, participation, development and protection. With the convention, the governments have the obligation of teaching and practicing these rights. Again, as a result of some international laws, the children have the right to join the decisive processes concerning them. They can speak out their opinions themselves and they also have the right to benefit from the help of an attorney. In domestic law, especially with the regulations of the laws made after 2005, the basic rights in the convention was added to the law. In the Constitution and in many laws, there are concerning children. This disorganization of different laws and legislations creates problems in application. In 2005, Child Protection Law was passed and with that, regulations concerning children who committed crimes as well as who were harmed by them. With this law, Children's High Criminal Courts and children's courts were established. Children's High Criminal Courts started judging crimes that solicited a heavy sentence and children's courts started judging the cases which are in the field of criminal courts of peace and criminal courts of first instance. With Child Protection Law, protective and preventive measures about children were structured in depth and the method for giving the decision of protection was defined. It was added to the law that these precautions can also be used as security measures within the scope of penal code. But even though children's courts were present as courts of law which decide punishment, they lacked in protective verdicts. Some courts even decided that if the child is not the direct victim of the crime, the protection verdicts should be given by family courts. This creates serious problems in child protection. If you give an injunction for punishment, this is a security measure. What's important is that the child is protected and supported while they're living with their family. Under these conditions, it also means that the child's family must be supported too. Again, in social services law,

there're regulations about protection of family and children. Also, family courts can give decisions of protection concerning children. For example, you can transfer a child to an institution both as a punishment and to protect them from their family. A while ago, there was news in the press, saying the government declared it'll take away children who joined demonstrations on the streets and put them into institutions. This is a punitive measure passing as a security measure. There're nuances between them at the points of sanction and tracking of the verdict. Children's courts became criminal sanctioning courts instead of the protective authority it should have been. Now, when a child involved in a crime is in question, according to the law first authority to be alerted should be police officers working in juvenile branch of the police organization. These police officers should be trained in this field and experts on their subject. In many areas, police officers in juvenile branch do receive extensive training and they have considerable experience. Generally, their approach to children is approvable unless they are dealing with a repeat offender and they try to focus on children in their communication. But children come face to face with a host of different officers from different branch as a result of their acts in social actions. For example, in a street demonstration held in accordance with 2911, when a child is arrested, the officers who deal with them are not members of juvenile branch. No children are taken from a demonstration by child protection officers. They're arrested either by public order officers, by riot police or by anti-terror branch officers. First face-to-face interview is carried out by these officers. They take testimony and decide where the child be kept. Especially if the child is not carrying any sort of identification, up until their age is confirmed, a lot of the legal procedures concerning them will already have been completed. Then, if a relative comes and presents the child's identification card or if the police is convinced that the child is really a minor, only then they're transferred to juvenile branch headquarters and the proper process starts. When the child is there, a lawyer from the bar association is immediately alerted and the child's identity is confirmed. This is the only legal procedure that's carried out. Testimony is not taken, if they're hungry they're given food, if they have other needs these are attended to. This is what the law says and this is how it should be. After the identity confirmation, all the documents are sent to children's prosecutor. When the child goes to the children's prosecutor's office, they must have a lawyer and a psychologist or a social services expert with them. But since the law's worded in such a way that it's usually interpreted as it's optional to have these adults with the child. And frequently, if the child is old enough to express themselves and especially after working hours, an expert is not always available during the testimony. In the process after that, there's a regulation in Turkish Penal Law, Article 31. What's that? It's stated that the children's division of the police cannot run any procedures about a child under 12 years of age. They can only identify the child and give them back to their parents or guardians. If the child is homeless, the police provides accommodation and relays the identification information to the prosecutor. The prosecutor ensures that measures concerning the child is taken. What are these measures? For example, when a 7-year-old murders their sibling, the prosecutor can only ask for security measures to be ordered. He can't do anything concerning criminal cases. What are these security measures? For example, the prosecutor can request the child to be rehabilitated in an institution, or taken from the family and placed in an institution or boarding school. These can be done with the judge's approval. Besides, for children between 12-15 years of age, forensic experts should give a report detailing if the child has the mental capacity to understand the crime and its consequences. When the child is taken from the prosecutor's office to the police station, the prosecutor's office immediately writes to forensics office within the courthouse. Forensics experts frequently object the reports about the children of 12-25 years of age and if they can conceive the crime and handle its consequences, and the general physical and psychological evaluation. They say they don't want to issue these reports on children who are being viewed as the perpetrator of crimes, because they are being used to give the ultimate decision on child's guilt or innocence. If those reports state that the child understands the crime and has the ability to face the consequences, the children are arrested and sued. If the report states the opposite, the children are released. These verdicts are announced only by taking the reports into account,

which are usually written of the forensic expert's own volition after a 10-minute, maybe 30-minute or an hour long interview. And if the child is between 15-18 years old and does not have an obvious physical and psychological problems, even this step is circumvented and the case file is completed by the prosecutor's office, while they're giving testimony in presence of their lawyer (a child under 18 years of age must have their lawyer with them at all times) and their transfer to the court is completed. Taking of the testimony must be performed by the prosecutor. Again in the daily practices, another sad case for children is that if they're homeless, that's a reason for them to be arrested. Courts, worrying that they'll experience serious difficulties in getting into contact with the child after the case starts, usually give the verdict that the child should be arrested. Even though the child's lawyer demands that protective and supportive measures should be taken, judiciary supervision mechanisms should be put to use and only then the later processes should continue; judges usually reply with "I'll prolong the hearings," and give an arrest verdict. Children's trials are confidential. When they're being judged, only their parents or guardian and people allowed by the judge can attend the sessions. When the children are being put to trial in Children's High Criminal Courts, there should be a psychologist, pedagogue or a social services expert. But they're usually whomever is available at that moment and they're only able to talk to the child for 5, maybe 10 minutes beforehand. In cases they aren't able to talk to the child, and sometimes even when they're able to, the judge asks their opinion after the child's testimony. They usually say "The child can express themselves, what they're telling is coherent, therefore their testimony can be taken into account," and the trial procedure continues. Again in children's trials, it's possible to demand and receive a social survey report on the children. The law allows it. But again, it's worded in such a way that to demand this report is optional. So, in practice; it's issued only for children aged 12-15 in children's courts and for children aged 15-18 children's high criminal court. If the judge does not receive these reports they have to explain why. Social survey reports are prepared by psychologists and social services experts working in the court. The report must be prepared after interacting with the child, their environment, their family and their school and explain why the child committed the crime, how were they feeling and what were they thinking while committing the crime and what precautions should be taken for the child afterwards. These reports, which are supposed to be very detailed and which are going to determine the child's fate, are usually prepared in an available room in the courthouse, after a 30-minute or 1-hour long interview with the child, by only taking the child's statements into account. These are what the courts receive. They give their verdicts after examining these.

Compulsory application of protective and supportive measures in child protection law are mostly realized in the case files that are presented to the judge by the prosecutor's office. None of these measures are taken when a child is the perpetrator of a crime. In different laws, there're regulations about the protection of children.

I would also like to talk about the arrest of children or details of how children's prisons work. But the question we actually should ask is, why are children arrested this frequently and easily; when there are preventive and supportive measures and detailed regulations in many laws about children's protection from their family, other people or institutions? There's no end to problems caused by children's distress during and after their bout in children's jail. If you don't focus on using the preventive and supportive regulations and build your practical application upon this principle; whatever you change in laws won't save children from jail. Here, I would like to underline this again: Whether the perpetrator or victim of a crime, all children are victims. From this perspective, our main question should always be "Why are children arrested so easily? Why the verdict of arrest is given so often?". Thank you.

**Nihat Tarimeri**  
*Social Worker*

Hello everyone.

I feel I'm talking at a very difficult hour, because everyone looks so tired. But this is a sensitive issue. As a social services expert, I worked in Switzerland for a long time. I'd like to share my experiences in this country.

Once, when I was on a trip to Vienna, I met another Turkish citizen working there. Fellow expats always interest me. While we were talking, he starts telling me his life. I remember him saying "Everything is great here, but dash it all, you can't even beat up your own child! Youth services immediately come and take her away." He had friend with him who was a teacher, and he reacted with "Are you serious? Won't I be able to beat up my own child?". When we look at its roots, the thing we call the protection system, that is to say, the protection of children, was shaped through Civil Law. If we take Switzerland as an example, that country institutionalized the system. They divided the protective services as an administrative act into two procedures as official custody implementation within the scope of Youth Department. One procedure is aimed at youth, the other is aimed at adults. But this implementation a was interpreted as a judicial service when it was being imported to Turkey. It wasn't brought to attention as a administrative involvement prerogative. Swiss Civil Law institutionalized this. Dr. Fikret Arik, when he was conducting a study on children in İstanbul in 1940s (he had finished his Ph.D. back then and later been made a professor), said that "We did this wrong, we were lost in translation. To ensure that these laws are practically applied, we have to change such and such points in the bylaw." He published an article about the official custody institution in the magazine published by Ministry of Justice. This article written in 1942 is still not properly understood in Turkey. Inconveniences and problems we experience stem from that. We still couldn't properly institutionalize the services we should give for child protection. Actually, why is Turkish Penal Law connected with this implementation? Because they're parallel to each other. Our civil law is the same as the Swiss law, we took ours from them. Article 317 says: "If any child inclines toward crime, official custody institution should be alerted immediately." So if the child is being directed to the crime, social protection law and penal law are parallel processes, parallel implementations. Just like Ms. Demirkale mentioned a short while ago; Children's Protection Law which define current implementations is an idiosyncratic law which handles both of the processes. Actually, if we take real-life examples as a basis, both in Germany and Switzerland, Public Protection and Penal procedures are two different implementations which are carried out through different laws by supporting each other. Now, we're talking about child's benefit and well-being. But in this process, what are we to take as a basis for defining the child's benefit and well being? We transferred the principles from Bill of Children's Rights and even from the bill of indictment and verdict itself to Child Protection law. The implementers of the law are in actuality are supposed to work for the child's benefit. How much do we realize this? How much do we care? Second are tools related to this topic. The most basic of these tools is social survey report. This report paints a picture of not only the conditions and the environment the child lives in, but gives a perspective of the child's future. What is this frame? This report is normally supposed to show how much the child's benefit and well-being is cared for. This is actually an obligation under Article 16 of Beijing Rule. But somehow we couldn't transfer this obligation to the regulation. In actuality, we should be aware that it is one of the rights that must normally be demanded. I'd like to read an article from Turkish Penal Code. It goes: "Those who do not have the capacity to understand the legal meaning and consequence of their actions or whose capacity to direct their actions regarding the deed have diminished considerably are not penalized." Which article do you think is this? The title is about mental illness. The condition describes the situation in case of mental illness. On the other hand, if we check out the Article 31 which is about children's trials, they look for the same mental state. Which is to say, purpose and means on this topic are quite different from each other. Even though it's predicted in Child Protection Law that social survey

report as a means, this is a tool being used wrong. Basically, the state mentioned in Article 31 cannot be identified with social survey report. Since regulation noticed this error forcibly, it was changed. After staying away from this topic for a long time, I started writing an article about it. When I finished, I had written two books. The title of one of the books is “Child (Un)protection Law”. Because there’s no way I can call such an implementation “Child Protection Law”. There’s no judicial system anywhere in the world that set up a Children’s High Criminal Court. When we send a child to that court, we effectually declare that the child is a criminal. If, in addition to this, you set up not only Article 31 and whichever article you like and the whole concept to match this outlook, it’s not possible to protect the child in any capacity. So, to me, this is the Child Unprotection Law. I can even give you an example. Have you ever been to a children’s court? When you are there, you see the dockets hung up on the doors. The victim who was led to crime is listed with their full name on dockets: “Ali So-and-so”. Article 4 of the Child Protection Law says that the child’s name shouldn’t be disclosed, that they shouldn’t be labeled. Well, they start labeling the children right at the door! The courthouse is large, if you are there, for example, for a bankruptcy case; you can hear the name of your neighbor’s child, or even your own child being called by the bailiff. He basically shouts out the child’s name, so what happened to the principle of secrecy now? This is supposed to be the fundamental principle of child trials. Yesterday, when arrived at İstanbul, a friend who knows my sensitivity on the topic happened to bring me some of the dockets. These dockets are concrete thing, this mechanism works almost throughout the system (UYAP). Where there’s an implementation like this, where there’s such a wrong deed being committed, no children’s protection can be spoken of. We have to bring this to the public eye and question it. Secondly, I’d like to state another opinion of mine. Nowhere in the world there’re social services experts or social workers employed in children’s courts. This is an implementation peculiar to Turkey. The social services expert who is supposed to work for the child’s benefit and well being is not independent from the judge. A report prepared by a worker who is not independent from the court is automatically against the principle of just trial. And the verdicts given within that framework have to be executed. The children should be taken out of the process. It’s something to discuss what is wrong with the current structure, it’s something else discussing how to right what is wrong. Our most important shortcoming is a public protection system protecting the individual based on citizenship rights. A while ago I joined a symposium and this was one of the discussion topics. What we call social services is actually charity institutionalized. Charity takes on a worldly aspect and becomes an institution. Social services is an obligation of administration. But for some reason, in Turkey it’s still not perceived as an administrative obligation, it’s attempted to be solved with charity work. Unless we solve the problems pertaining to such approaches, we will keep on talking about the problems which plague children at this meetings and subsequent meetings similar to this, and then we’ll forget the completely until we encounter another problem. There’s a new case about the problems with protection in Antalya, as you may have heard. My friends from press are probably better informed about it. There’s a female child, E.Y. who is claimed to have been sold by her father with a contract. When she’s 12, a contract about her “sale” is drawn. During that process, the contract is located in judicial process and starts a case. When I dug deeper into this, I encountered an interesting situation: The file was sent from court to court because of a matter of authority. During this process, through the bill of indictment from this case, the mother and the father are also sued. Despite all this, neither the prosecutor’s office, nor the law enforcement neither the court itself fulfilled the obligation of denouncement, which must be done according to the Article 6 of Child Protection Law . This is one of the most important and most fundamental articles of the law in my opinion. Those who do not implement are not even asked why, this is not questioned in any way. At the same time I’m thinking, when we say “child protection”, do we mean protecting the child from those who are supposed to protect them? Because there are not any sanctions for them when they don’t carry out their obligations. This is another problem. None of us are guaranteed never to commit a crime. We all may end up in court one day. The right to be tried correctly, in a civilized and modern manner must be



provided to everyone. In this respect, we should separate the process we call children's trials and at least adapt it to the system practiced worldwide under the name "youth trials". When we look at the world, they established the youth courts in 1924 at Germany and in 1970 in Britain. Well, they used to be children's courts but then they were converted to youth courts. When we look at the statistics about last two years from Ministry of Justice, we see that 60% of the children who are led to crime are between 16-18 years old and 40% is between 13-15 years old. Which shows us that the majority of underage citizens who are put to trial are adolescents anyway. Youth trials and children's trials have different attributes. That's why we should start off from right points, re-conceptualize the issue and keep going that way. This study is very useful in that it substantiates these topics, opens them to discussion in scale of İstanbul and reflecting the state the children are in, especially from their own point of view. As a citizen I'd like to thank everybody who supported and contributed to this study. As a professional I also give my thanks, but I don't have high hopes. I'm a pessimist in that respect, because sometimes we are deaf than the hearing impaired. Sometimes we play the role of three monkeys perfectly. The law is being implemented since 2005 and there's no decent criticism of it. I hope this work sparks a new debate and a new period. Let's not love children too much, but accept how valuable they are and respect them. Thanks for listening to me.

