



Psychological and Legal Aspects of Violence Against Women

Kadına Yönelik Şiddetin Psikolojik ve Adli Boyutu

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ABSTRACT

Violence against women, which is one of the main problems of society, is an important health problem that has serious social and psychological effects on women and society. Although important steps have been taken regarding violence against women in the national and international arena, there is still not enough awareness in the society about violence against women and its effects on women's mental health, the definition of women's rights, legal precautions, and assistance. In this article, we aimed to review both the psychological effects of violence against women and legal regulations on the the prevention of violence against women and the protection of victims of violence.

Keywords: Violence against women, psychological aspects, legal aspects.

ÖZET

Kadına yönelik şiddet, kadın ve toplum üzerinde ciddi sosyal ve psikolojik etkileri olan önemli bir sağlık sorunudur. Kadına yönelik şiddet konusunda ulusal ve uluslararası arenada önemli adımlar atılmış olmakla birlikte, kadına yönelik şiddet ve kadının ruh sağlığına etkileri, kadın haklarının tanımı, bu konudaki yasal önlemler ve yardım olanakları konusunda toplumdaki farkındalık düzeyi yetersizdir. Bu yazıda, hem kadına yönelik şiddetin psikolojik etkileri hem de kadına yönelik şiddetin önlenmesi ve şiddet mağdurlarının korunması gibi konulardaki yasal düzenlemelerin gözden geçirilmesi amaçlanmıştır.

Anahtar kelimeler: Kadına yönelik şiddet, psikolojik boyut, yasal boyut.

Introduction

Violence is an important public health problem that can be encountered in all areas of human life and is increasing in the world¹. Violence against women is, on the other hand, is a serious social and mental health problem and it is known to have significant effects on women's physical, mental and reproductive health²⁻⁵. The negative effects of physical violence on women manifest as feeling worthless, loss of self-esteem, and fear⁶. Psychological violence was found to be associated with a decrease in self-esteem and self-efficacy, unwillingness to take any responsibility, difficulty in relationships with other individuals, problems with personality development, feeling inadequate, suicidal thoughts, internalizing messages about being worthless, and an increased tendency to intentionally self-harm⁷. Physical complaints, psychosocial/mental illnesses (substance abuse, family and social problems, depression, anxiety, tobacco use), musculoskeletal diseases (degenerative joint disease, low back pain, traumatic joint disorders, cervical pain, acute sprains and strains), urogenital diseases (menstrual disorders, vaginitis/vulvitis / cervicitis) and the risk of sexually transmitted disease diagnosis was found to be increased in abused women⁸.

Legal and medical studies on violence against women dating back to the 1800s. The first law criminalizing violence against women was passed in Maryland in 1883. On the other hand, in Turkey, this has not been the case until the mid-1980s⁹. After the foundation of the World Health Organization (WHO), large-scale studies have been carried out in this area. In 2002, WHO defined "Violence Against Women" as a health problem. The level of social protection and awareness regarding violence against women, which has been subject to legal regulations in the last 20-30 years, still seems insufficient.

In this article, it was aimed to review the effects of violence against women on women's mental health and the legal dimension of violence against women



Violence

Etymologically, the word violence has passed from Arabic to Turkish. Violence means "hardness, rough behavior, using brute force". The origin of the word, on the other hand, reveals aggressive behavior, brute force, abuse of body power, destructive actions, attacks with stones, sticks, guns, and activities that harm individuals and society¹⁰. It has slipped into western languages such as French and English from the Latin word "Violenta" which means harsh or cruel personality and is also defined as doing or making someone do something against their will by force or pressure, coercion, assault, brute force, physical or psychological pain and injury¹¹.

The concept of violence has come to be defined in an increasingly inclusive way. Besides intentional physical harm, all kinds of acts that cause harm or deprivation to a person, group, or community, whether or not it is intentional, creating physical, verbal, psychological, and even political and economic disadvantage has been accepted within the scope of violence. In this context, violence has evolved into a concept wide enough to express all kinds of actions and intentions that aim to exploit a person, group or community by dominating a person, group or community, including the restriction of freedoms and rights^{10, 12}. WHO's definition of violence is as follows: "Violence is to deliberately use physical pressure or force, threaten or act, cause injury, death, psychological harm, developmental disability or deprivation, or increase the likelihood of these situations, against oneself, another person, a group or society¹³."

Violence Against Women

Violence against women can be defined as all gender-based acts of behavior that are likely to cause mental, sexual and psychological harm, suffering, coercion or deprivation of arbitrary liberty to women, whether in public or private life. To put it in another way; violence against women is the endangerment of a woman's life, body, psychological integrity or freedom by using force¹⁴.

