

## LAW ON JUVENILE PROTECTION

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### PART I

*Purpose, Scope, Fundamental Principles, Protective and Supportive Measures*

#### SECTION ONE

*Purpose, Scope, Definitions and Fundamental Principles*

##### *Purpose*

**Article 1-** (1) The purpose of this Law is to regulate the procedures and principles with regard to protecting juveniles who are in need of protection or who are pushed to crime and ensuring their rights and well-being.

##### *Scope*

**Article 2-** (1) This Law shall cover the provisions related to the principles and procedures of the measures that will be taken with regard to juveniles who are in need of protection and the safety measures to be applied with regard to juveniles pushed to crime, along with the establishment, duties and capacities of juvenile courts.

##### *Definitions*

**Article 3-** (1) For the purposes of this Law, the terms used herein shall have the following meanings:

a) Juvenile: Any individual that has not yet turned eighteen, regardless of whether they have reached full legal age earlier. Within this scope:

1. Juvenile in need of protection: Any juvenile whose physical, mental, moral, social or emotional development and personal safety is in danger, who are neglected or abused, or who are victims of crime,

2. Juvenile pushed to crime: Any juvenile about whom an investigation or prosecution is carried out on the allegation that he/she has committed an act which is defined as a crime in the Laws, or any juvenile about whom a security measure has been decided due to an act he/she has committed,

b) Court: Juvenile courts and juvenile high criminal courts,

c) Juvenile judge: The judge of the juvenile court which renders the decisions for the measures that will be taken with regard to juveniles pushed to crime and juveniles that are in need of protection, except for those about whom prosecution procedures have been started,

d) Institution: Public or private institutions where juveniles covered under the scope of this Law are looked after and supervised, and where the

measures decreed about such juveniles are fulfilled,

e) (**Amended: 13/6/2012-6327/38 art.**) Social worker: Members of the profession graduated from institutions that provide education in the fields of psychological consulting and guidance, psychology, and social services.

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*Fundamental Principles*

**Article 4-** (1) For the purposes of this Law, in order to protect the rights of juveniles, the following fundamental principles shall be observed:

a) Safeguarding juveniles' right to life, development, protection and participation,

b) Safeguarding the interest and well-being of juveniles,

c) No discrimination towards the juvenile or his/her family for any reason whatsoever,

d) Ensuring participation of the juvenile and his/her family in the process by keeping them informed,

e) Cooperation between the juvenile, his/her family, relevant authorities, public institutions and non-governmental organizations,

f) Following a procedure that is based on human rights, fair, effective and swift,

g) Employing special care suitable for situation of the juvenile throughout the investigation or prosecution process,

h) Supporting the juvenile in developing his/her personality, social responsibility and education as appropriate for his/her age and development, when making and implementing the decisions,

i) Penalty of imprisonment and measures that restrict liberty shall be the last resort for juveniles,

j) When deciding measures, providing care at institution and keeping at institution shall be considered as the last resort; when making and implementing the decisions, ensuring that social responsibility is shared,

k) Keeping juveniles separate from adults in the institutions where they are cared for and looked after and where the court decisions are implemented,

l) Taking measures to prevent others from detecting the identity of the juvenile in transactions related to juveniles, trials and when carrying out the decisions.

SECTION TWO

*Protective and Supportive Measures*

*Protective and Supportive Measures*

**Article 5-** (1) Protective and supportive measures are measures to be taken in terms of consulting, education, care, health and shelter, for the purpose of protecting the juvenile within his/her own family environment before all else. These measures are as follows:

a) Consultancy measure, is a measure aimed at providing guidance on child rearing to those who are responsible for the care of the juvenile, and guidance to juveniles on solving problems related to their

education and development;

b) Education/training measure, is a measure aimed at ensuring that the juvenile attends an education institution as a day-student or boarding student, attends a vocational training course or arts & crafts course, or is placed with a master of profession or at a workplace belonging to the public or private sector for the purpose of acquiring a job or a profession,

c) Care measure, is a measure to make governmental or private care center services or foster family services available for the juvenile or place the juvenile under the care of such institutions, in the event that the person responsible for the care of the juvenile fails to fulfil his/her care duties due to any reason,

d) Health measure, is a measure to ensure necessary temporary or continuous medical care and rehabilitation for treatment and protection of the juvenile's physical and physiological health, and treatment and therapy for juveniles who have substance abuse problems,

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e) Shelter measure is a measure to provide a suitable shelter for those who have children but do not have a place to live, or to pregnant women whose lives are in danger.