**Abdulkadir Güger**  
*Diyarbakır Metropolitan Municipality Directorate of  
 Children and Kindergarten Services*

First of all, I'd like to start by saying how great it is to see a full hall in a panel on this topic. I also want to give my heartfelt thanks to both children and my co-workers who contributed their labor to this project. As Diyarbakır Metropolitan Municipality's Branch Director of Children and Kindergarten Services, I'm going to talk about many cases which are presented to us –maybe because we're the elected ones- both on a legal and a social level and from time to time I'll try to touch on the legal issues, trauma and the abuse involved. But first I'd like to point out that the root of the problem is the intense forces immigration experienced in the southeastern Turkey. 20 years ago, Diyarbakır was a city with a population of 300.000. Now the population is 1,5 million. Naturally, there's not sufficient social and urban infrastructure to support this serious boom in the population. This problem brings a lot of grave troubles with it. Another problem is that local authorities are not fortified in this respect. Which is to say: local administrations survive with taxes. But if your city is a poor and underprivileged one, the chance to collect taxes is almost zero. We have difficulty getting water bills paid, and this causes a lot of hitches in services. The vagueness of policies regarding the region, cities not being able to develop or being held back systematically pose a lot of problems. But there's another problem not being taken into account; this problem is not peculiar to our region anymore. From time to time it also pops up in İstanbul, in İzmir, Bursa and Ankara. Families are now immigrating to different places. The children start working in different areas and childhood crimes now disturb different layers of society. The problem starts becoming the whole country's problem. Many projects are hindered because of it. Or when we talk to the parents they may tell us "We don't have a problem with our child working on the street. You have a problem with it, that's why you're discussing it with us.". When we look at the past of the family, we can see the reason of this defensive attitude: They used to be a landowning family, living in a house with 4-5 rooms. They can even be said to living in luxury. They used to their children work in the fields or on other agricultural tasks and tell us it's not a problem in rural life.

In the environment the child lives, a lot of problems arose because their family's economic structure has changed. Naturally, the problems they experience on the streets are reflected to the family. The roles in the family have undergone serious transformation. Father started losing his authority gradually. Since the child is the bread-winner and the wage-earner of the family, they started having a say in family matters. Disconnection caused by the difference between the

family's and the child's education heightened the familial violence directed towards the child. When we take all all these factors into perspective, the basic reasons for the problems are actually forced migration, poverty, and being underprivileged. In this context, this is a violation of both Convention on the Rights of Children and as our lawyer friend has just mentioned, a violation articles to be executed in the internal regulations. Articles with reservation are an important problem. As E. just told us, a daughter cannot communicate with her mother. Her mother is the closest person to her. This is a problem which can cause serious traumas in developmental stage. But what are we doing? While we're signing conventions, we sign them with reservation on articles 17, 29, and 30 on rights of children on education, freedom of speech, sustention of their rights, and use of their own languages, holding Lausanne Agreement out as a reason. This is a disgrace. These articles are actually problems which cause destruction both on the family and the child. These are the problems which are viewed as trivial.

When we look at the reasons why the children are out on the streets (especially in Diyarbakir and Southeastern Anatolia), political reasons are the leading cause. Familial reasons and unequal opportunities in education prove that the situation is just the opposite of equal opportunities in education advertised everywhere. Basic reasons and basic problems include forced migration, environmental problems, poverty and being underprivileged, individual factors, not applying the Convention for the Rights of Children and existence of articles with reservation. When we look at the political reasons we see that forced migration is one of the most substantial examples. This issue, which used to be discussed as migration or immigrant problem for years, is recently being called out as the forced migration it was. Actually, the children who are here today and who took part in this valuable study are not old enough to have experienced the process of forced migration firsthand and witnessed the migration. But they became children who bore the heavy trauma and consequences of the forced migration. How so? Because they grew up with the painful stories of destructive migration. In the long winter night in their one-room houses, the families constantly talked about their wealth past and compared it to the poverty of today. After a while, our children started asking themselves "If we were so wealthy, why are we living like this now? Why do we have to work? Why do we have to collect bread from trash? Why do we have to go hungry? Why do we have to live in such cramped houses?"

After such traumas; stone throwing children, violent children, children pushed into crime or whatever they may be called by the society display the behavior which is a normal result of their living conditions however abnormal it may seem to us. Many think their behavior is abnormal, but it's only normal considering what they and their families went through. And what do we do in this process? Very nice preparations for child protection law were made and presented. But, begging the pardon of our friends who studied law, I'd like to declare that none of them are being practiced. For example, let's say a child reveals in very simple terms that they're being abused in some capacity, to a close and trusted friend at school,. In that case, they're interviewed by, I estimate, 20 members of profession about this. So, he has to tell the story to at least 20 people over and over again. To a social services specialist, to counselors, teachers, principals, social services specialist at the police forces, and psychologists. One very little example: After watching a kissing scene on a movie, a girl tells her friend that her father kissed her in the same way. The teacher hears it, and then the school counselor. During the process, they send for the child and ask about the same event over and over again. Legal people should know it better but it is an urgent need and necessary study for children that we build child monitoring centers in Turkey so that we can shorten the process. With child monitoring centers, the traumas children have been going through has to be alleviated a little and this should be carried out in a systematic way, since child protection law and other similar laws are not very supportive in these kinds of situations. Again the problems we encounter at Southeastern Turkey are the risk of children's dropping out of schools, or children's inability to cover their childhood needs, in other words their inability to live their childhood. In our notes

from one of the interviews, one of the children said: “Teacher, do you think I should like to work? I want to play football too, but I have to work.” This was told by a 9-year-old boy.

The aim is to create familial and societal pressure; and an irresponsible generation by creating suitable conditions for drug abuse; by increasing physical, sexual, and emotional abuse; with the unhealthy national and social developments; with unconsciousness of children; and with the free and dangerous environment offered by the streets. Actually, this is more or less the individual desired by the system: Creating new generations who are unable to stand up against the system because their brains are dead due to use of drugs, etc. Conflict of identities and conflict of roles. Creating a society which is stuck between the city life and rural life. We frequently encounter the normalization of risk of being pushed to or getting involved in crime and crime and similar factors being perceived as normal behaviors and becoming a lifestyle.

If you’ll excuse me, I would like to give you some very some statistical data. While number of children referred to the police in 2000 in Diyarbakir city center was 1524, the number increased to 3308 in 2006. And these numbers are only related to referrals and judicial cases. Again, according to the statistics of crime rates Istanbul comes first on the list, and unfortunately Diyarbakir is the second. Bursa, Mardin, Siirt, Bitlis, Sivas, Ağrı, Batman and Erzurum follow them in the list. If we are to compare population of Istanbul and Diyarbakir, it is actually horrible that they are the first and the second cities. When we compare them in terms of population, we find out that there is a serious potential. We go on and on, and finally come to this conclusion: What drives children into streets is poverty of their parents.

Politics of assimilation which were attempted to be applied and failed in the Southeastern Turkey after the establishment of the Republic unfortunately turned Southeast into a society of anger. Similarly, forced migration and impoverished, separated, torn-apart families now started being a serious national problem after Diyarbakir had no capacity to hold the immigrants and the wave spread over to other cities. Today a serious amount effort is being made to solve this problem, but using all the wrong techniques.

If you’ll excuse me, I want to refer to the example of a measure about (not) protecting children in the book, (Un)protection of Children by Mr. Tarimeri with his permission. We are overlooking the real problem and this is how: According to the case Mr. Tarimeri related; in a family with high-school level education, the places where two family members work are closed down because of the economical crisis and they’re unemployed. They have children and they’ve drawn credits from the bank. They become unable to pay the credit back. The cases of violent behavior, which used to be extremely rare within the family, start increasing. Their 9-year-old daughter becomes a target of violence. She’s brought to the hospital either by her relatives or by her neighbors. The case is transferred to the court within the scope of child protection law. Later on, her 12-year-old brother is caught stealing bread from the grocer’s. These two cases are transferred to the same courthouse and their files are merged. The court’s cautionary verdict on this case is education of the parents. Which means, at weekends social services experts educate the family on these matters and makes suggestions about not using violence on children, ways of refraining from it etc. But the actual underlying problem is family’s unemployment and the economical crisis and it’s still there. So the family starts using violence even more systematically, without leaving any visible traces. The children become even more of victims. They can’t go to the hospital, they can’t defend themselves. When we are supposedly trying to protect the child, we may push them into an even higher-risk environment and we’re doing it by ignoring the actual problems. Here the actual problem is the poverty of the family, economical reasons and the problems they pose. Taking the child away from the family is also supposed to be a protective measure according to our system, but actually it isn’t. It’s a type of punishment. Because, in the protective agencies you relocate the child to, you cannot oversee what happens. You tear the children away from their families and put them in the state’s custody, but again you don’t give them sufficient services. This creates a whole new host of risks for the child. We put the actual problem aside while we’re working on the protection law and such. We must come clean about some things: In this country people suffer from serious traumas and are oppressed to an unbelievable extent. Journalists who reveal the

horrible abuse incident in Pozantı can get arrested. Naturally, there's a great psychological pressure on media. Or the child who speaks about the events in Pozantı to a newspaper can be arrested next day on the grounds that he has a finalized verdict. While we're discussing here, that child may have attempted suicide. His family goes through various problems. But we live in a system where these conditions are professionally created and we're accessories to it; pushing children themselves aside and discussing 4+4+4 educational system. Politics concerning children should be regional. Convention on the Rights of Children should definitely be more applicable and children's policies should be tailor-made for each geographical region. Problems of a child from Diyarbakır and a child from İstanbul are not one and the same. In Diyarbakır there's unequal opportunities in education. I'll give an example from the school from a neighborhood in which ÇAÇA works. I won't take all the physical conditions of the school into account but it's even worse than a semi-open prison. It's surrounded by walls 3-4 meters high, topped with barbed wire. There's someone guarding the iron gates all day. You can't go in or out, etc. Setting all of these aside, I'd like to narrate a very significant thing the principal told me trusting the sincerity of our relationship since we're friends: One toilet cabin is used by 350 students in average. I'm talking about only one toilet cabin. This is both unhealthy and a violates the basic edicts of Convention on the Rights of Children. This is just one example from that school. They're being educated under extremely unhealthy conditions and are forced to change teachers once a week, because teacher placements are not made. The problems are so many and so serious that, a paid teacher sent there packs up and leaves after just one week when they see the conditions of the school. A new teacher comes and the lessons start all over. Then the system pits these children against ones from Antalya who attended private schools in the same exam and of course their success level drops. Another little example: In an interview, a child told us we should give children another chance. Why? A children's prosecutor told me a real life event: A child gets in a fight with a friend in school, the school principal takes the child to his room. He and the other teachers beat him up together. Then the child is suspended from school for 3 days. 3 days later this child is brought to the courthouse. He's caught damaging the public property at school, he cut a cable. The prosecutor asks him why he cut the cable. The child is unable to tell at first, but after a little chit-chat he says "The principal beat me up and gave me suspension. I couldn't tell my family, I just pretended to go to school for 3 days. I couldn't do anything to the principle because he's older and stronger than me. I thought if I cut the cables, that would cause him problems and he would also get punished. That's why I cut them." Now if we look at children's law, yes, maybe he committed a crime. Maybe he deserves punishment. But when we look at it in a humane way, he did this out of frustration and helplessness, to get back at the person who punished him unfairly. The systems fault is not knowing how to approach the child. Neither our friends in law nor in social works are well-versed at it. For example, since a judge does not know how to ask questions properly to a child who was sexually abused, he chides him, asking "Did it happen or did it not?" The child cannot even talk in front of him. There's their parents in the same room and you ask them if they were sexually abused or not without even knowing how this will affect their psychology. So, it's my belief that nobody can answer "No," to a question which starts with "Are we guilty...?" And nobody should. Nobody can exclude themselves from these events. I think everybody is guilty and they all should do their share. But there're many different problems. While finding solutions, the conditions peculiar to the region should not be ignored and policies suitable to the region should be created. The main reasons are creating applicable conditions, children getting pushed into crime and perceived as criminals. Thank you.

**PINAR ÖĞÜNÇ**  
*Radikal Newspaper Columnist*

Hello. I am in a disadvantageous position for a number of reasons. First, it's hard to talk after speeches that outline the topic so well. I keep crossing the topics I was planning to talk about from my notes. Second, we'll be talking about exactly the same thing with Yüce Yörey and that'll be a bit difficult for me. I'd like to start with this: A few months ago, whole Turkey was informed of an incident which happened in the conference hall of Erzurum Highschool? What was this incident? On the door, a sign that read "Peace Meeting" was hung and inside, the principal of Dumlupınar Primary School, who was among the audience, asked for permission to talk. He started by saying "This may sound abnormal to you," which shows, thank God, he still had qualms, even though they were small. And he went on "Now that we can make face transplants in our country, the law enforcement should take blood samples from children, check out their genes and exterminate the children who will be harmful to our homeland and our nation before they start walking.". Since he starts with saying "This may sound abnormal to you," this can be presented as the individual opinion of one single principle. But I think we should contemplate on this statement, because it reveals the prevalent ideology beautifully in approaching children and crime. After this speech was featured on the press, an investigation about the principal may have been started, and even ended. But I can't forget the laughter and roaring applause from the room after that principle spoke. The room was ringing with applause. The part we should be concerned with is that applause!, Dismiss that principal from the profession if you like, but what are we gonna do with those who applauded? We're talking about a school principal who is talking about exterminating the children whom he deems harmful to the country and the nation.

I'm working for mainstream media within this dominant mentality. Then how the children are viewed by mainstream media? From news bulletins to ads, the child is treated as a potential consumer and most of the ads are built on children. This changes the approach to children in mainstream media. They become something to exploit.

The children are also represented in media with judicial cases and crime. When a child is connected with a crime (be they under police custody, arrested or culprits), there're certain phases of their presence in mainstream media. As a method of existence and survival, mainstream media presupposes that the weaknesses within the society should be exploited and the widespread wounds should be kept open. If there's a nationalist bent in the society, that must be provoked! If there's a moralist bent, that must be provoked! When words child and crime come together, its first motivation is to rely on so-called concerns for society and populist sensibilities of morality. Of course, it means violation of children's rights which are determined by universal legal conventions and should be protected. Because there is a child figure which needs to be marginalized and dehumanized. Because only when they are dehumanized and externalized, the majority will be comfortable. Only then, crime is something far away from them and they don't feel themselves related to it.

There's another drawback to those who are exposed are children. Defendants and victims being exposed is generally a problem. This makes it harder to put their lives back on track afterwards and creates psychological prejudices against them. With the latest employment package in 2008, changes in the obligations to employ ex-convicts. In workplaces which employed more than 50 people, 1% of the employees had to be former convicts for public offices and 2% for private companies. With the latest package, private sector is no longer obligated to employ them. Former convicts whom we cast out psychologically and ignore, suffered another blow.

Another important point in mainstream media about discourse concerning children and crime, and it's "hate speech". Maybe a given newspaper or magazine built their policy on hate speech. As we know, there *are* such newspapers and magazines. But in publications without that attitude, we can encounter hate speech as a result of it being used by the reporter who wrote the article, the editor who edited it and the executive who allowed it to be used and

which increased hundredfold during the preparation process of the article about the children who are related to the crime. It's almost impossible to read an article about the Romani without the hate speech from a reporter who hates them. Because in their mind, a Roman is already very close to theft. If they feel hate towards the Alevite, whenever they are in the context of the crime, this hate will show itself in the text as insulting language. Hate towards the poor and so-called lower-classes will also show up. Much the same way, hate towards the Kurdish is a shaping element of language and news presentation in mainstream media.

Of course, the news channel's ideological standpoint is also important in the presentation of such news. Let's take the Kurdish children, especially those who came to be known in media as "stone-throwing children" as our case example. On news channels whose attitude towards the Kurdish issue and their political word is already known; it's so obvious these children will be used as political manipulation tools that to hope for more can be surprising. How did "stone-throwing children" came to be in mid 2000s? It wasn't an idea thought up by someone. They were just children which shoved up in every demonstration and expressed themselves by throwing stones and they started drawing attention. They become a sort of cliché in media. Did it do any good? I brought some quotes from news headlines and leads to see if it did any good. For example, a columnist asks if throwing stones is included in children's rights. He prefers to look at the issue from that perspective. Another columnist responds directly with hate speech, daring to write that people living in Southeastern Turkey are constantly trying to birth kids since government pays money for each child to help them, that they take the money but ungratefully release their children on the streets to become stone throwing children. Other newspaper had the guts to use the headline "Violence For Fun". After the regulations in the law, we constantly saw an attempt to manipulate the public into believing that law increased the number of children who attended the demonstrations. There are a string of news published back then, which claim the legislation for stone-throwing children itself is driving children to crime. In many articles it was asked constantly who was directing these children, who were using them... And later news articles appeared, emphasizing these children should be taken their family and other dire methods should be used.

Sedat Yağcıoğlu from Hacettepe University prepared a report on this issue by interviewing the children themselves. It talks about the extreme discourse of conservative perception of children. This perception says that these children are younger than 18, but in time they matured early. They shouldn't be viewed and treated as children. This approach itself is the aspect we should contemplate. If they mature early, why do they? Won't we look into it? Do we just leave it here?

