

COMBATTING VIOLENCE AGAINST WOMEN IN TURKEY: “LEGISLATION AND INSTANCES OF IMPLEMENTATION”

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ABSTRACT

Although women live in different conditions in different geographies, they are exposed to almost similar forms of violence. Violence against women is not only a problem of our time, it will remain among the problems that will exist in the past and even in the future. For this reason, it is very important to generate permanent solutions to combat violence against women.

Turkey has achieved numerous gains in the legal field when it comes to combatting violence against women based on women empowerment. Various institutional mechanisms have been established and relevant institutions have put in place specific programs, action plans, strategy documents and practices in order to reflect existing legislation via real life implementation.

This study will focus on the legal regulations adopted within the scope of the Convention on Preventing and Combating Violence against Women and Domestic Violence, also known as the Istanbul Convention due to being signed in Istanbul, as well as amendments to relevant legislation within this context. The study will also elaborate on examples of implementation developed within the scope of combatting violence against women.

Key Words: Violence against women, Istanbul Convention, Policies, VPMC and WSMA.

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TÜRKİYE’DE KADINA YÖNELİK ŞİDDETLE MÜCADELEDE: “YASALAR VE UYGULAMA ÖRNEKLERİ”

ÖZ

Kadınlar farklı coğrafyalarda farklı koşullarda yaşasalarda neredeyse benzer şiddet türlerine maruz kalmaktadır. Kadına yönelik şiddet sadece çağımıza ilişkin bir problem olmayıp geçmişte ve hatta gelecekte de var olacak problemler arasında yerini koruyacaktır. Bu nedenle kadına yönelik şiddetin önlenmesine yönelik önleyici ve koruyucu birtakım kalıcı çözümler üretmek oldukça önemlidir.

Kadınların güçlenmesi temelinde kadına yönelik şiddetle mücadele konusunda Türkiye’de yasal alanda pek çok kazanım elde edilmiş; çeşitli kurumsal mekanizmalar oluşturulmuş; mevzuatın uygulamaya yansımaları için ilgili kurumlarca program, proje, eylem planları, strateji belgeleri ve uygulama örnekleri hayata geçirilmiştir.

Bu çalışmada, İstanbul’da imzalanmış olmasından dolayı İstanbul Sözleşmesi olarak da anılan Dünyada kadını şiddetten korumayla ilgili tek uluslararası sözleşme olma özelliği olan “Kadınlara Yönelik Şiddet ve Aile İçi Şiddetin Önlenmesi ve Bunlarla Mücadeleye İlişkin Avrupa Konseyi Sözleşmesi” başta olmak üzere diğer mevzuat değişiklikleri çerçevesinde kadına yönelik şiddetin durdurulması ve son verilmesine yönelik hayata geçirilen yasal düzenlemeler ve şiddetle mücadele kapsamında geliştirilen uygulama örnekleri ele alınacaktır.

Anahtar Kelimeler: Kadına Yönelik Şiddet, İstanbul Sözleşmesi, Politikalar, ŞÖNİM ve KADES.

1. INTRODUCTION

Violence against women is a social problem which deprives women of their most fundamental human rights. The World Health Organization (WHO) defines violence as the injury, death or psychological damage occurred or potentially occurred by the victim due to the use of physical force or authority as an intentional threat or reality on another (Arın, 1996; Subaşı ve Akın, 2003: 233; Ediz ve Altan, 2017: 399; WHO Department of gender, women and health, family and community health. Addressing violence against women and achieving the millennium goals, Geneva: World Health Organization; 2005). Similarly, the WHO has defined violence against women as the injury of women as a result of any form of physical, sexual and psychological intervention to her corporal integrity for the sole reason that she is a female and the arbitrary limitation of her freedoms in her community or private life by use of pressure (International Conference on Population and Development (ICPD), 1994). Certain studies provide that violence against women is a human rights violation at a global level and is a consequence of non-egalitarian power relations between man and woman (Aile İçinde ve Toplumsal Alanda Şiddet, 1998). Whatever form it may take, violence is an important impediment to the free exercise of women’s fundamental rights and freedoms.

Currently, violence against women and domestic violence continue to be one of the most widespread social problems and human rights violations. In every corner of the World, regardless of race, language, religion or ethnic identity, the most common form of violence observed in society is that exercised by man against woman and child within the family. In fact, according to studies conducted in numerous countries, violence against women within the family is particularly widespread (Korur, 2003; Yurdakul, 1996). Various sources indicate that the frequency of violence against women around the World varies between %10 and %69. In Turkey this figure varies between 25% and %30 (HÜNEE, 2009).