(2) Identity and address information of those about whom a shelter measure as defined in paragraph 1 clause (e) is being implemented shall be kept confidential if they so demand.

(3) If it is established that the juvenile is not under any danger, or if it is understood that, although the juvenile is in danger, such danger can be eliminated by supporting the juvenile's parent or guardian or the person who is responsible for the juvenile's care, then the juvenile shall be delivered to these persons. For the purposes of this paragraph, one of the measures specified in paragraph one can also be decided with regard to the juvenile.

*Applying to the Agency*

**Article 6-** (1) Judicial and administrative authorities, law enforcement officers, health and education institutions and non-governmental organizations have the obligation to notify the Social Services and Child Protection Agency of any juveniles that are in need of protection. The juvenile and the persons who are responsible for the care of the juvenile can apply to the Social Services and Child Protection Agency to take the juvenile under protection.

(2) The Social Services and Child Protection Agency shall immediately carry out the necessary inquiry regarding the events notified.

*Granting Protective and Supportive Injunctions*

**Article 7-** (1) Protective and supportive injunctions regarding juveniles can be taken by the juvenile judge either ex officio or upon request of the juvenile's father, mother, guardian, the person responsible for the care and supervision of the juvenile, the Social Services and Child Protection Agency or the Public prosecutor.

(2) Before rendering a court decision, a social inquiry regarding the

juvenile shall be carried out.

(3) The type of the measure shall be indicated in the decision. The judge may decide for one or more measures.

(4) The judge may also decide for taking under supervision the juvenile about whom he/she has decided for a protective and supportive measure.

(5) Taking into consideration development of the juvenile, the Judge may decide to change or abrogate the protective and supportive measure. In case of emergencies, this decision can also be rendered by the local judge where the juvenile is located. However, in such a case, the decision shall be notified to the judge or court that rendered the original decision.

(6) Execution of the measure shall terminate automatically when the juvenile turns eighteen. However, the judge may decide to continue with the implementation of the measure for a certain period of time in order to allow the juvenile to continue his/her training or education, provided that the consent of the juvenile is taken.

(7) Aside from rendering decisions for protective and supportive measures regarding juveniles that are in need of protection, the court shall also have the authority to decide with regard to custody, guardianship, curatorship, alimony and establishment of personal contact, in accordance with the provisions of the Turkish Civil Code dated 22.11.2001 and numbered 4721.

*Capacity with regard to Measures*

**Article 8-** (1) Protective and supportive measures regarding juveniles in need of protection shall, for the benefit of the juvenile, be decided by the juvenile judge of the locality where the juvenile, his/her mother, father, guardian or those with whom he/she lives are located.

(2) Implementation of the decision for a measure shall be inspected by the deciding judge or court at intervals of maximum three months.

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(3) The judge or the court may, ex officio or upon request of the supervision officers, the juvenile's parent, guardian, caretaker or supervisor, the representative of the institution or person implementing the measure and the Public prosecutor, examine the results of the measure being implemented with regard to the juvenile, and abrogate, extend or change the measure.

*Urgent Protection Decisions*

**Article 9-** (1) In case of a situation which requires taking the juvenile under immediate protection, the juvenile shall be taken under care and supervision by the Social Services and Child protection Agency, and then the Agency shall apply to the juvenile judge within five days at the latest following the day the Juvenile is brought to the Agency, for an urgent protection decision. The judge shall decide with regard to the request within three days. The judge may decide to keep the juvenile's location confidential and, when necessary, allow for establishment of personal contact.