Violence against women is generally classified as emotional, physical, psychological, economic and sexual violence¹⁵, and is regarded as both a violation of human rights and a wide-ranging universal health problem⁹. Violence affects everyone, but especially affects women and girls. Due to gender roles, violence against women can occur not only by perpetrators in their immediate environment, such as the husband and partner of women, but also could be by other men they know, men they do not know, and even women in the family¹⁶. The perpetrators of violence - generally family members, partners, community members - may arise due to the indifference and negligence of those acting on behalf of the culture, religion, state or state institutions⁶. For the family, the person who commits violence against women is mostly the husband of the woman.¹⁷ Exposure to or witnessing domestic violence in childhood causes higher rates of exposure to violence in adulthood.^{18, 19} A significant relationship was found between a history of childhood violence and being subjected to violence from a spouse and inflicting violence against a child²⁰.

Physical Violence Against Women

It includes acts that are physically damaging against the woman's will to force a woman to do something or prevent her from doing something. Physical violence is the most common and visible form of violence. Physical violence is more directed against the body and is based on physical strength²¹. The fact that women cannot object to the physical violence, cannot leave the house and are told to be patient in response to the call for help cause the physical violence to continue. On the other hand, women's illiteracy of their rights contributes to the perpetuation of this violence²².

Verbal-Psychological Violence Against Women

Psychological violence is to underestimate the woman and to make accusations stating that she cannot do a job, to ignore her personality and ideas, to shout, to call nicknames, to constantly criticize her behavior, to pout, to constantly control her behavior and what she does, in business and social life. It includes many forms of behavior such as preventing women from opportunities in life⁶. Behaviors that cause emotional violence could be in the form of rejection, leaving alone, intimidation, directing to crime, humiliation, refusing to give an emotional reaction, using for one's own benefit²³. According to the research on domestic

violence against women across Turkey, 44 % of married women stated that they have been exposed to emotional violence, and one out of every four women has experienced emotional violence in the last year²⁴.

Sexual Violence Against Women

Sexual violence includes behaviors such as forcing a person to have sexual intercourse any time and in any way he/she does not want to; causing pregnancy or sexually transmitted diseases, hurting during sexual intercourse, hurting, raping, forcing other people to have intercourse, rejecting contraceptive methods, harming the genitals, the accusation of being a prostitute or frigid, exerting pressure and killing on the grounds of honor and custom can be grouped under this heading.²¹ Many behaviors can be considered as sexual abuse towards the spouse, and all of them have the same message of the abuser: the abusive spouse/partner has the say over the victim's body, not the victim²⁵. It is known that forced sexual intercourse is more common by familiar people or spouses. It is estimated that many women experience sexual coercion at some point in their lives. Especially girls who are exposed to sexual violence by family members in their childhood may be victimized by their relatives at a later age²².

Economic Violence Against Women

Economic violence against women includes various forms of actions, such as forcing a woman to work against her will or preventing her from working²¹. How women are subjected to economic violence in the family vary: controlling women's money, giving insufficient money for the will of the house when the woman is not working, confiscating the credit card, forcing women to work, not to share property rights, preventing women from receiving education etc²⁶.

Frequency of violence

A report from WHO in 2013 states that more than one in three women worldwide have experienced physical and / or sexual partner violence or sexual violence from a non-partner²⁷. According to the data of 48 studies based on the whole world population, the rate of being subjected to violence by their spouses or partners is between 10 to 69%²⁸

. Levels of intimate partner violence differ in different regions for various cultural, economic, social and religious reasons; the highest prevalence is in Africa, the Eastern Mediterranean and South-East Asia Regions, followed by the Americas. High-income regions, Europe and the Western Pacific Regions have a relatively low prevalence²⁷. Young women, women with lower income and less education, single mothers and women who have been abused in childhood are more likely to experience partner violence. In addition, the high prevalence of violence during the life of these women, in the previous 5 years and the previous year, revealed that this situation has gained chronicity²⁹.

Nearly all the women who were subjected to physical violence were exposed to violence by their spouses; and the risk of violence was shown to be increased when living with the spouse's family, alcohol use of spouse, and as the education and income level of the woman decreases.^{30, 31} In Turkey, it is reported in some regional studies that the frequency of partner violence against women ranges between 30-62%^{20, 32}. In a study conducted on pregnant women; the prevalence of physical, psychological and sexual domestic violence in the last pregnancy was found to be 7.1%, 30.6% and 10.4%, respectively, and the lifetime prevalence in all pregnancies was 8.3%, 33.4% and 12.6%³³.