Secondly, the conservative perception claims that those children aren't there of their own volition. We see this frequently. Thirdly, it claims that they're being used by various groups, political parties, organizations etc. This shows us how these children, who practice politics through demonstration, are devalued by conservative perception. There's another type of news in the media that makes us aware of their existence, and those are the video news in which police departments of cities such as Mersin, Adana etc. invite the press over. These news are not only 30 seconds like most others, they're 5-6 minutes long. We watch the police departments did in order to develop a closer relationship with children. I scanned the news and here are the activities they organized: Trip to the amusement park, trip to seaside, trip to mall, etc. The police is taking the children to a mall to bond with them. What else? Going on picnics together, go bowling together, let them ride the panzer, introduce the armored vehicles to them, show them the whole city from MOBESE surveillance cameras... This is how they get close to the children. These may be genuinely interesting for the children; but what we must think about is the way law enforcement approaches this issue... What else? They play football games and trust me, they're seriously trying to when they do. What else? They gift children with stuff they may be needing such as clothes and toys. Banana is a very symbolic fruit. A lot of fruits and bananas were given to them.

While I was looking around, I saw another article. On another demonstration, the children were preparing to light a tire on fire and throw stones. The headline: "Neighborhood women

give the stone-throwing children a piece of their mind". A few ladies tried to coerce children into not burning the tire and not throwing stones. No problem, it can happen. But what is significant is, the woman who said that is defined as "the citizen who tried to stop the children". This is the exposition of a certain kind of mentality. What the lady did can be discussed on another level. She did a good thing, she tried to shield them from harm. Maybe she's really a neighborhood woman. But the important thing is the woman who tried to stop the children is a "citizen", while the children are potential criminals, monsters. This gap is the underlying reason of everything we talked about here today. I'd like to underline this as the point all speakers made and I am trying to make as a member of press: The endeavor to understand is very important. Why does an 12 year old child walks up to a gigantic panzer which can spray him with high-pressure water any time and a gas bomb may be thrown at any moment? Unless we try to understand this, it's not possible to do anything which will protect these children and make them feel good.

A book called "Bildigin Gibi Değil" ("You Wouldn't Believe") was published by Metis Yayınları (Metis Publishing) last year. Some of you may have read it. It told some really harsh stories about being a child in Kurdish regions in 90s. One of the quotes I can't forget is from a person who's in their 30's now, saying they find it very strange when people die of natural causes. People talk about their childhood friends who stepped on a landmine and died, the losses in their family, those who were killed by Hizbullah, special teams breaking into their houses, torture they endured, all in all very harsh things. But most of them had two points in common: One, they told that they lived by forgetting, because if they remembered they couldn't go on. And two, they all could still talk about peace.

In my mind, Müge Tuzcuoğlu's book "Ben Bir Taşım" ("I am a Stone") is the spiritual successor of this book. Just as "You Wouldn't Believe" is about being a child in 90s, "I am a Stone" tells what it is to be a child in 2000s. While working as a journalist in newspaper Evrensel, right about the time 12-year-old Uğur Kaymaz was killed by police on accusations of thievery, she decides it's not enough for her to make Uğur's news anymore. She studied anthropology. After that incident, she buys a one-way ticket to Diyarbakır and interviews 13 of the "stone-throwing children, 13 victims of Anti-Terror Law. What grabbed my attention was this: The children were telling the story of their family in actual past tense, as if they lived through it. It was technically impossible for them to remember the times their villages was burnt, but they had listened to it so much that, they could tell it with vivid detail as if they lived it themselves. What is different from the book about 90s and what we should pay attention to is just that point, that these children lived without forgetting; carrying the hurt and social exclusion of three generations, absorbing it. Thus, they harbor a different anger from those who were children in 90s.

All of them are children who had to migrate to Diyarbakır town center because their villages were burnt. On top of that story, they experienced abject poverty. They talk about the jobs they worked. During that process we were only informed about those who died in armed conflict. When the numbers are revealed, we think about them. But children talk about their relatives who got sick and who died because of their grief during that period. And they talk about it with such fury... They have the three generations' worth of knowledge which carried over from their families. On top of that, there's internet now. This is not a fact to be taken lightly. For example in Uludere there's a grocery store, a football field, an internet cafe and nothing else. This is true for a lot of villages in Kurdish regions. Now there's Facebook and Twitter for them. So now, they don't carry just their and their family's anger and burden, but they bottled up the anger of all those families and children they came into contact with. I think the children who are or may be victims of TMK should be cared for in a very sensitive way. It's a key point to solve Turkey's foremost problem, the Kurdish issue. The key generation is those who were and are children in 2000s. Unless we understand these children and why they're throwing stones, how they're standing against those panzer; understand those children who light themselves on fire, it's impossible to make any progress.

I don't know Müge Tuzcuoğlu personally. After she was put into prison, I wrote a column about her. As a coincidence, she found the chance to read the column and wrote me a letter. In the letter, she describes the ward from the upper bunk of a bunk bed. One of the detainee women is there because a picture of her was taken when she was holding a stone. It's a stone she actually took away from a child. She also talks about an elderly lady from the feminist movement, again arrested because of KCK (Union of Communities in Kurdistan) trial. "She's writing to her nephew, who's one of the stone-throwing children," she says. She talks about the mayors staying in her ward and says "I'm so lucky, they put me in the same ward as mayors.". She gives an anecdote from her questioning in prosecutor's office. Prosecutor said "Personally I'm against violence. In a meeting you attended, children are talking about violence. You were supposed to stop it. But you didn't, and this means you approve of it." And she answered "Just like your job is to question me; I, as an anthropologist and a journalist, think it is my job to understand those children and to grasp what causes that violence.

This is how she ended the letter: "With this many people are here, I can not complain much about my lot. Because I listened to those children. I know what they experienced in prison, what they have been through until they ended up in prison. Since I listened to what brought them there at length, I don't find my current habitation foreign, because my children been through the same things too." She calls the children whom she interviewed "my children". She asked me to say hello to them if I had the chance. This must be the right place to pass that greeting on.

**Guest:** First of all, I would like to thank everybody for the presentations. Everybody said such valuable things. But please don't resent me when I say the children said the best. They made the point right from the start. For those who are able to understand it, of course, I mean, those who could get in synch with the children's perception and those who could sympathize with them perceived it better. One of our friends said it would be better if police interviewed the children in a park instead of a police station. I think this was very suitable to Convention for the Rights of Children spirit, especially coming from a child. Individual speeches are very valuable. But I've been working with children for 11 years, both professionally and as a volunteer. During these time I attended almost every meeting, training etc. Then I noticed what spoils it all. This is a point we usually overlook. Texts such as Convention for the Rights of Children and Universal Declaration of Human Rights are for human-centric societies. Even though a government-centric structure signs these, children's rights do not emerge from that society. That's what I saw and understood. Why is that to? Because even though all the laws are changed and many experts are involved in the process, when the government is in question everything is cast aside easily. The small things we're trying to do and change are of course very valuable. But what I just told has to be revealed somehow. Unless it is exposed, our struggle will be hindered seriously. Turkish Republic signed as Convention for the Rights of Children, but nobody said this, maybe it was overlooked: 17<sup>th</sup>, 29<sup>th</sup> and 30<sup>th</sup> articles were taken out, they weren't accepted. One might think "More than 40 articles of the convention was accepted, should we dwell on these?" But those three articles contain clauses about cultural ethics. And this is very important, very revealing. These articles are related entirely to Kurdish issue and reservations are made on the points which can, in quotation marks, be a threat. This shows us any article of the convention also may not be applied if it's deemed necessary. When we declare reservations, we also declare that if the government is in question we can even overlook the right to live and kill children. I'd actually like to pose it as a question to Ms. Ögünç and Mr. Yöney. To reveal this situation, the most important aspect is media and how can this be revealed in a sustainable way using the media? Thank you.



**Nihat Tarimeri**  
*Social Services Expert*

In the introduction part of my book, I called out to adults saying “If you don’t remember your childhood, please don’t read.” This is what is important. The gravest mistake us adult make is to forget when we were children and young. We think bam, we suddenly became adults at once. If we remember that, we’ll be able to minimize our problems with children and the youth. I’d also like to add this: When we look at international law, especially after the constitution change in 2004; European Social Charter brought unbelievable obligations concerning the protection of individual, especially women and children. In that respect, a Turkish citizen is no different than a German citizen now. But there should be demand and willingness to look into this issue, this is also important. When we look from an international angle, European Social Charter articles 13, 14, 16 and 17 have a lot of clauses that can solve the problem you just pointed out. There’s an obligation to denunciate those who did not respect these rights. There’s also a basic approach about how we use the rights. I don’t think we have a basic problem about having rights and universal law, but accessing those rights and challenging them.

**Yüce Yöney**  
*Bianet Editor*

Unfortunately, even if there may be a solution to propose, I don’t know about it. As with many other issues, channels which are not involved in the relationship based on financial gain among the government, media and the market. Because when there’re points of gain, financial relationships and government in it; when media bosses are also working in fields where they can win tenders from government and other corporations, when there are so many personal and class benefits are at stake, it’s not possible to expect anything much from media to tell the truth.

Also, this is a reason why independent media must be supported. Only independent media has the outlook and mechanism to uncover the truth as you mentioned. But of course it has to exist within the boundaries of some laws and under threats such as punishments and fines which are the extension of those laws. In spite of that, we have very valuable organizations. If they increase, they may open a path. I think we made a certain progress in that area. Not enough, but progress nevertheless.

Also, there’re things which media employees can do individually. Reading certain basic resources, for example. If they’re making news about children, they should make an effort to know the special principles of it. There’re things to do to defend the child’s benefits. I’m not talking about an interview you can make with me or any other adult. There’re aspects to be looked out for and approach methods while interviewing children. Depending on the conditions, there may be other specialists who should be present during the interview. We should make an effort to obtain any relevant information, from these principles to which articles Convention on the Rights of Children Turkey put a reservation on. There’s a large amount of information on the internet which can be accessed easily. If children’s rights, human rights will be made into news; if real news independent from concerns of wealth are to be made, people should educate themselves to have the necessary education on the subject. This is valid for every media employee, including myself. I’d like to say that, in case it comes handy, in Bianet internet site there’re news categories for human rights, children’s rights and women’s rights. You can reach them with simple web searches.

My last point: Don’t expect anything good from mainstream media under these conditions, in light of the relationships I just mentioned. There are individuals in mainstream media who achieve beautiful things, but this has its limits. Alternative media is very important. Unless the media is freed from capital market relationships, we’ll keep discussing the problems we just discussed.

**Pınar Ögünç**  
*Radikal Newspaper Columnist*

I can only make a short addition, because I already agree with what you say and Yüce already answered concisely. The main point I agree with is the impossibility of solving any problems with legal regulations. We also encounter this in the issue of violence against women. regulations are being made, but the woman who suffered from violence is sent home or is forced to make up with her husband by the police, we can't even make it as far as the law itself. Our issue is with the social structure that makes the situation what it is. Same mentality is also present in the triangle Yüce described, tied to political will. It may have its limits, but it's not completely ineffective. Mainstream media can at least reveal some inconsistencies. You can relate this to a child's or family's story, and then tie it up to those three articles which are points of reservation. The unwillingness revealed in the picture you paint can reveal the dominant outlook and its tendency to see woman only as a part of the family, the child as a potential criminal. I don't know how effective it is. But even though it's a small, insignificant-looking article in mainstream media is important in showing that there're people who are thinking about this issue and it will find its way in time. Or so I would like to believe, or else I must lose all belief in what I do.

**Guest:** Actually, this has sociological roots too. When you ask a Roman why do they steal, they'll tell you that material possessions belong to all the people of the world and it's their right to take them. Or when you ask a person who follows customs closely why they committed a certain act considered a crime by somebody else or society, they'll tell you that it's a custom, a tradition and it was their duty to do it. I mean it has sociological roots. If we set that aside and look from the political angle, it's obvious this problem can't be solved by laws and legislations, but by an attitude change in public, just like Ms. Ögünç said. When we look at the economical and political side, the events that make the headlines are usually the results of both migration and displacement. This is what is political; wherever immigrants go or are sent to, they do the dirty work of the government. You see it in Hollywood movies; they do everything when faced with the threat of being deported. We can see the same in Turkey clearly. We can obviously see that the government lets immigrants from distant lands do the dirty work. That's why I don't believe this problem can be solved with law. It may give disincentive of course, but I believe it can be better if the government gets in touch with the social aspect or the sociological aspect of it and takes the morality, traditions and values of the ethnic groups into account, better results may be obtained. For example, a Roman who steals in İstanbul, does not steal in Dersim. This is very interesting, they live their life exactly the same. I believe this is related to both the society they're in and injustice and imbalance in society:

**E.B (16 years old):** I thought of something. If we've been granted rights and they've been accepted by states who were parties, why are they not practiced? Or to what extent they are? Because we see them in the news, on TV and in newspapers. Children are transferred directly to the court, and from there, to prison. But isn't it one of our rights to be punished in a way that should benefit children? Or to put it another way: No child should be subjected to torture and cruel, inhuman treatment and punishment. If this is one of our rights, why do we see what we see on the news? A young child is raped in prison. His psychology is damaged. Nothing is done about this, and he's sent further away from his family. Is this just? There're rights for this person, why are they applied? One last question: As far as I know, there're three articles (17, 29 and 30 I guess) accepted by 143 countries, but not by ours. Why are they not accepted?

**D.A (16 years old):** I'll ask a question, and then tell something that happened to me. Do police have the right to hit me? About 3 years ago an older friend of mine who was 18 years old back then told me the police always beat people up with batons. We were five kids and we would hang out all together. The only Kurd among them was me, but my other friends never

discriminated against me. I even taught them Kurdish and we talked in Kurdish together even though they were Turkish. When I saw a cop behind us, I started running away because I thought he was coming to beat me up. Then he caught us and asked us why were we running away. I said I was afraid. He asked me why and I told him. Then he wanted to see our IDs. We gave them. He gave back all of my friends' ID cards, but not mine. Mine listed my birthplace, Iğdır. He understood I was Kurdish and asked me why I ran away again. I told him again. Since I did nothing wrong and he felt he had to pin a crime on me, he told me he'll just call me a terrorist and take me to the police station. Then he hit me two times. My mouth and nose bled, and my lip split open. Then he went away. I'm curious if he had the right to hit me.

**Guest:** My question is a bit long. I'd like to ask Ms. Demirkale about N.Ç. incident<sup>"/>\*</sup>. She was raped by 26 men but the judge still blamed her. What's your opinion of the matter? I'd also like to ask Ms. Müderrisoğlu: As a result of the verdict, how can N.Ç.be rehabilitated psychologically and reintegrated to the society?

**Guest:** I would like to ask something. Why did adults, grown-ups took the ground first?

**Gülner Elçik**  
*Moderator*

I tried to give the word in order the hands were raised. I observed that sometimes we grow nostalgic about certain groups or topics and this is a type of orientalism. For example, in my opinion; the presentations made by adults here are as valuable as what the children said. But we fetishize what the children say as "what should have actually been said". This is just like when an author wearing the hijab writes a successful novel. The novel makes an enormous impact. But if you're well-versed in literature, you see that when you ignore the hijab, the novel's actually not that great. In my opinion it's also a type of orientalism to make a fuss about the steps taken by people from whom we don't expect such actions. It's reverse orientalism. That's why I take care not to act like that here.

**Guest:** I have two questions. You talked about children who have been taken away from their families. In what kinds of places are they raised? Are they safe? I want information about that. In some speeches, only the young people between ages 8 and 12 were called children. Why anyone younger than 18 is not a child? What is the significance of that limitation, who brought this limitation and why does it exist?

**Guest:** Hello, I'm with KAYY-DER. When I finished primary school in 1968, I came to İstanbul to be able to go the junior high. Back then, I saw a relative reading the book "Bir Kırk Beşlik Ahmet" by Çetin Altan. The book was telling how 13, 14, 15 year-old children in Vietnam and Cambodia were dying while fighting with guns in hand and how the children here in our own country were doing. I'd like to recite parts about Turkish children as far as I could remember. There was a 23th of April<sup>"/>\*</sup> speech, about children, that I'd like to repeat while we're 23 days away from 23th of April: "Today is the anniversary of TBMM (Turkish Grand National Assembly), today is the day of Sovereignty and Children. Have fun my children, have

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<sup>"/>\*</sup> N.Ç. is an underage girl who was forced to have sexual relations with 26 men against her will. The incident was put to trial and recently they've been found not guilty, on grounds that N.Ç. was willing and seduced those men herself. (-T.N.)