(2) An urgent protection decision can only be rendered for a

limited period of maximum thirty days. Within this period, the Agency shall carry out a social inquiry regarding the juvenile. If, following the inquiry, the Agency concludes that there is no need for a measure, it shall notify the judge of its opinion and the services it will provide. Whether the juvenile is to be delivered to his/her family or whether any other measures are to be taken shall be decided by the judge.

(3) In case the Agency concludes that a measure is required for the juvenile, it shall file a request to the judge demanding for a protective and supportive measure.

*Implementing care and shelter measures*

**Article 10-** (1) The Social Services and Child Protection Agency shall take the necessary measures immediately with regard to events referred to it and shall place the juvenile under the care of governmental or private organizations.

*Juvenile-specific safety measures*

**Article 11-** (1) Protective and supportive measures regulated in this Law shall be interpreted as juvenile-specific safety measures with respect to juveniles who are pushed to crime and who do not have penal liability.

*Mental Disorder*

**Article 12-** (1) In case the juvenile pushed to crime also has a mental disorder, juvenile-specific safety measures shall be applied for juveniles falling under the scope of paragraphs one and two of Article 21 of the Turkish Penal Code dated 26.9.2004 and numbered 5237.

*Procedures for Injunctions*

**Article 13-** (1) Except for the cases provided for in paragraph seven of Article 7 of this Law, injunctions shall be granted without any hearings for juveniles pushed to crime and who do not have penal liability and juveniles that are in need of protection. However, the judge may hold a hearing if considered necessary.

(2) Before rendering a decision for measure, opinion of the juvenile having adequate perception capacity shall be taken, the relevant persons may be heard, and preparation of a social inquiry report regarding the juvenile may be demanded.

*Appeals*

**Article 14-** (1) In accordance with provisions of this Law, the legal path to appeal a decision for measures rendered by the juvenile judge shall be open. The appeal shall be filed to the nearest juvenile court in accordance with the appeal provisions of the Criminal Procedures Law dated 4.12.2004 and numbered 5271.

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PART II

*Investigation and Prosecution*

SECTION ONE

*Investigation*

*Investigation*

**Article 15-** (1) Investigations related to juveniles pushed to crime shall be carried out personally by the Public prosecutor assigned at the juvenile bureau.

(2) During interrogation and other procedures related to the juvenile, the juvenile may be accompanied by a social worker.

(3) When considered necessary during investigation, the Public prosecutor may file a request to the juvenile judge for a protective and supportive measure regarding the juvenile.

*Detaining a juvenile*

**Article 16-** (1) Detained juveniles shall be kept at the juvenile unit of the law enforcement.

(2) In cases where the law enforcement does not have a juvenile unit, the juveniles shall be kept separate from detained adults.

*Crimes committed through participation*

**Article 17-** (1) In case of juveniles who have committed crime together with adults, investigation and prosecution shall be carried out separately.

(2) In such a case, necessary measures shall also be applied with regard to juveniles; nevertheless, if considered necessary, the court may delay the trial related to the juvenile until finalization of the case continuing in the general court.

(3) In case it is considered necessary that the trials be carried out together, general courts may decide, during any stage of the trial, for consolidation of trials, on the condition that such consolidation is found appropriate by the courts. In such an event, the joint cases shall be administered at general courts.

*Transfer of the Juvenile*

**Article 18-** (1) Chains, handcuffs and similar tools cannot be put on juveniles. However, when necessary, the law enforcement may take necessary measures to prevent the juvenile from escaping, or to prevent dangers that may arise with regard to the life and physical integrity of the juvenile or others.

*Deferring commencement of a public prosecution suit*

**Article 19-(Amended: 6/12/2006-5560/39 art.)**

In case of existence of conditions specified in Code of Criminal Procedure due to crimes imputed to the juvenile, it can be decided to defer initiation of public prosecution. However, deferral period for such persons shall be three years.

(2) (Additional: 17/10/2019-7188/33 art.) The upper limit for imprisonment specified in paragraph two of article 171 of Code of Criminal Procedure shall be five years for juveniles who haven't turned fifteen.