The Report published by the WHO in 2013 reveals the global dimensions of violence against women. Studies conducted in order to determine the prevalence of this phenomenon provide data confirming this fact. According to the 2013 Report, globally, %35 of women had been subject to physical and / or sexual

violence from their spouse or their live-in partner or are subject to such violence from a third person. Moreover, it has been determined that %38 of women homicides have been performed by the spouse or live-in partner of the victim World Health Organization, 2013).

When European Union (EU) countries are examined, similarly, violence against women appears to be pervasive. According to an important Report of the EU Fundamental Rights Agency (FRA) which is based on a study conducted face to face with 42.000 women in 28 EU member states, starting from the age of 15, one woman in three has been victim to physical or sexual violence. In the last 12 months this rate was determined to be %8. Moreover, according to the same Report, while abuse of woman was wide-spread, only a small proportion of such incidents were actually registered; that is, only %14 of domestic violence incidents and %13 of other types of violence were registered. In addition, the report observed that woman who terminated their relations continued to remain under risk. Two out of five women (%43) have experienced psychological violence from their current or former partners. In addition, starting from age 5, %18 of women have been subject to stalking. Unfortunately, around %12 of women have been subject to sexual abuse from an adult before the age 15. %42 of women who have been subject to violence from their spouse or partner have also indicated that violence continued even during pregnancy².

In Turkey, violence against women became part of public debate thanks to the reinforcement of the struggle fought by the women’s movement in the late 1980’s (Çalışkan ve Çevik, 2018:219; Ediz ve Altan, 2017:401). According to the results of the Domestic Violence against Woman Study conducted in 2014 by the Hacettepe University Institute of Population Studies (HUIPS), the rate of women who declared that they had been subject to physical violence was %36. For the last 12 months this rate was %8. In other words, about four out of every ten women had been subject to physical violence from their

² European Union Agency for Fundamental Rights, 2014 Violence against women: an EU-wide survey Main results, See: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2014-vaw-survey-main-results-apr14_en.pdf [22. 05. 2019].

male spouse or partner. 12% of married women stated that they had been subject to sexual violence in their life and %5 stated to had suffered such an act within the last 12 months. Moreover, %44 of women have suffered psychological violence in their life and %26 have suffered such violence within the last 12 months. The percentage of women who have been exposed to forms of economic violence is %30, and 15% have suffered such violence within the last 12 months. Preventing the victim to work or forcing her to quit her job were the two most indicated forms of economic violence experienced. One out of four women have suffered economic violence during their life, while this rate is one out of ten women within the last 12 months. Moreover, in Turkey, three out of ten women have been subject to stalking. The forms in which such behavior manifests can be summarized as persistent calling (19%), sending of SMS, mail or e-mail (%8), social media stalking (%6) and disturbing the victim by turning up at her workplace (%6) (HUIPS, 2014).

As it can be observed from the statistics, violence against women manifests as a violation of fundamental human rights and freedoms in all corners of the World and is the result of unequal power relations between men and women. Unfortunately, most women who are exposed to such violence do not or cannot share such a negative experience with anyone else. Sometimes they are completely unaware of who or where to apply. As a result, they rarely seek help from health institutions, law enforcement agencies and other support services.

Different theories explain why even when once subject to violence a woman continues to live in such dire circumstances. The most well-known amongst these theories are “Learned Helplessness” and the “Stockholm Syndrome”³. Women are usually left alone with the violence which they experience. Lack

³ The theory of learned helplessness is based on the feeling of vulnerability that is felt by the female victim of violence. This feeling manifests in various forms such as a denial of the violent experience or self-guilt and is based on the belief that the victim cannot find a way to escape from being subject to violence. The Stockholm Syndrome is based on the dependence of the victim to the perpetrator. The victim of violence is dominated by the thought that she cannot escape from violence. The victim does not communicate with others and is bound to the initiative of the perpetrator. And in time, the victim normalizes the negative circumstances and her own situation. See: Anadolu Üniversitesi, 2011: 128-129.

of information and supportive means to defend their own rights prevents them from revealing the violence which they have been subject to. Thus, not knowing the possibility of a way out, the victim experiences a feeling of helplessness. These feelings teach the women that she has no control over events and that she cannot change whatever she is going through.