<sup>"/>\*</sup> 23th of April is a national holiday dedicated to children. It also commemorates the inauguration of Turkish Grand National Assembly. (-T.N.)

fun and make merry, run and shout. If you can, you're free and happy in a sovereign country. Does your father work on the 5<sup>th</sup> floor of a building, carrying cans of mortar on his back? Are you wiping the windshields of cars waiting on ferry lines or parked along the road? Don't sigh if you see well-dressed children with neat hair inside those cars. Because if you sigh once you're a socialist. If you sigh twice, you're a communist. If you sigh three times, you're an anarchist and if you sigh four times, you're a Russian spy sold to Beijing. Have fun my children, have fun and make merry, run and shout. If you can, you're free and happy in a sovereign country." What I'd like to say is, back then those children were helping support their family and their father who actually did work in construction, carrying huge tins of mortar to 5<sup>th</sup> floor. Now the fathers are unemployed and those children are still on the roads, on the ferry lines, on the streets; wiping windshields and selling tissues. Personally I don't react adversely when they clean my windshield. I let them wipe and I buy my tissues from them. But in newspapers and on TV we hear people say "Don't let them clean your windows, don't but tissues from them or else you're pushing them into crime!". I ask you, should we buy from them or not?

**Guest:** I'd like to add something, not as a question, but as a contribution of ideas. First of all I would like to thank administrators and workers of Başak Culture and Art Foundation and ÇAÇA for conducting this project. I also would like to thank distinguished speakers and participants. Yes, these are very sensitive topics and yes it has to be discussed, but most of the time they are ignored. For example when I saw the Pozanti incident in the newspaper, I couldn't read those children's stories and what they've been through. I kept averting my eyes. I shivered and felt horrible, I thought of not reading any more. Then I thought "I can't stand to even read it, but these children lived through it". Afterwards, when I shared the news with a friend they said "Oh don't tell me, I don't want to even hear about it.". What I'm asking all of us is this: Until when we'll close our eyes and ears to the truth? Is this what are we supposed to do? I think, on the contrary, the more we open our eyes and ears and help the truth surface; and even make it an agenda of various activities, the more this pain will diminish. Thank you.

**Guest:** I'm curious about one thing: Right after the children are arrested, when they're going to forensics before the trial, are they under observation of a physician, or only law enforcement? About Children's Rights, we keep discussing about it and such, but how much of it can we tell to children? How much of the rights we can bring to them? Because I feel there's something missing somewhere. The children know they have rights on paper, but do they have knowledge about the content?

**Guest:** What I wonder is if the child's perception of crime and family's perception of crime are the same. Did you also include families in this work?

**Guest:** As GÖÇ-DER, we have been working with children who were forced to migrate. However, children who were forced to migrate constitutes a very difficult area. I don't think certain non-governmental organizations and foundations can solve this. Because this is something beyond them. The government, which created this very problem, should take the responsibility legally and solve it since it is the government which created the problem in the first place. I think it is responsibility of the government is to cover for the injustice inflicted so far. Therefore I think that problems of children are responsibility of the state and it can be solved within the framework of Kurdish problem. Okay, we talk about these in panel discussions or similar events, but I believe we have to look at this from a wider perspective. Now we are talking about the children throwing stones. But unless this problem is solved, we are going to talk about this in another event, because the basic political problem underneath will not have been solved at all. Another guest has just said he doesn't believe that all will be solved with the law. But I don't agree with him. Because in the century we're living in, the problems should be solved on the legal base. When you accept something, you take a legal

responsibility. And you have to fight through that responsibility. **Guest:** I won't ask a question. I just wanted to add something. I think what drives children into crime is the family and their surroundings. This is what I wanted to say. For example, a child threw a stone, or he committed a crime, or he was pushed into a crime; before we judge him we should have to find out the underlying reason. Why does this child throw stones? Only after we find the reason we should judge them.

**M.A (14 years old):** I'd like to say something. I think Pınar Ögünç just mentioned. The police goes to parks, game fields, picnics and similar places in order to be closer to children I wonder of often this is done. Does it ever work? Besides I want to add something. In accordance to article in the Convention of Rights of the Child, putting children into prison is the absolute last resort. Do you think, it is okay that Turkish society behaves like this?

**Guest:** Hi. I am Meltem Türkcan, Social Services Expert. I work in the Istanbul 1<sup>st</sup> Juvenile High Criminal Court as a specialist. I started working there 9 months ago. I think Ms. Demirkale summarized the general condition of courts and our situation quite well. But when we think about the underlying reason, we come back to addiction once again. My registration attendant is the chair of the court. During the session, when I say something about either the victim or the child who was pushed to the crime, I get negative reactions from the court. In this respect, victim's or defendant's lawyer are usually no help. What I'm trying to get at is, I'm not very knowledgeable about the law. But as far as I know, our constitution also cites the presumption of innocence. When this topic is brought to attention, it's both on investigation and interrogation phases. Because the child who could not receive a clear verdict is branded as a criminal. For example, I was on the victim's side at one trial. We usually sit with the victim's side. I knew the defendant had a chronic illness and I asked them to sit down. But unfortunately the chair of the court harshly told me that I didn't have to authority to let the child sit down or demand that they did, and they were a criminal anyway. Migration is a problem in itself. But in the studies we make (and we make them in courthouses, just like Ms. Demirkale told), when we look at migration together with the types of crime; sexual crimes can be encountered in any social level, but children arrested for crimes motivated by financial reasons such as mugging, thievery, looting or drug-dealing are usually children from broken homes or immigrant families. As far as I observed, mostly immigrant families I must say. I'm a little nervous. I wanted to ask a lot of things, but for now, this is all.

**Guest:** My question is for Ms. Müderrisoğlu. We talked about the perception of crime and especially children's perception of crime. On one hand we talked about how crime of violence is legitimized in society and children witness violence being inflicted by the system that they were supposed trust and even suffer from it, be it forced migration or their one-on-one encounter with law enforcement This crime is committed, and was never punished. When we consider they live in a country where this is legitimized, also keeping their development process in mind, we see that their perception of crime is focused on this is not a crime, even violence is not a crime. There was a part in Sedat Karcıoğlu's research which stayed with me for a long time. In an interview he conducts with one of the children victimized by Anti-Terror Law, the child says "They come with many panzer, I throw a few stones. Is this too much? Is it a crime?" It's so striking. Here I'd like to ask Serra this: How can a child who grew up with such a perception establish a relationship of trust with the government, which is responsible of the whole mistake? Children who lived through so much of these stages, how will their perception take shape law enforcement and other units which represent the system? How will they be able to build that trust, or will they be able to? Thank you so much.

**Guest:** I would like to ask something. Is using the term "guilty, criminal" for children right or wrong? Why do the age and crime of the child change according to individuals, I mean according to decision makers?

**E.B (16 years old):** I would like to add two more questions. Ms. Demirkale, I'd like to ask you first. Who defines the crime and what is that definition based on? Anyone else can answer my second question. So if children can go into prison and can be judged at courts, then why are we considered children? Finally, our families are responsible for caring and looking after us. But they judge me in the courts as they would judge a 40 or 60 year-old person. Why is there something like that? Because if it is so, we are not children.

**Pınar Ögünç**  
*Radikal Newspaper Columnist*

I'd like to answer some parts of questions that I feel I am qualified to answer, and some questions that were directly addressed to me. We know E.'s name because we met this morning. You know the children we see sitting on Governor's, Prime Minister's or President of the Assembly's seat on 23th of April? Those children are made to memorize what they will say there. I don't think a child willingly- I mean, if there was ever a child used, it's them. I'd love to see you sitting on one of those seats, asking questions this clearly. D., you're asking it so openly: "Does the police have the right to hit me?" No. The question and the answer are both crystal clear. E., you ask if we signed an international convention, why didn't we also accept those three articles too? This is such a clear question. To march in front of the political power and ask questions this clearly... There's no way to give an evasive answer that question. But I don't know how that mechanism works, I mean how those children end up there. M., you asked how useful certain activities chosen by various police departments for bonding with children and how often they did that. Sometimes they think they should arrange an event like that. Spending time with children and serving that to media is something that will make them appear prestigious. They see it as such an endeavor. Let's think out loud: We have a bunch of children who express their ideas by attending social protests and throwing stones. You take these children to bowling and to malls. How much can this work? The chosen method is so absurd that, it's very easy to do the math and see it will not work. When the city's police department plays football matches with children, gives them bananas and organizes similar activities, children are sure to be happy because they have never seen their city through surveillance cameras and never been to a mall before. Children like things like this. This is what is underlined in the news anyway. But, for example, how does this contribute to the solution of the problem? If it does, whenever there's a protest next we shouldn't see any children there. But if we see children, we can easily do the math and see it doesn't work. As for law, there was a guest whom asked about N.Ç., asking about how can she be rehabilitated. I'd like to tell this detail: Sometimes the pain and the unpleasant things we go through can grant us extra abilities, extra patience and extra strength that we originally may not have in our character. I know N.Ç., I know the difficult times she's been through. She's 19 now and she's such a strong woman. Strength helps us survive these situations. She was also lucky, those who crossed her path helped her along a lot and she was able to build a new life for herself. This is also a bit about patience and perseverance. All this talk reminds me of another story, I'd like to finish by telling it. It's a very good abstraction of children who are involved in crime and ways to approach them. There's a text called "A Modest Proposition" by Jonathan Swift, written in 1729. Today it is widely accepted to be the best piece of black humor of its time. It was taken very seriously back then because Swift, who was an economist, answered the question of "How can we end poverty in Ireland?" as an economist would do. His proposal: Poor families should eat their own children. Since he's an economist, he calculated the cost of the children to their families. It's an absurd proposition, of course. He's trying to tell something with this abstraction. He's trying to send a message to people. He says you think you can solve poverty only by eating your own children. Today, looking at the whole picture, a similar abstraction comes to mind. Do you remember the incident at Erzurum Highschool when I first talked? "We should

exterminate children who has the potential to be criminals, who will be no good to the country and the nation before they started walking". This actual event is standing beside an abstract, absurdist text written in 1700s and proposes almost the same thing! Jonathan Swift was taking it as far as giving recipes which use children. It was an earth-shattering text. There're different methods of eating children; how you judge them, which crimes do you charge them with, how you treat them when they're in prison. Childhood is a period. Children can start it as guilty children and finish it as adult criminals. Now it seems to me this whole thing, the path we are taking, both with the law aspect and the methods the government prefer, is based on eating children. It reminded me of this, and I wanted to share.

**Abdulkadir Güger**

***Diyarbakır Metropolitan Municipality Child Services Branch Director***

As there is no direct question for me, I would like to remind you something. Yes, the police doesn't have the right to beat children or violate their right to live. Even governments and states do not have such a right. But we are working and living with children whose right to live was violated rather than those who has been beaten. The last example Roboski incident. Most of those who were killed were children. Just before that, we witnessed children whose skulls were cracked on 23th of April with gunstocks and we witnessed children who were put to chairs of ministers on the same day. And we witnessed children who were shot to death with as many bullets as their age in years. We are going through hard times both as children and as society. We cannot raise healthy generations like that. This won't go on like this. Patching the problem from one side causes even bigger problems.

A psychiatrist, William Reich, states: "The astonishing thing is not that some people steal, but rather that all those who are starving do not steal as a regular practice." Actually this is the base of the problem. A child growing up with violence learns violence and anger. Children growing up in prisons with violence won't come out of there in a better condition. And they won't think well about the government and administrators. I'd like to tell an incident I lived 10-12 years ago with a child of almost 8 years. I was working for an institution and we were trying to get children to the institution. We wanted them in just to work with them. Children wouldn't go into that institution. They didn't go in for a long period of time. Then we gave them cakes and fruit juice and slowly convinced them to come in.

These children did not have identities, as in they didn't even have an identity card. They lived in the neighborhood I worked at, they were children who had to run away from their villages forced migration, because their villages were burnt and they had to walk for 15-20 km in snow, barefoot. One of them told me they cannot go in because of the picture hung on the door. He said that those who burned their houses and inflicted violence upon their families had the same picture on them. He was talking about the Turkish flag. He associated the violence with symbols and he couldn't trust anything related to it. That child will never be able make peace with that symbol or the mission that symbol has.

You remember that incident when there was a great chaos at forensics and the files were analyzed again. There were some forensic specialists quit their jobs, such as Ayten Uludağ. She said something like that "A child who is sexually abused cannot be considered as harmed psychologically." Many forensics files in Turkey are turned back because there's no evidence of trauma. The judge is actually trying to say "I know that the abuser is guilty, I know that the child is traumatized but to declare a verdict, forensics has to send me a report," when he's sending those files back. But forensics keeps sending back the files saying there's no evidence. A forensics expert who worked in Europe for over 35 years says that they wrote a report saying that there was no evidence of trauma only in two cases and one of the cases committed suicide when they were 19, and the other case when they were 45 because of the earlier abuse. So naturally that expert says, in children who were raped and sexually or otherwise abused, there certainly are symptoms and even if they are not visible initially, they'll eventually surface. In

Turkey everything works backwards. Honestly, our job is very very hard. I don't want to sound too hopeless. If it was a physical handicap, we could make it better with prostheses and face transplants. But we're dealing with cases who were on the brink of brain death. While we are discussing these here, somewhere children are being systematically tortured or they're being transferred from Pozanti to Sincan, where they'll be living in single cells, under conditions which they won't be able to share their loneliness, in compliance with European standards. This is not the system or solution. I just wanted to mention it as a contribution. Thank you.

**Av. Ayşenur Demirkale**  
*Istanbul Bar Association*

I will try to answer, by taking questions about child abuse as a basis. I don't want to talk about N.Ç. much anymore because it's too well-known by the public and it's being used. The judge could even say "My initials are N.Ç. too, I'm the real victim here. So, I'd like to emphasize only this: In cases of sexual abuse, the law has a regulation on children who have been sexually abused. It says, these children will testify only once and this testimony will be recorded to that the child doesn't have to tell the events over and over again. But this is not practiced. Audio and video recordings of the events are made in very few places in Istanbul. Other than that, even Juvenile Branch doesn't practice that, and you can't see the trace of it at trials. If you encounter a really compassionate judge, maybe they will let you turn your computer's webcam to the child and record it. But then, if the lawyer of the accused wants to ask questions or demands confrontation, the child will live everything all over again. They tell the story one more time and visit forensics countless times. If their case file goes to Supreme Court of Appeal and is even dismissed, five years later that child has to come to the trials again and tell everything all over. Two types of reports are obtained from forensics. One is given right after the incident, documenting the sexual abuse the child was inflicted. After 6 to 8 months after that, forensics workers usually make it 6 months, another report is obtained revealing if the crime left any trauma on the child or the person who was the victim of the crime. Now, in trials concerning minors, in sexual abuse concerning minors, you can't have even sexual relations with a child under 15 years of age. The defendant is punished even if they bend over backwards. For children between 15 and 18, if there's consent it creates an impunity. After the consensual relationship, if the child is claiming that the consent was damaged and can prove it with side evidence, if they're saying "Yes, it was consensual but I had to consent because of such and such reasons," the culprit is punished. If the harm done by the crime increases and causes harm to the victim's physical and psychological well-being, the culprit's punishment is increased. I'd like to end with this: Yes, in Turkey, reports which state children who were raped or abused many times were not harmed by the crime can be given. There was a meeting forensics experts a short while ago, we asked them about this and they said "Yes, it's possible that no harm was done to them.". What is the measure, how are you evaluating it, do you know how late in life the symptoms can show up? When this trauma reflects on later life, when the victim is 30, 40 years old, can you think of it as independent from the incident? They said they composed the reports by taking the observable situation into account at the moment, that's why results like this can show up, and it is a controversial subject among them too. I'll relay another piece of information from that meeting: When the children are taken into police custody, and later when they're taken from custody to prosecutor's office, each time they are taken to a doctor examination. If their lawyer is not a persistent person enthusiastic about the job, they won't be with the child during the examination and does not give it much thought. But if the lawyer is used to being in political trials and such, they take care to be around the child more. But I'd like to emphasize that, solely during the examination, doctor and the suspect should be one-on-one. Neither the police nor the lawyer and the parents should be present. But sometimes doctors, citing concerns about their safety or political reasons demand that the police should be in with them and sometimes the police goes in to ensure the suspect



dopes not escape. Under those conditions, if you encounter a well-intentioned doctor and can express yourself to them behind a cloth screen, good for you. Sometimes I feel hopeless, thinking all the endeavor and all the steps taken for nothing. As someone who's working inside, I get frustrated. But a little spark or a hopeful event makes me feel better. For this to happen, I believe everybody should know their rights regardless of age, standing, physical condition and gender, and everyone should voice their demands about them. If you want to learn, the government has to provide you the opportunity. If it isn't provided, we must demand it. I don't want to make it too political. But a recent regulation in municipal law made it an obligation for municipalities to provide parks and recreation areas, elevators etc. for children and handicapped. Handicapped citizens made it happen by making pleas to European Court of Human Rights. Sometimes what we talk about and demand cannot find exact matches. But even creating awareness beforehand provides a foothold for next steps.