*Judicial control*

**Article 20-** (1) At the investigation or prosecution stages related to juveniles pushed to crime, the court may, as judicial control measures, decide for one or several of the measures listed below, or for the measures specified under Article 109 of Code of Criminal Procedure:

- a) No moving outside specified peripheral boundaries.
- b) No access to certain places or access to certain places only.
- c) No contact with specified persons and organizations.

(2) However, in case these measures do not bring favorable outcomes, or in case it is understood that these measures will not bring favorable outcomes or in case of violation of these measures, the court may decide for an arrest.

*Prohibition of Arrest*

**Article 21-** (1) An arrest warrant cannot be issued for juveniles who have not yet turned fifteen for acts that require an imprisonment penalty with an upper limit of five years.

SECTION TWO

*Prosecution*

*Hearing*

**Article 22-** (1) The juvenile, his/her parent, guardian, court-assigned social worker, the family that has assumed the care of the juvenile, or if the juvenile is cared for by the Agency, the representative of the Agency may be present at the hearing.

(2) The court or the judge may allow a social worker to accompany the juvenile during the juvenile's interrogation or during other procedures regarding the juvenile.

(3) The juvenile present at the hearing may be taken outside the courtroom if his/her interests require so; additionally, a juvenile whose

interrogation procedures have been completed may not be required to be present at the hearing.

*Putting Off Announcement of the Verdict*

**Article 23- (Amended: 6/12/200-5560/40 art.)**

(1) At the end of the proceeding held due to crimes imputed to the juvenile, in case of existence of conditions specified in Code of Civil Procedure, the court may decide to put off announcement of the verdict. However, period of supervision shall be three years for such persons.



*Reconciliation*

**Article 24- (Amended: 6/12/2006-5560/41 art.)**

(1) Provisions of Code of Criminal Procedure regarding reconciliation shall also apply for children pushed to crime.

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**PART III**

*Courts and Public Prosecutor's Offices*

**SECTION ONE**

*Establishment, Duties and Capacities of Courts*

*Establishment of courts*

**Article 25-** (1) The juvenile court shall be composed of a single judge. These courts shall be founded in each provincial center. In addition, they may be established in the districts determined taking into consideration the geographical locations and workload of the regions, by obtaining the positive opinion of the Supreme Council of Judges and Public Prosecutors. Where required due to heavy workload, more than one chambers may be established for juvenile courts. These chambers shall be given numbers. The Public prosecutor shall not be present at the hearings held at juvenile courts. The Public prosecutors of the locality of the juvenile courts may refer to legal remedies against the decisions of juvenile courts.

(2) Juvenile high criminal courts shall have one presiding judge and adequate number of members, and the court shall sit with one presiding judge and two members. These courts shall be established in the localities determined taking into consideration the geographical locations and workload of the regions, by obtaining the positive opinion of the Supreme Council of Judges and Public Prosecutors. Where required due to heavy workload, more than one chambers may be established for juvenile high criminal courts. These chambers shall be given numbers.

*Duties of Courts*

**Article 26-** (1) Juvenile courts shall administer the actions filed with regard to juveniles pushed to delinquency, for crimes falling under the

jurisdiction of basic penal courts and penal courts of peace.

(2) Juvenile high criminal courts shall deal with lawsuits related to crimes committed by juveniles and falling under the jurisdiction of the high criminal court.

(3) Courts and juvenile judges shall have the duty to take the necessary measures specified in this law and in other laws.

(4) Public prosecution lawsuits filed with regard to juveniles shall be heard at the courts established through this Law, provided that the provisions of Article 17 herein shall be reserved.

*Judicial locality of the courts*

**Article 27-** (1) Judicial locality of juvenile courts shall be determined with the territorial boundaries of the province or district in which it is established.

(2) The judicial locality of juvenile high criminal courts shall be administrative territories of the central province or district where they are located, and of the districts which are judicially affiliated thereto.

(3) Any decision to determine or change judicial locality of the juvenile courts and juvenile high criminal courts in consideration of geographic location and workload shall be given by the Supreme Council of Judges and Public Prosecutors upon proposal of the Ministry of Justice.