For these reasons, many women believe that the violence they experience is their own fault and they have done something to deserve such an outcome. Consequently, over time, they internalize the circumstances. Moreover, existing social value judgments cause violence to remain a secret and hinder access to much needed support and protection. Especially in less developed and developing societies where social control is more prevalent, we are faced with the persistence of violence due to reasons such as non-tolerance towards open debate on violence, social pressure on the victim so that violence is endured in order not to disrupt the family union which usually includes children, the misevaluation of the effect of violence experienced by the victim, lack of an extended family which would take care of the victim and economic limitations which prevents the victim from distancing herself and her children from the violent environment (Rittersberger Tılıç, 1998).

Having examined the concept of violence with reference to certain statistics, this study will touch upon the legal regulations in this field. In addition, the study will identify those programs, projects, action plans and strategy documents, as well as examples of implementation put in place by the relevant institutions so as to reflect the implementation of the legal framework.

2. LEGAL REGULATIONS AND FUNDAMENTAL POLICIES

2.1. Legal Developments

In Turkey, beginning with the Constitution, numerous laws have been amended so that equal opportunities are guaranteed for men and women. Moreover, it is important to note that in recent years and in line with social progress, numerous laws concerning equality between men and women have been subject to amendment.

Constitutional amendments are the most important manifestation of change in policy towards women. Within this context, equality of men and women was reinforced at the constitutional level with the amendments adopted to articles 41 and 66 in 2001, to articles 10 and 90 in 2004, and again to article 10 in 2010.

In 2004 the sentence “*Men and women have equal rights. The State has the obligation to ensure that this equality exists in practice*” was added to article 10 of the Constitution. In 2010 the sentence “*Measures taken for this purpose shall not be interpreted as contrary to the principle of equality*” was added to the end of the second paragraph. As a result, in addition to the obligation to not discriminate based on gender, the state has also assumed the obligation to regulate and take necessary measures to ensure equal rights and opportunities for men and women in all spheres of life; thus, laying the constitutional basis for the implementation of positive discrimination. Moreover, the sentence “*and based on the equality between spouses*” was added after the phrase “*Family is the foundation of the Turkish society*”. In addition, the phrase “*In the case of a conflict between international agreements, duly put into effect, concerning fundamental rights and freedoms and the laws due to differences in provisions on the same matter, the provisions of international agreements shall prevail*” was added to article 90. In this context, international treaties targeting the protection of fundamental rights and freedoms, including the Istanbul Convention and the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), were given priority in case of conflict with national legislation. Finally, on the 7th of May 2010 the Law on Amending Certain Articles of the Constitution (Law No. 5982) was adopted, adding the following phrase to article 148: “*Everyone may apply to the Constitutional Court on the grounds that one of the fundamental rights and freedoms within the scope of the European Convention on Human Rights which are guaranteed by the Constitution has*

been violated by public authorities”. As a result of this regulation, the possibility to apply to the Turkish Constitutional Court was provided in case of gender discrimination⁴.

In addition to the Constitution, adoption of egalitarian reforms via amendments to fundamental laws such as the Turkish Civil Code, the Labor Law and the Turkish Criminal Code has provided the Turkish legal system with a structure upholding the principle of equality between men and women and recognizing zero tolerance towards violence against women.

The Turkish Civil Code (Law No. 4721) entered into force on the 1st of January 2002. As a result of work carried out during the drafting of the law, equal rights were granted to men and women in the representation of the marriage union. Moreover, joint custody was recognized with regards to custody rights over common children and the existing regulation which required permission from the spouse with regards to the choice of profession or work was abolished. In addition, with the aim of protecting women’s labor in marriage, the participation in acquired property regime was established as the applicable property regime in marriage if the parties had not explicitly determined otherwise.

Following the entry into force of the new Turkish Civil Code, the Law on the Establishment, Duties and Trial Procedure of Family Courts (Law No. 4787) was adopted on the 9th of January 2003. According to this law, in addition to the obligation to resolve disputes concerning family law, family courts were held responsible for the implementation of the Law on the Protection of the Family and Prevention of Violence against Women (Law No. 6285) and were provided with the competence to adopt protective and/or preventive decisions accordingly; thus, attaining specialization of courts in this field.