United Nations Convention on the Rights of Children yes, brings some basic regulations and Turkish Republic declared reservation on three topics: Education of minorities, education in mother tongue and minorities establishing their own media outlets. When asked about these, government's answer is very clear: I already do these de facto, I don't need to put them to paper. I let them establish TV channels and schools, they have language courses and certificate programs. When you say "I let them do this, I allowed them to do that," you already move away from the aim trying to be reached by signing that convention. But it doesn't show that the basic articles, basic boundaries of this convention should be rejected as a country. I believe these conventions, which will carry us another step forward if they reflect on our daily lives, taught us to make the best we can to have them used in Turkey or in domestic law. Another point, I apologize if I'm wrong, but as far as I understand, child labor should be allowed in case the child wants it, for example to support their family. Equality for male, female and child labor should be brought. I think I sense a comment coming. I'll make another point, again by taking United Convention on the Rights of Children into account. Everybody under 18 years of age is a child. Even if that person was made an adult for legal purposes by way of special arrangements, they benefit from the protection offered to those younger than 18. You don't have to work until you are 16, except to learn a profession or a craft. If you have to work, the liability is on your family and in cases where your family proves insufficient, the government. The government has to support the family in that sense. If the family still makes the children work in spite of government support, then the government has to use the protective measures. This is how the demands should take shape. I'll explain what it means to become an adult before 18. This is overlooked frequently, especially in marriages made in an early age. According to the Civil Law, age of marriage is 18. Man and woman can marry when they are 18 years old. 17 year-old people can marry with the consent of their parents after it is officially recorded by the presence of the registrar. When they get married, they are only considered adults on issues regarding the marriage. Beyond that, these people should be considered as children under the age of 18 when they commit a crime. When you are 15, you can become an adult with a court decree to work on a certain craft or profession, but when you commit a crime you are subject to regulation concerning children, and you have the right to benefit from them. Another point I'd like to highlight: When you commit a crime while you're underage, you have the right to benefit from all legal protections granted to children, even if you're 30 years old.

Actually, when we compare the legal arrangements concerning children and the problems experienced in their application as a whole, we see that the regulations are many and very detailed, but the problems keep multiplying. When I try to keep track on what we do with what we have and what we gain as a result, I try to look at it this way: For today, it can be evaluated differently in the long term. If even one person can be kept from harm's way, even if one person's life can be changed, this should be worked on. As for D.'s question; neither police nor anybody else has the right to hit you because of the information on your ID card.

**Doç. Dr. Serra Müderrisoğlu**  
***Boğaziçi University***

There were two questions addressed to me. One of them was about N.Ç. and how to rehabilitate her. Personally I don't find it right to talk about N.Ç. I don't know her and I don't like reading such cases just by looking from outside. But the question here is her rehabilitation. It does not matter if she's strong or not actually. Yes, one could indeed gain the power to overcome these traumatic experiences and stand tall only by drawing from their own strength. One can achieve this adaptation in a healthy way, but I assume this is not out subject. When the systems that were supposed to protect her create a secondary case of abuse, now that we should pay attention to. One wonders what kind of storm is brewing beyond that strong stance. People who experience these kinds of incidents suffer not only blows to their psychological well-being, but also a serious disconnection of their ties from society. It may be even worse when the institutions which were supposed to protect cause secondary abuse. And in this way, this becomes related to Azize's question in my mind. They're not so unrelated: What kind of ties do those who grew up in an environment of legitimized violence to the society or representatives of institutions, people, government? How far this can go? How can the trust relationship be rebuilt? This is a point that must be cared for closely and it can't be solved by playing ball and going on picnics. It's not at all believable, anyway. There are no easy answers to it. I think -I may be wrong-, it perhaps never heals, only exceptions are made based on comparison. This may keep one at a point where they're always cautious and approaching with doubt, because I don't think those experiences can be reset. Unless there's a thorough change; outlook staying the same and people reflecting that outlook with better or worse intentions does not contribute to anything. But I think this is a question which should be taken seriously.

**Yüce Yöneş**  
***Bianet Editor***

I would like to add a few things. A couple of sentences, actually and they have nothing to do with my job or professionalism. They're entirely my personal views. First, I understand what's being emphasized but it was claimed that the responsibility lies with the government which created the problem and non-governmental entities cannot solve it. Personally, I don't wholly agree with this. What I agree with is: Problems of the children on this land cannot be said to have been fixed unless the Kurdish issue is solved.

One of our young friends asked how much are children aware of their rights. We're living in such bad times that, I guess right now it's more important that the adults know there are rights for children. For now, it looks like children's rights are for adults, mostly. If they do, the terror practiced on children may decrease a little. Of course it's very important that the children are conscious. I'd also like to note how conscious our young friends here. It's admirable. I hope when my daughter is the same age as you, she can speak just like you can and not live similar problems.

**M.A (14 years old):** I also would like to say something. Somebody just asked a question, but I think you did not note it down. How do the penalties change according to the age?

**E.B (14 years old):** My question was like that: First of all, who defines crime? And secondly, how can a 40-year-old man and a child can be punished with the same sentence? Don't get me wrong but if this is the situation in Turkish court, then why do we have separate

rights as children?**Guest:** I am also a social services expert. I want to tell something regarding the question of the gentlemen who asked if we should buy stuff from the children on the streets. I graduated from Hacettepe University in 2011. I came to Istanbul. There is a protection, care and rehabilitation facility in Ağaçlı, İstanbul. Children who were driven to crime and children who were sexually abused gather there. It is more for the high society. There is a child there, who's very difficult to reach out to. He is seriously into stealing. It is really so hard to open up this child. He's very willful and is said to be very good at thievery. He was in the newspapers in İstanbul. He has a scar from a knife wound on his leg. In his interview, he told me that if he didn't start stealing, he'd have no say in the family and that the scar was a remnant from it. If you buy tissues from children or make them turn to stealing, they'll still do that to please their parents and get stabbed by them again. So, as individuals, only thing we're supposed to worry about is not buying from them on the street. Media has a responsibility to serve children to. Maybe it should be pressured to, I don't know about that. But media definitely should look into these issues more instead of passing time with worthless matchmaking shows. They should work on what to do with children and how families can care for them better. I'll give examples from cases I worked on in Şanlıurfa. Children are highly skilled. Their parents are giving them away to the government and social services. They do that because they get financial help and also hope that the child will grow up to be an officer. They say "We're poor, at least our children shouldn't suffer from the same fate," but they deprive their children from their love. So I'd like to ask the media, to Ms. Ögünç and Mr. Yöney: Where does media stand? Why nonsensical topics are given large spots but these are not discussed? High-level, intellectual people read newspapers and even they don't know the situation. What rights do we have, what rights do children have, at what stage language directed towards children is at? That's why I think media has a heavy responsibility.

**Guest:** I asked this before. When children are taken away from their mother, are taken good care of in the institutions they're brought to? What are the reasons for putting these children there? Are they safe there?

**Guest:** I want to say something about what you've just said. You said they should never have to work up to 18 years of age. I don't agree with this. Actually most of the things about Convention on Rights of the Child or human rights are imported from the West. And we just accept them as how it should be. I think it didn't used to be that way in the West. It is modern times that make us think that children should not work. I don't want to say that children should be exploited and they should be let to work in textile workshops, or they should work in streets. But how can they contribute to production before their 18?

**Av.Ayşenur Demirkale**  
***İstanbul Bar Association***

Why should they? Did you ever think about that?

**Guest:** I don't understand why they shouldn't be included. Let's think about rural families: As an individual who grew up in the country, I was included in the process naturally. I worked at the fields. I did whatever I could do. And I think in cities, children can work with their parents or mothers in the kitchen. They can put out a work of labor somehow. I think what's the problem is, if we exclude children from any type of work, how will their talent bloom? Or they'll be shaped like putty and they'll take that shape after they're 18 and they'll be starting something professional. Actually I don't know. I don't see it that way. I think this is a problematic situation.

**Av. Ayşenur Demirkale**  
***İstanbul Bar Association***

I don't believe children should be included in workforce, unless they're learning a craft or an art, which I already specified. It's my personal belief as much as it's a clause of the Convention on the Rights of Children. I don't think it's their duty to learn them. Teach them more vital skills like reasoning, reading, writing and protecting oneself. Later on they'll learn other necessary skills in tune with their needs. I don't believe a girl of 13 or 16 years of age is supposed to learn how to run a house. That's not to say children shouldn't have any responsibilities or chores around the house. I just think it's enough if they do chores which are a part of living together and which are suitable to their age and skills.

**Guest:** When I said chores, I didn't mean girls should be doing them. But it causes such a thing, too. When the child does not join the process inside the house naturally, they don't know what they should be doing as well as the parents do. They should be included, as a natural process. They they'll have a say in family matters too. Think of a family: The father, or maybe also the mother work outside of the house. They bring home the money and if something should be worked on, they do it. The child is excluded. As if they're always expecting something from somebody. In the summer, the children without exception go to school, their parents work. The children's duty is to go to school, besides that be on holiday in summer and take a job when their education is finished, and stuff. This is something designed by us. I mean we define everything for them and put them in this process. I think this is problematic too, even though I couldn't express it properly.

**Yüce Yöneş**  
***Bianet Editor***

I just want to make small contribution. I don't know if I understood the question or the matter correctly, but nobody is trying to keep children away from collective processes. At least nobody in this hall does, as far as I know. This is not we are talking about. We're talking about child labor. Child labor is another mechanism for exploitation for labor. Only when we think about this, we can explain child labor. I won't even name the argument points such as the sanitary of working conditions and what they're paid for their labor. I think a child should invest in life during childhood and stay away from the exploitation machine as far as possible. Teaching them to respect labor and how to join collective processes is something else. That's what I can say, if it made this any clearer.

**Guest:** Excuse me, I'd like to start with child labor if you don't mind, since what the previous guest said is open to such a long debate. Childhood, where it changed, the history of childhood, modernization in Turkey and things that were left behind but not really... I worked with non-profit organizations ILO and LÖSEV for years. We carried out such long campaigns, demanding child labor should end. Of course we couldn't succeed. Because in Turkey, cheap labor is on demand and cheap labor is children's and women's labor. But of course there're criteria, for example does it prepare the child for the future? For example, you said selling tissues. I've been working with homeless children since '89 and I want to elaborate on this a bit more. We also carried out campaigns to stop people buying from those children. But I know how desperate those children and families are and they actually do need the money that will come from sale of one package of tissue. Nobody sees this side: If I ask children what is heavy and dangerous work, everybody will probably picture mines and stuff. No, working on the street is heavy and dangerous work according to institution agreements. There's nothing to discuss about it. Because they're working in the most dangerous places, under gravest risks, for

one reason or another. There's a great many reasons, I know them well, I researched a lot. Our friend from Diyarbakır would also know. It's a fact that the money is much needed. But should children work or not? I arrived late, I regret missing some speeches, especially children's. I came from Ankara, I was on the road all night. In the morning, we had a study with a municipality about familial violence. I promised there earlier, that's why I couldn't make it in the morning and I regret it. Now as far as I can see, many things are discussed here on many different levels. The children talk with what they themselves witnessed and saw. The adults are something else. Everybody contributes an opinion according to their profession, they cite researches. My own dear students are here, they contribute with their researches. But this is such a broad subject that we have to discuss it on every level. As a children's rights advocate, I'd like to say this: Every child is a subject. They shouldn't be objectified into types and marginalized. We have to work with each child, one by one. On a broader scale, we have to work with families and other organizations. But with work in Turkey, we're also trying to and tried to change system. Because, I'm stressing this, children won't wait. Sometimes I had to put children to work in horrible places, crying all the while. Because if I didn't, that child wouldn't be let back into the house, would be beaten and tortured. I experienced dilemmas like this. Sometimes you're so desperate you just have to do that. Children too, of course. But we need to do it in order to go towards the ideal. I'm a child of 68s and back then we used to say, let's make the revolution first, then everything will be alright. Now we can't wait here so that the Kurdish issue is resolved first. What I mean is, we have to work to solve that problem, and we are working. We are trying to repair all these unjust treatment. We discuss it in meetings. But the children don't wait. We have to collaborate with every possible source; with municipalities, non-governmental organizations, parents and teachers of the child, everybody. I don't know if Ms. Demirkale will agree with me on a legal level, but I think our laws are sufficient. I mean if we make some regulations on laws, we can set Turkey straight. We can work so well, if only our judges, prosecutors and decision makers made their minds about it. We worked with a lot of ministers, for example, they made beautiful decisions concerning homeless children and signed conventions. All these were done, we should also look at the good things that were realized in Turkey. We worked with children one-on-one, they brought up solutions for themselves. If we only turn and look at what's been achieved, we won't have to discover America twice, because these discussions always start over from square one in Turkey. We're wasting time. Thank you.

**Guest:** I came from Mersin. I am the chair of Mersin Akdeniz Göç-Der (Cultural And Social Cooperation and Solidarity Society for Immigrants in Mediterranean Region). We were in Istanbul for a constitutional debate. I knew about this event, so I made the time to come here. A lot of things can be said about migration and childhood crimes. But I'd like to talk about Pozantı and children who were victims of Anti-Terror Law. Most of these children are in Mersin. We know where they live and their families. I met their families personally. There's not enough information on how things came to this point. I want to shed light on them. For 2 years now, we know that there's rape and harassment in prison and under police custody. We know that it's systematic; it's done as if to exact revenge on Kurdish struggle and resistance. We see it every time. As Göç-Der, Human Rights Association and İş-Der women's center, we came together and decided to concentrate on this issue, to put some effort. We visited families. Our greatest luck was there were 15 children who were arrested and released, and that there were very special ones among them, just like the children here today. We cannot convince the families. But we convinced children by saying let's work on this problem, you experienced it and you should expose it. We visited 68 houses, been invited to have dinner and drink tea in 68 houses. We talked about this process in a very sincere, warm environment. This process has been going on for a year now. Then our brave, heroic children came out and said, we're going to tell what happened to us. They applied to Human Rights Foundation and gave their accounts first to the foundation, then to the media. Afterwards it was publicized. What I mean is, don't underestimate the role of non-governmental organizations, for it's not a small one. Let's

recognize that the government committed a crime in that area and it's a very precious thing to be able to reveal it. We have to fight for this. Us three groups carried out a study there and it became all Turkey's problem. Aren't there any other child criminals? Yes, there are, in every walk of life. This is how we know it: Last year we were doing a study in Adana about immigration, we presented a report of it. Our colleagues asked a female interviewee if she witnessed a case of rape or sexual harassment. She answered yes. Later on, she called on them again and told them "I always say I witnessed rape, but actually it was me who got raped. I never told this to anyone, neither to my husband, nor to my children. Please don't tell it, it'll be the end of me." Forced migration experienced in 90s created great tragedies and traumas and they're still going on. In cities, there're lots of incidents and traumas caused by poverty and helplessness. These children are stuck in those days. Even though they didn't experience the migration firsthand, they were born into the days afterwards. They are born in cities and they commit crimes. They throw stones to the panzer deliberately. We go into their neighborhood and ask them how they do it. They say "Okay, we'll show you," and then they take a Y-shaped stick, fix an elastic band to it, put a stone in the band and shoot. Panzer is blowing up the street and they're shooting stones, that's how it is. What they've been through made it into this. We say, police stations in those neighborhoods are not ensuring security or preventing crime, but creating crime. These are results of deliberate policies. I want the intellectuals and the speakers here know this. We are being driven to a horrible place. And children being raped and harassed is a deliberately cultivated policy. This was exposed here a bit, let's keep on exposing it. I wish you all success.