*Appointment of Judges*

**Article 28-** (1) Judge appointments to courts shall be made by the Supreme Council of Judges and Public Prosecutors, selecting among judges and Public prosecutors who have earned the right for appointment to the region of appointment or to the next lower region, who are assigned to duties in the judiciary, preferably specialized in juvenile law with training in the fields of child psychology and social services.

(2) Priority shall be given to those who express a willing interest for the appointment and those who have previously served in such posts.

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(3) In case the appointed judge fails to take up his/her post due to any reason, the chairperson of the judicial justice commission shall, also taking into consideration the qualifications sought for in paragraph one, designate which of the local judges will assume the post until the originally appointed judge starts office or until a new appointment is made by the Supreme Council of Judges and Public Prosecutors.

## SECTION TWO

### *Public Prosecutor's Office and Law Enforcement*

*Public prosecutor's juvenile bureau*

**Article 29-** (1) A juvenile bureau shall be established at the Chief Public Prosecutor's Offices. Adequate number of Public prosecutors shall be assigned to this bureau by the Chief Public prosecutor, from among those who meet the qualifications provided for in paragraph one of Article 28.

*Duties of the Juvenile Bureau*

**Article 30-** (1) The duties of the juvenile bureau shall be as follows:

a) to carry out the investigation procedures related to juveniles pushed to crime,

b) to ensure that necessary measures are taken without any delay, in cases which require measures to be taken with regard to juveniles,

c) to work in cooperation with the relevant public institutions and organizations and non-governmental organizations for the purpose of providing necessary support services to juveniles who need help, education, employment or shelter, from among juveniles who need protection, who are victims of a crime or who are pushed to delinquency; and to notify such and similar cases to the authorized institutions and organizations, and

d) to carry out the duties specified in this Law and in other laws.

(2) In cases where delay is considered to be risky, these duties may also be carried out by Public prosecutors who are not assigned to juvenile bureaus.

*Juvenile unit of the law enforcement*

**Article 31-** (1) Law enforcement duties related to juveniles shall be carried out first of all by the juvenile units of the law enforcement.

(2) When starting a procedure related to juveniles in need of protection or pushed to crime, the juvenile unit of the law enforcement shall notify the situation to the juvenile's parent or guardian, or to the person who has undertaken care of the juvenile, to the bar and the Social Services and Child Protection Agency, and if the juvenile is residing at a public institution, then also to the representative of such institution. However, any relatives of the juvenile who are suspected of soliciting the juvenile to commit the crime or of abusing the juvenile shall not be given any information.

(3) The juvenile shall be allowed to be accompanied by a next-of-kin during the period he/she remains at the law enforcement.

(4) The personnel at the juvenile unit of the law enforcement shall be provided with training on topics such as juvenile law, prevention of juvenile delinquency, child development and psychology, social services and so on, by their own agencies.

(5) In case of a notification or establishment that the juvenile is in need of protection or in case of existence of reasons indicating that waiting for an urgent protection decision will be against the interest of the juvenile, the juvenile unit of the law enforcement shall secure safety of the juvenile by taking the measures required due to the circumstances and shall deliver the juvenile to the Social Services and Child Protection Agency as soon as possible.

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*Training of the Officers*

**Article 32-** (1) Judges and Public prosecutors to be assigned at the courts, and social workers and probation officers appointed at probation and assistance center directorates shall be provided with training on subjects such as juvenile law, social service, child development and psychology in line with the principles set forth by the Ministry of Justice during nomination periods.

(2) It shall be ensured that those appointed to serve at courts

receive in-service training aimed to provide them with the opportunity to specialize in their fields and self-development.<sup>1</sup>

(3) The principles and procedures for pre-service and in-service training shall be determined through regulation.

### SECTION THREE

#### *Social Inquiry*

##### *Social Workers*

**Article 33-** (1) (Amended phrase: 17/10/2019-7188/35 art.) The Ministry of Justice shall appoint adequate number of social workers to courthouses, from among the candidates who have completed at least an undergraduate program. In appointments, those who have completed graduate programs on child and family problems, juvenile law and juvenile delinquency shall be given preference.