According to a report presented in our country; 19% of women have been exposed to moderate physical violence, while 16% of women stated that they have been exposed to severe violence, including other acts of violence. Physical violence is 36% and sexual violence is 12% across the country. 68% of the women who were victims of violence stated that they were only exposed to physical violence, and 5% reported exposition of sexual violence only. The coexistence of both forms of violence is common, 27 % of women are subjected to both physical and sexual violence. The level of physical and/or sexual violence experienced by divorced or separated women is 75% which is twice the rate of violence among all women. Emotional violence/abuse in any period of their lives is 44%, and 26% in the last 12 months. In Turkey, the economic violence rate of women in any period of their life is 30%, and in the last 12 months is 15%. Unfortunately,

in our country, all types of violence against women are common and women are more exposed to violence as their education level decreases³⁴.

Women who have been abused have a 50% to 70% increase in the gynecological, central nervous system and stress-related problems, while women who have been sexually and physically abused are more likely to report these problems⁴. Prolonged exposure to threatening life events, including domestic violence, is associated with the onset, persistence, and recurrence of mental illnesses³⁵. In addition, men and women with mental illness have an increased risk of being subjected to violence³⁶.

Psychological Dimensions of Violence Against Women

Violence against women has a significant impact on mental health. It negatively affects women's self-worth, sense of autonomy, and ability to think and act independently. Physical, psychological, sexual abuse and violence lead to adverse health consequences such as PTSD, depression, low self-esteem, and premature death^{27,37}. The risk of alcohol, drug and substance abuse, sexual risk taking, and subsequent victimization are also likely to arise as a result of violence³⁸. The mental health deterioration of the woman affects the individual and the family, and the society in general. Therefore, identifying and addressing women's mental health problems at an early stage is of great importance in terms of health protection and development³⁹.

The researchers emphasize that women who are subjected to violence experience feelings such as fear, anxiety, hopelessness, and insecurity, and over time; loss of self-esteem, loss of control and questioning the meaning of life are added with the increase in the intensity of these feelings and violence. It is stated that these experienced problems could reach a level that can meet the psychiatric diagnosis criteria in the long term¹⁴. PTSD, depression, suicide attempts, alcohol and drug abuse, and aggressive behavior towards their children are common in women exposed to violence³. It has been reported that 47.6% of women subjected to violence had depression, 17.9% had suicidal thoughts⁴⁰, while the attempts of suicide were observed 4 to 8 times more likely¹⁴. In another study showed that among women who are exposed to partner violence, rates of developing moderate and severe depressive symptoms with physical symptoms were higher and their quality of life and social functionality was found to be lower⁴¹.

In addition to the fact that violence against women could be a basis for psychiatric illnesses, it is also quite common in psychiatric disorders. The prevalence of lifetime spousal violence was 30% among inpatients and 33% among outpatients⁴². The median lifetime prevalence of any type of partner violence for women with an anxiety disorder was found to be 27.6%⁴³, while the prevalence of any partner violence among women with schizophrenia and non-affective psychosis was between 43.8% and 83.3%^{44,45}. A study of female veterans showed that lifetime partner violence may be indirectly related to the development of a psychiatric disorder such as an eating disorder through post-traumatic stress disorder (PTSD) and depression symptoms⁴⁶. Also, women with lifelong eating disorders were found to be more exposed to partner violence during and after the perinatal period⁴⁷.

Emotional/verbal violence will have longer-lasting effects than physical violence, and it is emphasized that the person who is constantly humiliated, insulted and said to be worthless will internalize them over time and begin to see herself as such. Emotional violence is more likely to turn into physical violence in the later periods⁴⁸. As the variety of violence women were exposed to increased, the observed depression and anxiety increased³⁹. Observations revealed that the process of coping with violence by women is related to the frequency and magnitude of the violence, the duration of the violent relations and social support opportunities⁴⁹.

According to studies on violence against women and domestic violence, the mental health of women who experience violence deteriorates due to this situation. It has been observed that women exposed to different types of violence develop disorders such as depression⁵⁰, PTSD and attempt suicide⁵¹.

Women who reported partner violence at least once in their lives reported significantly more emotional distress, suicidal thoughts and suicide attempts than women who were not abused⁵². Women who are subjected to partner violence are twice as likely to experience depression and alcohol use disorder²⁷ and has been reported to have 31–84.4% of PTSD symptoms³⁸.