**Guest:** I want to make another point. My father passed away in 2000. My mother is still alive. Before my father died, he was a public officer. He had his salary and then he retired. After he died I should have inherited his pension. But my mother receives it and she remarried. I would like to learn whether she can receive the money after she got married or not. They say that I should have take it after I was 18 and this puzzles me.

**Av. Ayşenur Demirkale**  
*Istanbul Bar Association*

After your father died, weren't you put on a salary?

**Guest:** I don't have an idea.

**Av. Ayşenur Demirkale**  
*Istanbul Bar Association*

Okay then, just write a petition addressed to Directorate of Retirement Fund, Ankara. Or no, forget it. Just write a petition, stating the date of your father's death, attach a photocopy of your ID card and apply to Social Security Institution. You'll take what you were supposed to have received after your father's death to this day. Your mother is not eligible to receive salary after she remarries, but what she already got can't be transferred to you either.

**Guest:** Thank you.

**Av. Ayşenur Demirkale**  
***Istanbul Bar Association***

Okay, I'll just add this. I remember questions such as what is crime and what is punishment, also a question about how children are given to the custody of Social Services. Textbook definition of crime and punishment is the countries' act of imposing sanctions on certain incidents in their internal law, in accordance with international treaties and constitution. Punishment means sanctions imposed on the acts that damage others' lives and possessions. Almost in every society, what's important is the protection of the state and this results in measures towards the state's protection mechanisms taking shape in penal law. In addition, in our penal law the actual subject of protection is property. Sanctions for crimes concerning property are heavier. In law school they always say you can poke a man's eye out but don't break their glasses. Because punishment for harming a life is always lighter than punishment for harming property. After 2005, this gap in penal law became a bit more balance, but still, sanctions concerning property are heavier. Crime of robbery is a concept in itself. You may remember seeing news in the press such as children who stole baklava or bread are being heavily penalized. There's a crime called simple larceny, for example. Simply taking this and walking away has a different sanction, and breaking in to take it can be punished 2-3 times heavier. If you commit robbery and damage property in the process, you'll have committed additional crimes and receive additional punishment. I'd like to explain something about children selling tissues on the streets. A while ago, there was a project which was contributed by İstanbul Metropolitan Municipality. They made some teams to gather children selling tissues on streets and perform social inspections on their families. They took the children, gathered them in a social center and called their families. Families were then fined. Most of their families were making their children work because they were already poor. Then they were supposed to compose social inspection reports about children and provide aids in kind and monetary assistance to them, but the inspection took about a year. They had to give the children back to families. Such a vicious circle was created. But I also don't believe solution is to buy off of children who work on the street. For example, sometimes we see on the newspapers that a baby was found in a trashcan. Or the child has no family, a neighbor sees them sitting alone in the garden and calls the authorities. Children like his has to be given to care institutions with court verdict. That takes some time. Meanwhile, with civilian authority's permission, the child can be accommodated somewhere temporarily. There used to be a concept called governor's approval. Or child protection directorate can put children in institutions temporarily. Later on those institutions has to obtain judge's approval for the child to be able to stay there. About the inner structure of the institution and how they treat children; I believe it depends on the institution and the age group, but compared to previous years, some positive changes were made, mostly. Unfortunately, there're so many families who had to give up their children because of poverty that institutions have difficulties providing the necessary equipment, space, experts and caretakers; just like the difficulties experienced in application of the law. But children must be placed to an institution only with a court verdict.

**Glnur Elik**  
***Moderator***

Thank you all. I'd like to add one small thing. The notion of "Nothing can be achieved in Turkey through law" is very common. But I think, in countries such as ours, where we don't have the opportunity to communicate with the government except for elections, law-making process and inspection of laws is very important in creating pressure on the government. I'll share a personal experience. I'm a member of İstanbul Feminist Kolektifi (İstanbul Feminist Collective). As women, we follow the trials about our fellow women, we go in front of the courthouses to demonstrate and read a public statement. We also fill up the courtrooms and submit an involvement petition. I think this is a serious amount of pressure. When we

encounter crimes such as child abuse in trials we attend, I call my friends from organizations which aid children. In my opinion, if those organizations can create a similar pressure in child trials by way of an initiative like this, favorable results can be achieved.

**Guest:** The reason why I raise my hand persistently is to ask this, since I think it's really important. My question is, now there're people here from ÇAÇA and Başak Culture and Art Foundation, and there's Mr. Güger. A lot is discussed, but in practice, outside of this meeting, there's a serious need of strategizing, communication and collaboration. There needs to be serious planning and strategizing. Is there such an effort underway, planned or considered? I mean, what will come out of all the talk at this panel?

**Gülnur Elçik**  
*Moderator*

This is why I shared such information, to explain what we do and to show it is effective

**Abdulkadir Güger**  
*Diyarbakır Metropolitan Municipality Child Services Branch Manager*

Let me talk about Diyarbakır. Many public institutions and organizations in Diyarbakır work with NGO's and try to carry out studies on children more effectively. There are serious difficulties in coordination. We're working on coordination. We even planned out roadmaps and workshops.

**Gülnur Elçik**  
*Moderator*

We thank everybody.

## **PHOTOGRAPHY WORKSHOPS AND STORIES FROM CHILDREN**

As we have already mentioned in the introduction, Başak Culture and Art Foundation and ÇAÇA held simultaneous photography workshops as part of the project. During the workshop we worked on media literacy with children. We focused on how the press brings out the child and crime phenomena, how it turns the issue into news. Then within the scope of this phenomena, the children took photographs themselves and wrote the articles and stories you'll read below. In İstanbul, the photographs and texts were created by groups of 2. One of the children wrote a story drawing inspiration from their own life and took their self-portrait as the protagonist of the story. The other put this story in the news format. At Diyarbakır, during the group work, the children represented themselves with the characters they created. Before the news articles, photographs, and stories which were the products of this workshop, we believe that it is worthy sharing Yücel Tunca's views on the workshops as the person who made them possible.



## PHOTOGRAPHS CONFRONTING CRIME

I have been conducting photography workshops for youth and children as well as adults for 15 years. Products of different groups of age during these workshops have great differences. I mostly observed that adults have a more rigid and uniform view on aesthetics. However the youth and children under the age of 17 have a more original and non-stereotypical point of view. That's why –adults, please don't take offense!- I think it's something else to work with children. When I'm with them I feel I'm learning more, having more fun and they lead me to question myself. This opinion of mine didn't change for the project "Am I Guilty? Are We Guilty? Are They Guilty?"; on the contrary, it solidified.

When I first started coordinating the photography workshop in November 2011 for Başak Culture and Art Foundation and met these 11 young people (I don't want to call them children; because they left behind that period in terms of mental age), I didn't know that I would be able to discuss crime and guilt this easily. From the first moments, I was relaxed greatly by their awareness. I understood that I could easily talk to them about the concepts that make up the project and the photography; which is to say, about life itself. I could tell what I know and I could listen to what they knew curiously.

During our 4-week work we first tried to set the concepts in their right places and create our unity of language. By making collage work, we gained experience on creating a story with visual materials. While we were talking about media, I was happy to see that the problematic aspects of the world from which I came were understood strongly by all and media couldn't penetrated its followers as much as I feared. We discussed magazine and newspaper articles and press photographs in detail. When I understood our media literacy was at a level which could not be easily deceived, we determined what was wrong and discussed how it could be made better.

Right after, we started developing our own stories. Stories dealing with "child criminal-blamed child" was coming to light one by one. In those stories we could see the relativity of what is legal and the damages the political impositions cause in the society and individuals. Each contributor gave the story they wrote to a friend and had them help photograph that story. Also, self-portraits were taken in the guise of fictional characters in the story.

I quite regret not being able to by their side during the photoshoots, because as far as I saw in the photos, they had a great time. When we were evaluating the photos taken at length, from aspects of content and aesthetics; while we were choosing photos for the exhibition, talking and discussing all the while; while we were commenting on up-to-date events during lunch breaks, we always experienced the pleasure of speaking the language of a common mind and conscience.

After four weeks which just flew by, while I was touring the exhibition in Tophane Depo, the photographs I saw and the texts I read excited me with their sincerity and authenticity as if it was the first time I saw them.

I would like to thank 11 friends of mine who clarified my confrontation with crime and being a criminal.

**YÜCEL TUNCA**  
*Chair of the Photography Foundation*

## Stories from Children in Istanbul



### Article 1

A lonely child walking around a secluded park in Istanbul/Osmaniye at midnight was brought to the authorities after people nearby alerted the authorities. It was found out that the girl was on the streets for a week. Şevin started living on streets after her mother was killed by his father a week ago in Osmaniye. Pregnant mother of Şevin passed away after her husband Ali kicked her in the heart because she

woke up late for sahur. Şevin experienced a heavy trauma after the incident, she started living in streets, and occasionally used drugs. The doctor examining Şevin declared that due to heavy trauma, she hold herself responsible for what happened.

### Story 1

*H.K (15 years old)*



Şevin is only eleven years old. She lives in Osmaniye with her family of four. During Ramadan, her mother Neriman goes to the kitchen to prepare some food for sahur. She sets up the table. But she doesn't wake up her husband Ali thinking that it is still early. She herself goes into bed and sleeps. Then, a while later, Ali wakes up and goes to the table. And at that moment, ezan starts. With a sudden anger, Ali kicks Neriman in the heart. And Neriman passes away with her child in her pregnant belly. Hearing

(seeing) these affects Şevin very badly. Her mental health suffers. She starts looking for love and respect on streets. Şevin starts using heroin and keeps reminding herself that everything is her fault.

**Article 2**

After raids made to various venues yesterday, members of the organization which organized violent protests were captured. It is reported that overall two thousand people, who participated in protests and acted against the state and the society, were arrested in the operations all over Turkey. No information is obtained about the length of their stay in police custody.

**Story 2**

*H.İ (14 years old)*

Once upon a time, there was a family of three. The only daughter of the family, Berçem was 11 years old. She was fond of her father and mother. Let's hear the story of Berçem who is fond of her family... This family went to protests in order to defend their rights, to protect their language, to be able to speak in their native language. One day, the police following them raided their house and tried to arrest her parents. Berçem was afraid since she was a little girl. Her father and her mother got arrested at the same time without any reason. Berçem couldn't bear the situation and attacked the police taking her parents away. The police took her into custody too, but let her go after a while. After that day, Berçem never forgot what happened. She started struggling just like her parents, because she just realized that their rights were violated and it was torture living like this.





### Story 3

#### PUBLIC UPRISING!

F.K. is missing, just like all of his friends who were members of the revolutionary organization established by the youth... These high-school aged youths were trying to raise public awareness and save the nation and themselves from the government, to make the country peaceful and completely independent. The public reacted who learned that young people like F.K. were missing. The government was pulled down and there was revolution. Afterwards, peaceful days started in the country.

### Story 3

*F.K (14 years old)*

In that country, the population was tortured and oppressed. Unsolved murders and missing people were on the rise. This country needed a revolution. That revolution was started by a few high-school students. These

students started disappearing. One of them was called Firat. They caught him at a protest and put him through untold torture. His only crime was to want a fully independent and peaceful country. After this event, people sobered up and there was an uprising. The government was pulled down. There was a revolution. And then, peaceful days started.



#### Article 4

*Sometimes the course of life takes people away from where they want to be. Like many other people, Serra has to lead a life she doesn't want at all.*

Serra is 14, she used to be the daughter of a wealthy and happy family. But she lost her whole family in a house fire. She was the only survivor.



ELİF: Can you tell us your family shortly?

SERRA: We were very happy. My mother was a doctor, my father was a teacher. We were two sisters. I had a happy and peaceful family life.

ELİF: How did you lose your family?

SERRA: A fire broke out in our house for an unknown reason. I lost my whole family.

ELİF: How did you get away from the fire?

SERRA: When our neighbors saw the fire coming out of our house, they rushed to our help. I was unconscious then, I don't

know exactly how I survived. When I opened my eyes, it was all ashes.

ELİF: Why did the police blame you?

SERRA: Because of the shock, I started running without knowing what I did. So, they thought I was responsible.

ELİF: Where did you go when you ran away from the police? Who did you stay with? Why?

SERRA: Since there was nobody we knew, I had to sleep on the streets. I stole to survive and I got caught.

ELİF: What kind of a punishment they gave you when the police caught you?

SERRA: They judged me in the children's court and sentenced me to a long punishment.

ELİF: Do you think this was a just decision?

SERRA: I don't think it was, because I was blamed for nothing and sentenced to a long term in prison because of a crime I didn't commit.

ELİF: Thank you for the interview.

SERRA: Thank you.

**Story 4**

*D.K (14 years old)*

Serra is the daughter of a happy and wealthy family. One day a fire breaks out in their house and only Serra survives. Serra feels very sad because of her family's loss. Also, she has no place to stay because none of her relatives lives in that city. When the police comes, they start treating Serra as a criminal before she even has the chance to talk. Only way out for Serra is to run away. She starts running as fast as she can. Police loses her trail. Serra passes her first day hungry, trying to get a job, but she can't find any. Some companies don't want her because she's young and some because she doesn't have her diploma with her. Serra can't take it anymore and steals food, because she's starving. When the police caught her they gave her a long sentence in jail because she committed a crime, or so the police thought.



### Article 5

A child got caught in Istanbul stealing bread from the grocery

D.A., 11 years old, lived with her sister B.A. in Kayışdağı. They made their living by selling tissues. One day B.A. got sick and D.A. spent all her money on buying her medicine. Then she tried to get bread from a grocery whose owner they were familiar with. But the grocer told her he couldn't give her bread unless she paid first. Without nowhere else to turn, D.A. decided to steal the bread. She was caught by the grocer right when she was stealing the bread and turned over to the police. D.A.'s last words before she was incarcerated was "My sister was sick, we were starving."

### Story 5

*D.A.(14 years old)*

I'm Dicle and I'm 11. We're two sisters. My sister Berfin and I sell things like paper tissues to get by. One day my sister Berfin got very sick. I spent all my money on her medicine. We had no money left and we got very hungry. I went to Hüseyin the grocer and said, "Uncle Hüseyin, can I have one bread. But I'll have to pay later. I spent all my money on her medicine, I don't have any left." Uncle Hüseyin said "Well Dicle, I heard this too many times. Bring the money and

then you can have the bread." I was so sad, my eyes teared up. I was barely keeping myself from crying, but a few drops still fell. Then I grabbed a loaf of bread and ran out of the store. I had to do this for my sister. Uncle Hüseyin started running after me. I tried to run really fast but I couldn't. He caught me, took out his cell phone and called the police. Then they arrested me and put me into carceration, just "FOR ONE LOAF OF BREAD!"





### Article 6

*Even young girls are snatching purses now.*

G.G., 17 years old, was caught by the shopkeepers nearby when she was trying to grab middle-aged C.A.'s bag with and run. C.A. had his newly-paid salary in the bag. G.G. was then turned

over to the police. G.G. didn't want to disclose the reason she was purse-snatching, she only said "I didn't do it because I liked it.". when C.A., whose bag she was trying to steal withdrew her complaint, G.G. was released.

### Story 6

*F.G (16 years old)*

Gizem was very worried about her mother. She was trying to figure out how to help her, how to ease her pain. She worked for covering the expenses of the house, and tried to have the sufficient money for her mother's medicine. While Gizem was working, her mother got worse. They went to see a doctor. She found out that her mother had to have an operation and started pondering. She thought about borrowing money from people she knew, but they wouldn't lend her money. She thought for days and she decided to do the thing she most despised: STEALING. But her thoughts raced in her mind, she kept thinking "How can I do this? I'm not



a thief.". Next morning she went out, trying not to go back on her decision and tried to snatch the purse of first woman she saw. People around noticed her and took her to the police. Police interrogated Gizem. She told everything. But they didn't believe her and put her into incarceration. After staying there one day, the woman whose purse she stole withdrew her complaint and they released Gizem. From now on, hard times await her.