(2) The social workers appointed to the Courts and serving at the Social Services and Child Protection Agency implementing the measures covered under the scope of this Law shall be given an appropriation equal to 50% of their gross monthly salaries.<sup>2</sup>

(3) In case such social workers are not available, or in case there are actual or legal hindrances that prevent them from carrying out duty or in case of a need for another field of specialization, those employed in other public institutions and organizations and those who are self-employed may also be assigned as social workers, provided that they have the qualifications set forth in paragraph one.

(4) If the environment of the juvenile about whom a social inquiry will be made is outside the jurisdiction area of the court, the inquiry shall be carried out by the local court of the place where the juvenile is located, subject to the orders of the court handling the case. In places falling within the greater municipality territories, this inquiry may be conducted by the social workers working in connection with the court handling the case.

##### *Duties of Social Workers*

**Article 34-** (1) Duties of social workers shall be as follows:

a) to carry out inquiries, immediately, about the juvenile with which they are assigned, to submit the reports they prepare to the assigning authorities,

b) To be present next to the juvenile during interrogation or cross-examination, and

c) To carry out other duties assigned by the courts and juvenile judges under this Law.

(2) The officers shall have the obligation to assist the social workers during their studies and to provide them with any requested information on the juvenile.

(3) The money spent by the social workers during their duties and the duty expenses appreciated by the court shall be paid out of flagrante delicto appropriation of the Chief Public prosecutor's office.

##### *Social Inquiry*

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<sup>1</sup> Through article 34 of Law No. 7188 and dated 17/10/2019 the phrase "those appointed" featuring in this paragraph is amended as "those assigned"

<sup>2</sup> Through article 35 of Law No. 7188 and dated 17/10/2019 the phrase "the person appointed and assigned in Social Services and Child Protection Agency implementing the measures within the scope of this Law" featuring in this paragraph is amended as "those assigned and implementing the measures within the scope of this Law."

**Article 35-** (1) An inquiry clarifying the individual characteristics and social environment of the juveniles covered under this Law shall be conducted when considered necessary by courts, juvenile judges or Public prosecutors. The social inquiry report shall be taken into account by the court when assessing the juvenile's capacity to perceive the legal meaning and consequences of the act he/she has committed and his/her ability to direct his/her behavior with regard to such act.

(2) In cases which require immediate measures, social inquiry may be conducted at a later date.

(3) In case the court or the juvenile judge decides not to run a social inquiry about the juvenile, the grounds for such decision shall be included in the decision.

## SECTION FOUR

### *Supervision*

#### *Decision to take under supervision*

**Article 36-** (1) The court may decide to take under supervision the juvenile about whom a protective and supportive measure has been decided, about whom the decision to defer commencement of a public prosecution action has been approved, and about whom it has been decided to put off announcement of the verdict.

#### *Appointing a supervision officer*

**Article 37-** (1) The directorate of probation and assistance center shall appoint a supervision officer for juveniles taken under supervision. However, in case of juveniles that are in need of protection, juveniles pushed to crime who have not yet turned twelve at the time of the offence, and the juveniles about whom there is a court decision to return them to the custody of their families, the supervision duty regarding such juveniles shall be carried out by the Social Services and Child Protection Agency in accordance with surveillance principles.

(2) When appointing supervision officers, personal characteristics and needs of the juvenile shall be taken into consideration and those with easy access to the juvenile shall be preferred.

#### *Duties of the Supervision Officer*

**Article 38-** (1) Duties of the supervision officer are as follows:

a) To support, assist, and when necessary, advise the juvenile in order to ensure the juvenile's adaptation to the educational, familial, institutional, business and social environment so as to realize the objective sought with the court decision.

b) To provide guidance to the juvenile with regard to institutions from which the juvenile can receive education, employment or support, and with regard to his/her rights and how to exercise such rights.

c) To assist the juvenile in benefitting from the services which he/she may need.

d) To visit the places where the juvenile stays, the persons with whom he/she contacts, and hence examine on-site education and business performance of the juvenile, and his/her leisure activities.

e) To monitor implementation of the court decision, consequences of the implementation thereof, and its effects on the juvenile, and to inspect fulfilment of the obligations imposed on the juvenile.

f) To submit reports on the development of the juvenile, at three- month intervals, to the Public prosecutor or the court.