Studies conducted on female patients -whether outpatient or inpatient- show that domestic violence is an important problem in the psychiatric patient group^{20,53}. More than half of the patients in the psychiatry clinics were subjected to violence in their marriage, and the deterioration of mental health of these women may have been caused by the violence they experienced²⁰. Only 37% of women exposed to intimate partner violence of those subjected to violence appealed for mental health assistance, while the vast majority were former patients with a diagnosis of depression and PTSD⁵⁴. This suggests that women subjected to violence tend to seek help only if they have a previous psychiatric diagnosis.

Legal Dimensions of Violence Against Women

In many countries, the containment of violence against women through consistent and effective policies, laws and their enactment are insufficient or none⁵⁵. In addition, even if there is a legal regulation, it is seen that most women are unaware of this regulation⁵⁶. Violence against women was recognized for the first time by the United Nations Conference on Human Rights in Vienna, regardless of whether it was a "private" or "national" problem⁵⁷. According to the Vienna Declaration: The human rights of women and girls are an inalienable and indivisible part of universal human rights. Gender-based violence and all forms of sexual assault and exploitation, including those stemming from cultural prejudices and international human trafficking, are incompatible with human dignity and should be eliminated. This declaration places the responsibility on the state to end violence and to ensure the effective protection of female citizens.

One of the ways in which this responsibility is fulfilled is women's shelters. Women's shelters are the temporary living spaces of women who have been subjected to the domination of gender ideology in various ways and cannot provide the necessary material and moral conditions for themselves and their children to combat this. Therefore, the concept of "shelter" was developed by a mindset that conceptually opposes gender inequalities, sees violence against women as a public problem and feels the responsibility of combating it⁵⁸. In accordance with the "Regulation on Women's Shelters affiliated to Social Services and Child Protection Agency", which was published in 12 July 1998, the needs of women who have been subjected to physical, sexual, emotional and economic violence, together with their children were to be provided by shelters where they can stay temporarily has been officially accepted and women's shelters have started to be established within the body of Social Services and Child Protection Agency⁵⁹.

Violence against women is not addressed in many legal texts, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of 1979, which is accepted as the Declaration of Human Rights of Women. In the Recommendation by the Committee on the Elimination of All Forms of Discrimination Against Women, gender-based violence was expressed as "a form of discrimination that seriously prevents women from exercising their rights and freedoms on an equal basis with men"⁶⁰. As a CEDAW signatory, Turkey has made some commitments on domestic violence and made regulations on national law.

The Council of Europe has started to work to rectify recognizing shortcomings in domestic violence area and in Istanbul on 11 May 2011 " Convention on Prevention and Combating Violence Against Women and Domestic Violence " was signed. Turkey was the first signatory states of this convention. Since the contract was signed in Istanbul, it is briefly called the Istanbul Convention. The Convention is aimed at preventing and punishing the domination of one of the parties over the other and the use of violence based on this relationship of domination, arising from living together and having lived before in the home⁶¹. As stated in the Istanbul Convention; "Violence against women means any act of gender-based threats, coercion or arbitrary deprivation of liberty, whether occurring in the public or private sphere, which causes or may cause physical, sexual, psychological and economic pain or suffering to women. It is understood as a human rights violation and a form of discrimination against women. The Convention states that parties should ensure that all women are provided with adequate protection by laws against domestic violence and abuse, rape, sexual assault, and other gender-based violence, and that their integrity and dignity are respected. Also, victims should be provided with appropriate protective and support services and public officials are required to be trained in a gender-sensitive manner⁶¹.

The United Nations Declaration on the Prevention of Violence Against Women, which was adopted in the United Nations General Assembly in December 1993, is the first international document on violence against

women and has been a precursor for further studies on this issue. With this declaration, it was acknowledged that violence against women could also be applied economically and this form of violence was also included in the legal regulations⁶⁰. With these developments in the international arena and the efforts of the women's movement, in 1998, No. 4320 Law on the Protection of the Family in Turkey has taken place in Turkey. Although this law has deficiencies, protective measures for women have been taken with many regulations. Law No. 6284 on the Protection of the Family and the Prevention of Violence Against Women, which entered into force on 08.03.2012. designed to eliminate the deficiencies and uncertainties of Law No. 4320 and the difficulties in implementation⁶¹. With this law, it is aimed to protect people, especially women and children, who are exposed to violence not only by the spouse, but also by any family member living under the same roof. Also, considering the provision in Article 41 of the Constitution, "The state takes the necessary measures and establishes an organization for the peace and welfare of the family, especially for the protection of the mother and children", it has become necessary to take legal measures to protect women and children who are victims of domestic violence. With the "Draft Law on the Protection of the Family" prepared for this purpose, the provisions applied in countries such as the USA, Australia, New Zealand, England, Ireland and Norway that will enable women who are likely to be subjected to violence to apply to the courts and receive a protection order are included in the Turkish legal system, too⁶².