**Article 7***A letter from the son  
missing for twenty years*

A young man who was missing since he was 17 sent a letter to his parents. In his letter he says “My dear parents, I know you did not hear from me for a long time. I am the owner of a big company now. I have everything Thank God. I am a respected and professional man now. Thanks to important people I know in necessary positions, I

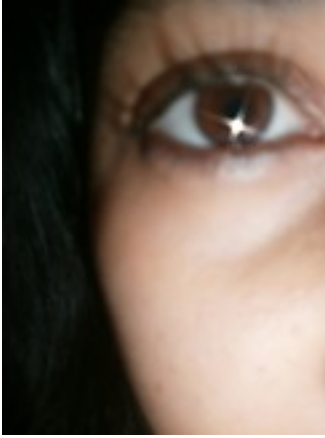
got rid of the rudeness of my youth. I am the owner of a profitable company. We sell munitions such as food and arms to Middle East. You can be proud of me. If you can send me your bank account, I will send you some money.” The family, who didn’t even have a bank account, opened an account at the closest post office.

**Story 7***A.T(14 years old)*

There was a 17-year-old young man. He was 1,72 m. tall and weighed 65 kilos with black hair and olive skin. His only crime was imitating others around him and committing various crimes like them. His friends smoked and drank. As he was a stupid boy, he imitated them started drinking. While he was doing that, he beat up people he encountered and he thieved. Then during a crime he wondered about why he did not commit even greater crimes. After that he started breaking into houses and setting cars to fire. Then police looked for this young man, but they couldn’t find him. Even now, we don’t know where he is and he is still wanted. What I am going to become is not obvious, but what I am is obvious...



## Article 8



Today we're going to listen E.B.'s story who has to walk on a path of life which she doesn't even know how she started on.

DÍCLE: Do you remember anything at all from your life before being a gang member?

E.B.: I remember that I slept on the streets 'cause I didn't have anywhere to live. I tried to dress like a boy to protect myself from the dangers of the streets. Another thing I remember clearly was that I had no money. Because I didn't have the opportunity to work. In order to feed myself I picked up bread from garbage or I stole something. There were days I slept hungry.

DÍCLE: When did you become a part of the gang?

E.B.: A gang member, A.K. found out that I had nobody and I was alone. The kids of the neighborhood told him. He was trying to make people beg. They kidnapped me too, to make me beg.

DÍCLE: How did you reach Ö.A. and how did you

kidnap her?

E.B.: We were in the neighborhood looking for a suitable place to rob. Then we ran into Ö.A. and kidnapped her thinking we could make her beg in the streets.

DÍCLE: How long did you keep Ö.A. there?

E.B.: We kept Ö.A. for one week at the place where we were living.

DÍCLE: Why did you regret?

E.B.: She had a family and that touched me. I did not want her to stay away from her family and I did not her life to be like mine. This is why delivered her to her family.

DÍCLE: What was the attitude of the family when you delivered Ö.A. back to them?

E.B.: They thanked me. They were happy because they were able to see their daughter.

DÍCLE: Is there anything that you plan for your life?

E.B.: First of all I want to leave the gang and build myself a new life.

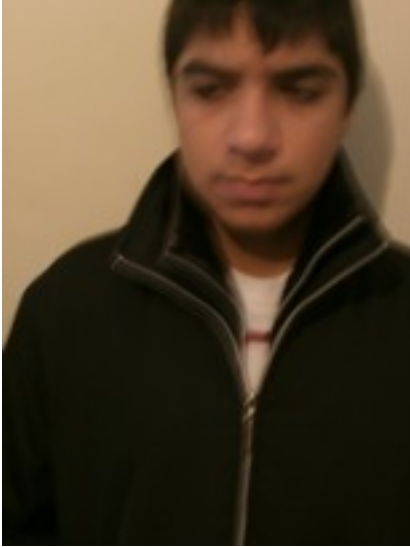
### Story 8

*E.B (16 years old)*

She was a lonely little girl who has to live alone on streets. One day she was kidnapped by unknown people on a secluded street. These people were actually gang members. They kidnapped E.B. because they wanted to harvest her organs and sell them. But then they decided to raise her as a gang member. Everything happened in the way they wanted. They raised E.B. and she became a gang member. One day, while they were wandering around, looking for another child to kidnap, they came across a little girl named Ö.A. They saw that the girl was lost



and decided to kidnap her. Ö.A. touched E.B. deeply. She tried to make this girl resemble her. The only difference between them is that Ö.A. has a family. E.B. decided to take Ö.A. back to her family. But the gang couldn't find out who delivered Ö.A. to her family.



### Story 9

Child beggars put to work by gangs are everywhere

Families who migrated to big cities from the East with their many children, give their children up to gangs. These children are made to beg and make money for gangs. These children are caught with great efforts of security forces and our cities are looking presentable once again.

### Story 9

*D.A (15 years old)*

I am Abidin, I am 11 years old. I have a brother and two sisters. My sister Fiknat is 8 years old, my brother Abdi is 7 years old, and my elder sister Hüzniye is 12 years old. My mother Abdiye is 32 years old. My father died before I was born, may he rest in peace. My mom will die unless she gets her cancer medicine. One day, while I was

walking and thinking, I saw a beggar on the road. He had lots of money in front of him. I thought I could beg. I thought I could eat and buy medicine for my mother with the money. Then I began begging. After a while, an undercover police came. The beggar next to me escaped, but I couldn't and I got caught. I told the uncle police "Let me go. I really need the money. My mother is sick. I have to buy her medicine and I have no money." Mr. Policeman told me to shut my yap. Then I bit his arm to escape and he got mad at me. He broke my arm and put me into jail. That's all.



## Stories from the Children in Diyarbakır



### Story 1

*H.Y (15 years old)*

Why do the children work?

Children don't want to work, but they have to work because their fathers cannot support their families. If the President provided chances of work to society, they could do so. If they opened up factories and malls, fathers of these children could work and they could support their families. Then children wouldn't have to work. Fathers of these children would make them study and let them have a profession. When children have a good profession, they could look after their families and get along.



**Story 2***A.F (13 years old)*

Onur Kurt and his friends

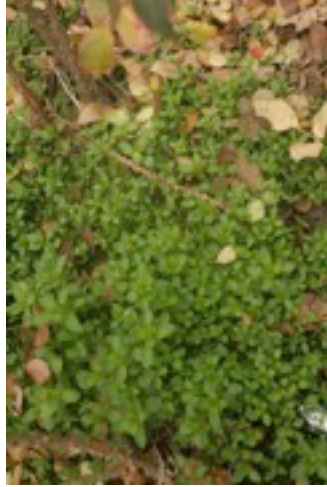
When Onur Kurt was at the age of finding new friends, he started looking around. His previous surroundings weren't suitable for him. They had bad habits such as theft. Onur changed his surroundings just to get rid of them. He started making new

friends. They were better than his older friends. He adapted to the new surroundings quickly. Onur and his new friends played every day. Onur was quite content and he never missed his previous friends.



**Story 3***C.H (15 years old)***1st Scene**

Onur Kurt is a family boy. His mother is a housewife, and his father is retired. Onur Kurt attends primary school. As Onur Kurt has bad friends, he became a bad boy. Onur Kurt drops out from the school. Onur Kurt finds a girlfriend. And Onur Kurt loves her very much. Then Onur Kurt decides to move to Istanbul. Onur talks to his father and mother. But his mother and father won't let him. Onur decides to run away. Onur calls his uncle and tells him he wants to come to Istanbul. And his uncle tells him to come.

**2nd Scene**

Onur Kurt decides to go to Istanbul. Onur calls her girlfriend and wants to meet her. And he meets with her girlfriend. He tells her that he's going to Istanbul to find work, and they argue. But Onur goes to Istanbul anyway.

**3rd Scene**

Onur goes to Istanbul. He tells his uncle: "Uncle, I came here to work. I want to work." His uncle is not a decent man. He deals in shady businesses. And his uncle says: "I found a very good profession for you." Onur asks: "What am I going to do?"; the uncle says: "My employee will show you right now."

**4th Scene**

First Onur insists on knowing what the profession is. But later on, when he finds out about the money, he accepts it. And one day, Onur goes out for a heist. He goes into a jewelry store to rob it. He tells the man to take out all the money and gold in the safe. The man doesn't do what he wants. Onur takes out his gun and shoots the man, and the police comes...

*To arrest Onur Kurt!*

**Story 4***Ç.C (15 years old)*

Why does Onur Kurt want to go to Istanbul?



One day, when Onur Kurt was about to leave the house, he leaves an envelope for his mother. In the envelope, he listed the reasons for his departure to Istanbul. He wanted to go to Istanbul just to make a little bit more money. His mother was very sad that he was leaving. His mother never wanted Onur to go to Istanbul. But Onur Kurt left without listening to her. She told him once: "If you are able to find a job here in order to make money and make a living for us, you will postpone going to

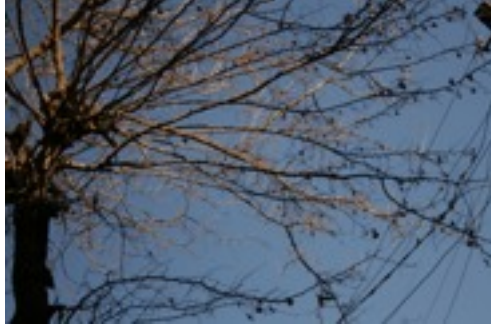
Istanbul." But Onur had already called a friend in Istanbul who would help him find a job. His friend missed Onur Kurt and he would make Onur work at this wonderful job. That's why he was happy. If he wanted to see Topkapı Palace in Istanbul, Onur would go just because of that. His friend went to welcome Onur. When Onur asked him about the job, he told him that it was robbery. Onur would never want that. One cannot do what he does not like. But his friend would pay him well; so he accepted. He showed Onur an example. Then he started himself and continued. He continued all through his life. He didn't regret that he was working.



**Story 5***H.O (16)*

## Life of Onur Kurt

My first name is Onur, and my last name is Kurt. My father is retired, and my mother is a housewife. I have six brothers and sisters. I am at the 6th grade. We are not an economically strong family; but my parents still send me to school. But I don't want to study, because we're not at a good economic status. And I don't want to give them any difficulties. However much I don't want to go to school, they don't let me drop out. They don't want us to be in a difficult condition. I collected my pocket money and bought myself shoe paints. And I went working after school.



One day, my father suspected me and followed me. And he found out that I was working. He didn't let me but I wanted to work anyway.



I talked to my father the other day, and told him that I wanted to go to Istanbul and work. And he asked to whom I would go to in Istanbul. And I told him my uncle. He said I didn't have an uncle and told me not to call somebody who didn't even call us as uncle. I got angry and left the house. I went to the bus station and bought a ticket. That night I departed. I called my uncle to tell him I was coming. He told me I was very welcome. I said "Uncle, find me a job!" and he answered: "Just come. It's ready waiting for you." I arrived the other day. He picked me up from the station. We went to his house and had dinner. I asked him about the job and he told me everything was okay.

He said "Let's go!" I asked him what kind of job it was. He told me "You'll see when you're working." Onur Kurt told him that he couldn't do it. But after he heard that it was good money, he accepted. One day he went out to work and caught stealing. He was caught because he was new.

This is what poverty does to people!



**Story 6***K.T (13 years old)*

## Life of Onur Kurt

Onur Kurt was 18 years old. He dropped out of primary school. He left the school because he wanted to go to Istanbul. Onur Kurt wondered about Istanbul so much that he decided to talk to his parents and told them “I want to go to Istanbul.” His parents didn’t allow him to go and Onur Kurt started collecting money behind their back. Days passed by. Then once again, he told his parents that he wanted to go, and again they didn’t let him.



Onur Kurt decided to leave his home. Just before he left, he wanted to see his girlfriend one last time. He called his girlfriend to the park. They had a conversation. Then Onur Kurt called her uncle who lived in Istanbul and told him “I’m coming to Istanbul. Take me from the station.” And his uncle said OK and went to take Onur Kurt. His Uncle took Onur Kurt to his home and bought him dinner. Then he

asked “If I find you a job, will you work?” Onur said “If it is suitable for me, I will.” What the uncle suggested was pickpocketing. Onur Kurt did not want to do that. But when his uncle forced him, he accepted to become a pickpocket.



**Story 7**

*K.P (15 years old)*

Just another demolished house in our neighborhood. Children light fires and play games here. They have the chance to smoke here which is something they learned from the grown-ups. In here, not only children but also grown-ups have negative behavior. These negative things are smelling glue, smoking cigarettes and weed...

As children don't have a place to play, they are drawn to these filthy places. Children get sick in places where they go for playing.

I think instead of these places, they should build places for playing.



**Story 8***M.M (16 years old)*

One day, we were coming back from playing on the street. Children in front of us got up against the police with stones and sticks. When police started walking towards the children, they threw the stones and sticks to the police. Then police went after them. The police called mobile forces, panzer, TOMA 4 (riot control vehicle), Scorpions, and planes.

When the planes started throwing pepper gas, eyes of the children burned. Police caught children with Scorpions, panzer, TOMA 4 and mobile forces. Some of the children hid in buildings. I saw cameras were coming. I saw they were shooting the police panzer, TOMA 4, Scorpions, and mobile forces. Then I went in front of the camera. They filmed me and I saw myself on TV.



**Story 9***M.U (14 years old)***Two people stealing**

One day, when I was at the grocery store, I suspected two people. As they were older than me, I did not say anything. I just went into the store and then left. These two people were watching a car. Then I went home but I still suspected very much. So I stood right next to window. Then I saw that they were trying to open the door of the car. Instantly I told my mother. Then I called 155 and gave them the address. They were able open the door. I thought they were older men. But they

were two children, 15 or 16 years old. They drove away. I got the license plate number of the car. Then the police came, I went out and I gave them the number. They followed the car. I don't know what they did.



**Story 10***V.F (13 years old)***Life of children selling water**

They sell water at cemeteries just to get some money into the house. They work for their school money. They work for their holiday money. For buying a dress.

**Why do they work?**

When they don't have enough money for the house, for the rent, and dresses, they sell water in cemeteries.

When their fathers have difficulty in working, children sell water. Some

children work when their fathers die. And sometimes they sell water at cemeteries to buy school equipment. They have difficulty in working.

Some elderly children in the cemeteries take money from small children by force. When some thieves steal purses of the people visiting, they blame children selling water for this. They point to the children. They beat us unfairly and deliver us to the police. Some children beat small children and don't let them sell water there. But they still sell water. Because they have to work just to bring some money to the house.



**Story 11***Z.L (14 years old)*

I have a friend who is called Zeki. He enrolled to the school just as we did. He attended 3 or 4 weeks. Then he wasn't able to come. As his family was not in a good position financially, he had to work.

Then he started working with fishers and stove sellers. He was supposed to be with us. But he had to help his family because of their financial conditions. He faces all the difficulties and carry heavy stove cups three by three, or five by five. He was supposed to be with us right now.

HE SHOULDN'T HAVE WORKED.



**Story 12***Z.D (15 years old)*

Onur Kurt is a family boy. His mother is a housewife, while his father is retired. Onur Kurt attends primary school. As Onur Kurt has bad friends, he becomes a bad boy. Onur Kurt never wanted to have bad friends, but these children have turned him into one of them. Onur Kurt has a girlfriend. And Onur Kurt loves her very much. As Onur Kurt cannot stand the tranquility and wretchedness, he decides to move to Istanbul. Onur talks to his father and mother. But his mother and father won't let him. Onur decides to run away from the home. So he doesn't

listen to his father and mother. Onur calls his uncle and decides to go to Istanbul. Onur calls her girlfriend and wants to meet her. And he tells her girlfriend that he wants to go to Istanbul.

Onur runs away from his home and goes to Istanbul. He talks to his uncle: "Uncle, I came here to work." And his uncle says: "I found a very good profession for you." Onur asks: "What am I going to do?"; the uncle says: "I will tell you later."

And one day, Onur goes out for robbery. He will rob a jewelry store. The owner of the store won't let him. Onur objects to him. Onur Kurt shoots him. People call the police and they come.



## FROM THE PRESS

**Müge İplikçi**

*Vatan*

January 30, 2012

### **Am I Guilty? Are we guilty? Are they guilty?**

“I protest Turkish and Chinese governments.” Paul Auster (This is the sentence used by the world famous American writer on these two countries competing with one another on arrested journalists. Thank you Paul Auster.)

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The title of the article is coherent with what Paul Auster said; it is coherent with the fact that the world is turning into a giant prison due to furious politics of countries and governments. And we all know due to recent incidents that the USA is the leading country of this competition.