(2) When carrying out his/her duties, the supervision officer shall cooperate with the juvenile's parents, guardian, caretaker and teachers.

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(3) Representatives of the institutions who have information on the juvenile's mother, father, guardian, caretaker, supervisor, school, workplace or on the juvenile shall have the obligation to assist the supervision officer and provide him/her with any information he/she may request in line with his/her duties.

(4) The juvenile's next-of-kin cannot interfere with the capacities of the supervision officer.

*Supervision plan and report*

**Article 39-** (1) The methodology of the supervision that will be conducted for the juvenile shall be determined by the supervision officer, together with the specialist carrying out the social inquiry or the social worker at the court, via a plan that they will prepare within 10 days following the appointment.<sup>3</sup>

(2) The following shall be taken into consideration when preparing the plan:

- a) purpose, nature and duration of the measure taken with regard to the juvenile,
- b) the juvenile's needs,
- c) Seriousness of the state of danger in which the juvenile is,
- d) The degree of support given to the juvenile by his/her parents, guardian, caretaker and supervisor,
- e) In case of any measures as a result of being pushed to crime, the nature of the act constituting an offence,
- f) The opinion of the juvenile.

(3) The supervision plan shall be implemented as soon as it is approved by the court or the juvenile judge. The supervision officer shall report to the court or the juvenile judge the manner in which the court decision is being implemented, its effects on the juvenile and whether the juvenile's parents, guardian, individuals or institutions responsible for looking after and supervising the juvenile fulfil their responsibilities duly, whether there are any conditions that require a change in the decided measure and any other issue on which a report may be requested, every month and whenever demanded.

*End of supervision*

**Article 40-** (1) Supervision shall terminate with the end of the period provided for in the court decision. In case the benefit expected from the measure is achieved beforehand, supervision may be revoked before expiry of the prescribed period.

(2) Supervision shall end when the juvenile is arrested for another crime or when the juvenile starts serving the penalty.

*Obtaining information on social enquiry and supervision reports*

**Article 41-** (1) The lawyer or legal representative of the juvenile may acquire a copy of the social inquiry report and the supervision plan

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<sup>3</sup> Through article 37 of Law No. 7188 and dated 17/10/2019 the phrase "before the court" featuring in this paragraph is removed from wording of the article.

from the Public prosecutor, the court or from the juvenile judge. The juvenile shall be given information about contents of the report.

(2) However, in case it is concluded that informing the persons specified in paragraph one, except for the juvenile and his/her lawyer, about the social inquiry report and the supervision plan is against the interests of the juvenile, examination of these documents may be banned partially or completely.

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**PART IV**  
*Miscellaneous*

*Applicable provisions*

**Article 42-** (1) In cases for which there are no provisions set forth in this Law, the provisions of the Criminal Procedures Law, the Turkish Civil Code, Civil Procedures Law dated 18.6.1927 and numbered 1086, and the Law of Social Services and Child Protection Agency dated 24.5.1983 and numbered 2828 shall apply.

(2) For supervision issues for which there are no provisions set forth in this Law, provisions of the Law on Probation and Assistance Centers and Protection Rules shall apply.

*Expenditures of the Juvenile*

**Article 43-** (1) Costs of the supportive and protective injunctions granted with regard to the juvenile shall be paid by the State. The amount payable shall be established via a court decision.

(2) In case financial means of the person responsible for the care of the juvenile pursuant to the provisions of the Turkish Civil Code is favorable, the amount paid by the State shall be collected via recourse to the relevant persons and authorities.

*Public Officials*

**Article 44-** (1) Provisions of the Law on Trial of Civil Servants and Other Public Officials dated 2.12.1999 and numbered 4483 shall not apply to public officials in connection with the duties falling under the scope of this Law.