In our country, the first of the Action Plans for Combating Violence Against Women was prepared in 2007. In 2012, the second action plan on violence against women entered into force, and studies on the Monitoring and Evaluation of the Action Plan were carried out. With the "National Action Plan for Combating Violence Against Women 2016-2020", which was approved and entered into force in December 2016; it was aimed to make improvements in 5 basic areas: Legislative arrangements, raising awareness and mentality transformation, protective and preventive service delivery, and empowerment of victims of violence, regulation and implementation of health services, cooperation between institutions and policy. In addition, in the Strategy Document and Action Plan for Combating Early and Forced Marriages, whose main purpose is to reduce early and forced marriages and to empower girls, developing legislation on early and forced marriages, increasing knowledge, and ensuring the empowerment of girls through education was aimed. Activities were carried out within the scope of these aims like improvement of the protective and preventive service delivery capacity and inter-sectoral cooperation with institutions/organizations⁶³.

The concept of violence, firstly, introduced in our law No. 6284, on the Law of Protection of Family and Prevention of Violence Against Women. It was defined as "The person's actions that result in or are likely to result in physical, sexual, psychological or economic harm or suffering, the threat and pressure or all kinds of physical, sexual, psychological, verbal or economic attitudes and behaviors occurring in the social, public or private sphere, including the arbitrary obstruction of freedom"⁶⁴. In this article of law, it was stated that gender-based discrimination against women only because they are women or any attitude and behavior that causes a violation of women's human rights is defined as violence¹⁰.

Violence against women is above all a violation of human rights. Due to the fact that international law is generally concerned with state-based interventions against human rights and the states refrain from intervening in this area based on the principle of the immunity of the private sphere; it emerges as the most difficult human rights violation to prevent. The term "violation of the human rights of women and girls" has been introduced in order to fill the mentioned lack of human rights violations that women are subjected to and to emphasize that these acts of violence are violations of human rights⁶⁵.

Experience has shown that protection orders issued by courts alone are not sufficient to protect women from violence. In addition, after these protection orders are made, law enforcement bodies, shelters, hospitals, schools and other institutions to which women can apply should be equipped to provide services in accordance with protection orders⁶¹. Reported rates of domestic violence vary according to jurisdictions and cultures but are observed in all countries and all socioeconomic groups, and its prevalence is related to socioeconomic variables²⁹. Programs against domestic violence in Turkey are carried out by the Ministry of Family and Social Policies. After the European Union supported Shelters Project, which was carried out between 2008 and 2010, the Project on Combating Domestic Violence was initiated. The aim of this project, which has been going on since 2013, is to ensure that women have adequate protection against violence by

creating and/or improving existing services for women who are exposed to violence/domestic violence in 26 provinces⁶⁶.

Healthcare professionals are the foremost support for victims of violence. In this respect, they are in an ideal position to recognize and intervene in violence, as they are frequently consulted by victims even for years after violence and often face physical and mental health consequences. Therefore, they must provide physical and emotional safe care in a non-judgmental and supportive manner in both the early and late stages of victimization^{67,68}.

The response of the health sector to sexual victimization can take place in three stages of problem development: prevention of victimization; identification of victims of violence and early intervention; care of the victim (primary, secondary and tertiary protection, respectively). In practice, the main role of health services is related to secondary and tertiary prevention⁶⁹⁻⁷⁰. Emergency care, long-term follow-up and psychosocial and legal referrals for victims are important issues to be addressed.

Result

Violence against women is a social, human rights and public health problem and it is common among society. Therefore, since the causes of violence against women are complex, they should be addressed both psychologically, socially and legally. It is necessary to recognize that violence against women is a mental health and human rights problem, and violence against women should be included in mental health policies and programs. Also, it is important to take strong legal measures to end violence against women, to raise awareness of violence in society and its prevention. Women who are subjected to violence must be supported psychosocially. Apart from these, strong legal measures should be taken to end violence against women, and awareness should be raised against violence prevention in society. It is important to support women exposed to violence from psychosocial pain and to address their psychological treatment. The effectiveness and applicability of the laws should be verified by both legal and psychological studies. In addition, psychological help steps should be arranged in order to reduce/prevent the psychologically destructive effects of violence against women on society and on children. Relevant public and social authorities should be able to act quickly, and arrangements should be made in this direction for women who have been subjected to violence and who are at risk of experiencing violence.

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