However, I will tell you about a more “hopeful” project under this title today. This is an immigration project on the child and young conducted by the joint work of Başak Culture and Art Foundation and ÇAÇA (The Association of Children Under the Same Roof). Before the project was accepted, Başak Culture and Art Foundation had been working with children who came to Istanbul Kayışdağı after forced migration since 2003. ÇAÇA has been involved in similar work with children who migrated to Diyarbakir from surrounding villages and towns. With the beginning of the project, all these studies were gathered together. And they conducted a survey with 108 children between the ages 12 and 18.

Results of the survey were evaluated separately for Diyarbakir and Istanbul. They look at the ways children understand justice, crime and violence. The main aim of the project is to find out the reasons which push children into crimes, the preventive measures for crimes, and to discover by whom and how these measure should be taken for an efficient practice. They base these results on children’s expectations!

The main difference between the regions is their recognition of violence. Children who are victims of forced migration and live in Istanbul think it is more about men. Children here answer the question more with regard to the domestic violence. However, in Diyarbakir children talk most about the violence outside the house, as a more general term. The answer of the children in Diyarbakir to the preventability of violence: ‘Yes, it can be prevented.’

A few claimed “No, it cannot be prevented.” Children think that violence can be prevented only when people talk to each other, they listen to each other, the communication between them increases, they develop empathy, they increase the level of education, they love one another, and they treat each other well. Moreover, they believe that a society where people listen to one another and they have equal rights, opportunities, and conditions will be more livable. And this is obviously the dream of a more democratic society where we look for “crimes” less!

A significant part of the survey includes interviewers’ ideas of crime, and how they define it. In Istanbul, children think crime is “killing, becoming a murderer, hurting people, unfair defamation, violence against women, being disrespectful to law, breaking the law, theft, using drugs, all kinds of evil, using force against the weak, everything unbalancing, hurting other people for interest, fights, people hurting other people, being evil, everything disordered, hopelessness.” In answers to prevention of crimes, justice, equality, and institutions supporting people pave the way for other answers. Additionally, benevolence, less hatred and liberty of native languages lead the way.



Project coordinator Sibel Erduman stated that the exhibition containing of photographs taken by children on the “crime” theme within the projects conducted simultaneously in Diyarbakir and Istanbul will be displayed between February 1-4 at Tütün Deposu in Istanbul.

It is the ideal exhibition to realize the relationship between the needle and the darning needle... Or just to see what is crime through the eyes of children.

### **Banu TUNA**

*Hürriyet*

February 11, 2012

#### **How do children become thinner addicted?**

You know we don't want to raise a generation addicted to thinner. But are designs of religious generations the way to that? Isn't it necessary to listen when they talk about their demand of compromise, justice, peace, and freedom?

There was a very silent exhibition at Tütün Deposu at Istanbul Tophane for only three days: “Am I Guilty? Are We Guilty? Are They Guilty?”

It was actually conclusions of a project conducted with children and young rather than an artistic exhibition.

It was the joint project of Başak Culture and Art Foundation, working with children and young in Istanbul, and Association of Children Under the Same Roof, working with children and young in Diyarbakir. They searched the reasons which push children into crime, and the precautions which should be taken in order to prevent crimes and who should take these measures. The aim is to create awareness which takes recognition and words of children, who has been a part of a crime or not, into consideration.

Firstly, they conducted a survey with 108 children and young people who came to Istanbul of Diyarbakir as result of the forced migration. And then, they grouped these children into two and wanted them to write a story based on their lives. Children told their stories with a single photograph picturing them. In Istanbul, a photograph taken by a child was turned into a news article by another child. The aim is to have an idea about children's image of media. I took an example which was important for me to here. As you can see below, the difference between real stories and news is that children were able to show clearly how they thought the outside world (especially media) looks at them. A child calls us from the difference there: “You don't care about me. You don't care about who I am, or the conditions I am in. You don't wonder about me. You are elitist.”

Exhibition has 42 photographs, 21 stories, and 9 stories turned into news articles. I read all of them one by one. I want you to read the ones I selected below. These are the stories of children who are only 11 years old but have to grow up. These are the stories of death, drugs, injustice, and violence. What can we say now? Are we going to say “If these children were raised in a more religious way, these things wouldn't happen?” What about the system which puts words like “mobile force, panzer, TOMA 4 (riot control vehicle), Scorpion” into daily language of a small child?

By the way, they asked children what they think of when they are asked about justice. The answer is the same both in Istanbul and Diyarbakir: Freedom, equality, democracy, rights, law, coherence, and to be able to talk in the native language.

A kick to the heart.  
STORY 2

Şevin is only eleven years old. She lives in Osmaniye with her family of four. During Ramadan, her mother Neriman goes into the kitchen to prepare some food for sahur. She makes the table. But she doesn't wake her husband Ali up thinking that it is still early. She herself goes into bed and sleeps. Then, a while later, Ali wakes up and goes to the table. And at that moment, ezan starts. With a sudden anger, he kicks Neriman in the heart. And Neriman passes away with her child in her pregnant belly. Şevin hearing (and seeing) all these get affected; her psychology breaks. She starts looking for love and respect on streets. Şevin starts using heroin and keeps reminding herself that everything is her fault.

Children put to work by gangs  
STORY 8

Nowadays, beggar children put to work by gangs are everywhere. Families with a lot children migrated to metropolitans from cities from the East give their children to gangs. These children beg and make money for gangs. These are caught by security forces with great efforts and our cities return to their decent look once again.

I bit him and he broke my arm  
STORY 8

I am Abidin, I am 11 years old. I have three brothers and sisters. My mother Abdiye is 32 years old. My father died before I was born. May he rest in peace. My mom will die unless she gets her cancer medicine. One day, while I was walking and thinking, I saw a beggar on the road. He had lots of money in front of him. I thought I could beg. I thought I could eat and buy medicine for my mother with the money. Then I began begging. After a while, an undercover police came. The beggar next to me escaped, but I couldn't and I got caught. I told the uncle police "Let me go. I really need this. My mother is sick. I have to buy her medicine." Uncle police told me to shut up. Then I bit his arm to escape and he got mad at me. He broke my arm and put me into jail.

I got the bread and run away  
STORY 5

I am Dicle, I am 11 years old. My sister and I sell handkerchief. One day, Berfin got sick and I spent all my money for her medicine. We were hungry. I went to the Hüseyin the grocer and I told him "Can I take bread? It will be my debt to you. My sister is sick." And he told me "I heard this crap a lot. Give me the money and get it." I tried to pull myself together but I let two-three teardrops to go by. Then I ran away with the bread. And Uncle Hüseyin ran after me...

I saw myself on TV  
STORY 10

One day, we were turning back from playing on the street. Children in front of us got up against the police with stones and sticks. When police started walking towards the children, they threw the stones and sticks to the police. Then police went after them. The police called

mobile forces, panzer, TOMA 4, Scorpions, and planes. When the planes started throwing pepper gas, eyes of the children burned. Police caught children with Scorpions, panzer, TOMA 4 and mobile forces. Some of the children hid in buildings. I saw cameras were coming. I saw they were shooting the police, Scorpions, TOMA 4, panzer, and mobile forces. Then I went in front of the camera. They filmed me and I saw myself on TV.

**Feryal Saygılıgil**

*Mesele , Volume 63*

### **Who is the Criminal?**

Social state loses its meaning with the neoliberal face of capitalism starting from 1970's. Taming dangerous/marginal/unwanted groups of the society becomes important. These groups, i.e. The poor, disabled, homosexuals, unemployed, immigrants, and thinner-addicted children are labeled. Protecting the society from them and taming them are important elements of sustaining the system. As the social states loses its meaning and leaves its place to the civil state, the reason for being hungry and poor is looked for in the individual himself. According to these being poor and hungry is the fault of the individual. We have to educate and train our children according to this. Those behave otherwise cannot get away with it. Let me remind you: Those who raped a thirteen year-old child were punished in the minimum limit due to the reason that they did it with the consent of the child. And the same judicial system in Turkey punished four children stealing baklava with incredible penalties. Four children who broke the door of the famous baklava store Güllüoğlu in Gaziantep at August 10, 1997 and stole baklava and pistachio were punished to 9 years of imprisonment. But three of the children were under 18 years of age; therefore their penalties were decreased to six years. In 2001, three children going to highschool were arrested because they stole chocolates and biscuits. They were poor and hungry. And the judge pressed charges against them with eight years of imprisonment request<sup>4</sup>.

News articles about children who stole because they were hungry and punished with incredible penalties were all over the media. But these were discussed by "adults" rather than the subjects of the articles. The subject of the exhibition I am going to talk about is children. What does "being a criminal" mean for children who were victims of forced migration; how do they think of the issue; how do they interpret the situation? The exhibition, "Am I Guilty? Are We Guilty? Are they guilty?", which was displayed at Tütün Deposu at Istanbul Tophane between February 4 and 8, 2012, on "migration, crimes, and children" was looking for an answer to these questions. The exhibition was the result of the photograph workshop which was a part of the eight months long project conducted by Başak Culture and Art Foundation and **The Association of Children Under the Same Roof (ÇAÇA)** working with children and young in Diyarbakir. Photographs and texts in the exhibition was products of children between 15-18 years of age in Istanbul and Diyarbakir. The workshop for photographs and texts in Istanbul was conducted with groups of two. One of two children took a photo the story he wrote based on his life and an self portrait as the hero of the story. And the other child turned the story into a news article. In the workshop in Diyarbakir, children created their own representations as they abstained from telling about themselves.

**One of the stories in the exhibition goes like that:** "Şevin is only eleven years old. She lives in Osmaniye with her family of four. During Ramadan, her mother Neriman goes into the

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4 Semra Pelek, Milliyet Newspaper, 20 January 2002.

kitchen to prepare some food for sahur. She makes the table. But she doesn't wake her husband Ali up thinking that it is still early. She herself goes into bed and sleeps. Then, a while later, Ali wakes up and goes to the table. And at that moment, ezan starts. With a sudden anger, he kicks Neriman in the heart. And Neriman passes away with her child in her pregnant belly. Şevin hearing (and seeing) all these get affected; her psychology breaks. She starts looking for love and respect on streets. Şevin starts using heroin and keeps reminding herself that everything is her fault.”

And the news article about the story goes like this: “A lonely child walking around a secluded park at Istanbul/Osmaniye at midnight was brought to the authorities after denouncement of the people around. It was found out that the girl was on the streets for a week. Şevin started living on streets after her mother was killed by his father a week ago in Osmaniye. Pregnant mother of Şevin passed away after her husband Ali kicked her in the heart because she wake up late for sahur. Şevin experienced a heavy trauma after the incident, she started living in streets, and occasionally used drugs. The doctor examining Şevin declared that due to heavy trauma, she held herself responsible for what happened.” Another story is: “I am Dicle, I am 11 years old. My sister and I sell handkerchief. One day, Berfin got sick and I spent all my money for her medicine. We were hungry. I went to the Hüseyin the grocer and I told him “Can I take bread? It will be my debt to you. My sister is sick.” And he told me “I heard this crap a lot. Give me the money and get it.” I tried to pull myself together but I let two-three drops to go by. Then I ran away with the bread. And Uncle Hüseyin ran after me...” Yet another story: “One day, we were turning back from playing on the street. Children in front of us got up against the police with stones and sticks. When police started walking towards the children, they threw the stones and sticks to the police. Then police went after them. The police called mobile forces, panzer, TOMA 4, Scorpions, and planes. When the planes started throwing pepper gas, eyes of the children burned. Police caught children with Scorpions, panzer, TOMA 4 and mobile forces. Some of the children hid in buildings. I saw cameras were coming. I saw they were shooting the police, Scorpions, TOMA 4, panzer, and mobile forces. Then I went in front of the camera. They filmed me and I saw myself on TV.”

Within the project “Am I Guilty? Are We Guilty? Are They Guilty?” conducted by Sibel Erduman as the project coordinator, 108 children were interviewed in Istanbul and Diyarbakir in the survey. Children were asked about their recognition of justice, crime, equality, and violence. The project tried to find out hints to solutions. Besides they were asked about where they live, what language they use, the number of people living in the same house, and their socio-economic status. If we are to consider some of the answers: “Children in Diyarbakir call older ones as older children. And they think that they are the ones who resort to violence most. Children in Istanbul don't use this concept. Those who resort to violence most in Diyarbakir are teachers. Men are claimed to resort violence most in Istanbul while very few interviewer in Diyarbakir responded the question with the answer “men”. Although there are a number of children who work on streets of Diyarbakir, you cannot find children who live on streets. At the same time, native tongue of children in Diyarbakir is Kurdish. Working on streets does not discriminate gender in Diyarbakir.”

According to the children who a part of the survey, the factors which are necessary for preventing crimes are justice, equality, institutions which will support people, benevolence, less hatred and liberty to native languages. This exhibition is a great means for thinking about the act which is considered a crime between concepts of right, justice, equality and morality and for listening to stories of children, who “beg and smuggle” are thinner-addicted, steal bread and live on streets, from them.

**Pınar Ögünç**  
*Radikal*

23. April. 2012

### **Let them sit on the chair at April 23**

It takes courage to take children seriously. Can you sit a child who does not memorize his role to that chair? A victim of TMK for example?

What time is it? Have the children replaced the chair for 20 minutes yet? Just for repeating the sentences they have memorized from today's grown-ups? Have the flashes sparkled just when the Speaker, Prime Minister, or governor are about to burst in laughter or to do something funny for whatever reason? It takes courage to take children seriously. You have to be ready for what you are going to hear.

It was March 31. There was a panel discussion on children, migration, and crime conducted with the leadership of **Başak Culture and Art Foundation**, which undersigns very important works in silence. Although us, adults, were the speakers of the panel, the best speeches were given by children who shot photos, and wrote stories for exhibition "Am I Guilty? Are We Guilty? Are They Guilty?" parallel to the panel. Most of the audience was grown-ups, but 10-year-old children who are the victim of forced migration asked the best questions at the end.

### **These are the real questions**

No need for names. For example somebody said: "Turkey signed the UN Convention on the Rights of the Child. Three articles have been accepted by everybody other than Turkey. Why?"

This is crystal clear. Let this girl sit on the chair of the prime minister. Let her ask ministers why we don't accept articles 17, 29, and 30? Just for a moment, we raised hopes and made people think we were going to draw our reservations. Then why did we remove them from our democratization package? Let them answer the question beginning from Laussane. Let them hem and haw around the embargo on the right of children to education, freedom of speech, keeping their culture alive, and using their own languages.

Then another boy who halved his second decade asked: "Does police have the right to beat us without any reason?" You can only answer this question, which has no sinuosity in it, with a "No!" After the question, he had a memory to tell us. He wandered around with four other boys and he is the only Kurdish in the group. He even taught them some Kurdish words. All four of them were close to him. When they saw police was coming towards them, they started running. "I ran away because I thought they would hit me. That was what was told me so far." When five of them were caught, they looked at their identities. But only one of them was beaten. A child asks "Does police have a right to do that?". Are you ready to hear this from a child sitting on a chair of a governor?

### **'Say hello to my children'**

The only things I can tell you about April 23 are my fear of missing the rehearsals, concerns of parents who back and forward to the school just to get the dress "which the child can wear afterwards", teachers who discovers the soldier inside by walking children up and down in an order, competitions for reading poems in the most emotional way, strong winds of April that make you shiver; and the only good thing, smell of freshly cut grass. But I think of those who were made to forget their childhood on April 23. Little girls that got married at the age they should have been playing with dolls, those who died by bullets of the government, those who study at day and go to "smuggling" and are drawn by Herons, victims of molestation

the new prison they were transferred was found “super” by the Assembly, those whose consent were looked for in the rape, victims of Law on Fight Against Terrorism who were released with the new regulation to the law but recollected after they were 18...

That day on the panel, I talked about anthropologist and journalist Mge Tuzcuođlu, author of *I Am A Stone*. She was arrested due to KCK operation. I talked about both stories of 13 Kurdish children who she wanted to understood, and her letter sent from the prison. She told us “Can you say hello to my children for me?” at the end. After the panel, I say hello from here for the second time on behalf of her.

Police department bought bananas to “stone throwing children”, they made them visit malls, played football matches with them, and took them bowling in order to approach them. Let one of these children sit on the chair at April 23. Let them speak, and you listen and you understand... And let this tradition do some good.