*Institutions*

**Article 45-** (1) Supportive and protective measures included in Article 5 of this Law shall be carried out as follows:

a) Consultancy and sheltering measures specified in clauses (a) and (e) by the Ministry of National Education, the Social Services and Child Protection Agency and by local governments,

b) Education/training measures specified under clause (b) by the Ministry of National Education and the Ministry of Labor and Social Security,

c) Care measures specified under clause (c) by the Social Services and Child Protection Agency,

d) Healthcare measures specified under clause (d) by the Ministry of Health.

(2) Any and all kinds of assistance and support requests made by the Social Services and Child Protection Agency with regard to fulfilment of law enforcement services required during execution of

care and sheltering measures, rehabilitation and education of the juveniles, or with regard to other issues falling under remit of other ministries shall be responded to, without any delay, by the Ministry of National Education, the Ministry of Interior, the Ministry of Health and the other relevant ministries and public organizations and institutions.

(3) The Ministry of Justice shall coordinate execution of these measures.

*Staff*

**Article 46-** (1) An adequate number of staff shall be provided from relevant branches to carry out the establishment procedures and activities of the courts which will be established under this law.

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*Regulation*

**Article 47-** (1) Principles and procedures related to implementation of Articles 5 and 10 of this law shall be regulated through regulations which will be issued jointly by the Ministry of Justice and the Social Services and Child Protection Agency within six months; principles and procedures related to implementation of the other Articles shall be regulated via a regulation to be issued by the Ministry of Justice within 6 months.

*Repealed Provisions*

**Article 48-** (1) The Law on Establishment, Duties and Trial Procedures of Juvenile Courts dated 7.11.1979 and numbered 2253 has been repealed.

(2) References in the legislation to the repealed Law on Establishment, Duties and Trial Procedures of Juvenile Courts dated 7.11.1979 and numbered 2253 shall be deemed to be made to provisions of this Law.

**Provisional Article 1-** (1) Cases and works pending at the juvenile courts established under Law numbered 2253 and falling under the jurisdiction of the juvenile courts established through this Law shall be transferred to juvenile courts as soon as they start operating.

(2) Cases and works being handled at general penal courts and concerning the accused who have turned eighteen on the effective date of this Law shall not be transferred to the juvenile courts or juvenile high criminal courts.

(3) In places where there are no juvenile courts or juvenile high criminal courts, investigations and prosecutions concerning crimes committed by juveniles shall be carried out in accordance with the provisions of this law by the Chief Public prosecutor's offices and competent courts, until juvenile courts or juvenile high criminal courts are established and start operating.

(4) In places where there are no juvenile courts, measures regarding juveniles who are in need of protection shall be decided by the assigned family or the civil court of first instance, until the juvenile court is established and starts operating.

(5) Under coordination of the Ministry of Justice, relevant ministries and affiliated organizations shall take the necessary measures to execute the supportive and protective measures, within six months



following coming into effect of this Law. In addition, relevant ministries and affiliated organizations may cooperate with non- governmental organizations to this end.

*Effective Date*

**Article 49-** (1) The effective date for this Law shall be as follows:

a) Provisions regarding the services that will be performed by the Social Services and Child Protection Agency with regard to juveniles pushed to crime and about whom there is a care measure being implemented, and paragraph 1(e) of Article 5 shall become effective within six months as of the date of promulgation,

b) The second sentence in paragraph one of Article 37, and paragraph 1(a) of Article 5 shall come into effect within 1 year as of the date of promulgation,

c) The other provisions shall come into effect on the date of their promulgation.

*Execution*

**Article 50-** (1) Provisions of this Law shall be executed by the Council of Ministers.

TABLE INDICATING ENTRY INTO EFFECT DATE OF  
LEGISLATION AMENDING OR  
APPENDING LAW NO 5395 OR OF  
PROVISIONS REPEALED BY  
CONSTITUTIONAL COURT

D Number of Amending Law/Decree Law or Repealing Constitutional Court Decision	Amended or Repealed Articles of Law No.5395	Entry into Effect Date
5560	19, 23, 24	19/12/2006
6327	3	29/6/2012
7188	19, 32, 33, 39	24/10/2019
7242	20	15/4/2020