Legal reform has not been limited to civil law, specific amendments have also been adopted in the field of criminal law. The Turkish Criminal Code (Law No. 5237), which entered into force on the 1st of June 2005, contained more than thirty important amendments to ensure equality of men and women and the

⁴ For relevant jurisprudence See: Turkish Constitutional Court judgment: Anayasa Mahkemesi T. 04.04.2019, E. 2016/2100, K. 2016/2100 sayılı kararı, <https://www.corpus.com.tr/#!/AnayasaMahkemesi> [21.06.2019].

legal protection of the physical and sexual rights of women and children. Many crimes against women were excluded from the scope of crimes against society and their penalties were aggravated by being enumerated as crimes against individuals. Moreover, within the framework of these amendments it has been foreseen that perpetrators of “custom” killings are to be punished with life imprisonment, the most severe penalty prescribed by the Code. In addition, the Prime Ministry Circular No. 2006/17 on “Measures to be taken for the Prevention of Violence against Children and Women as well as Prevention of Custom and Honor Killings” is in force since the 4th of July 2006.

In 2014, sexual crimes were reevaluated with the amendment of the Turkish Criminal Code, and a draft expanding the scope of these crimes and increasing their penalties was adopted. With this Law, penalties for the crime of sexual assault were aggravated. Furthermore, sexual violence related crimes were redefined, and their scopes were extended. Thus, women were protected against sexual harassment at work, as well as rape and sexual assault in marriage. Also, concerning the regulation on marriage with the rapist, the clause foreseeing postponement of the sentence was abolished. In the same year, Article 122 on discrimination was rearranged under the title “hatred and discrimination”. Thus, denial of a person to benefit from public goods or services or to prevent economic activity due to language, race, nationality, color, gender, disability, political thought, philosophical belief, religion or sectarian difference was established as a crime, sanctionable with one to three years of imprisonment.

Significant progress has been achieved towards ensuring equality of men and women in the field of work with the amendment to the Labor Law in 2003. As a result, starting from the beginning of an employment contract until its termination, conduct which violate gender equality is non-permissible in business life. Moreover, for the first-time, provisions regarding sexual harassment and partial work in the workplace were adopted. In addition, with the new Labor Law (Law No. 4857), some flexible working methods have been granted a legal basis.

Under the Law on Municipalities (Law No. 5393), which entered into force in 2005, metropolitan municipalities and municipalities with a population of more than 50,000 were granted the right to open

protection homes for women and children. With the amendment to the Law in 2012, metropolitan municipalities and municipalities with a population of more than 100,000 are obliged to provide guesthouses for women and children.

The Law on the Establishment and Broadcasting of Radio and Television (Law No. 3984) contains various provisions on gender equality and the abuse of women via media. The Law has regulated publication principles to be observed by all radio, television and data publications. According to these principles, publications which instigate violence, terrorism or ethnic discrimination in society or provoke hatred and enmity in the people based on language, race, color, gender, political thought or create feelings of hate in the general population are not to be allowed. Moreover, people should not be condemned or humiliated in any manner due to their language, race, color, gender, political thought, philosophical belief, sect or similar reasons. In addition, private life should be respected, and all the elements of programs must be respectful to human dignity and fundamental human rights. Finally, violence and discrimination against women, children and the weak should not be encouraged.

The Law on the Protection of the Family (Law No. 4320), which came into force on the 1st of March 2008, protects individuals who have experienced physical, verbal, sexual and psychological violence within the family. The Law allows for enforcement action to be taken by a family court against a violent family member. In accordance with the Law, if one of the spouses, children or other live-in family members or a spouse who was the legal right to live separately or who has a court decision on separation or *de facto* lives separately has been subject to domestic violence, once this has been reported individually or by the chief public prosecutor’s office, the family court judge will take the circumstances of the case into account. The judge may *ex officio* decide on numerous measures, which may include but are not limited to the following: The faulty spouse or other family member is to abstain from communications and acts containing violence or which aim to spread fear; is to be removed from the common house which in return is to be allocated to other family members; is to refrain from approaching the house or workplace in which they live together or separately; is to abstain from damaging the

property of family members; is to refrain from disturbing family members through means of communication; if in possession of weapons or similar articles, is to deliver them to the police; is to refrain from arriving at the house or workplace of the victim of violence having used any form of alcohol or drugs; and is to apply to a health institution for examination and treatment. These measures may be adopted individually or together.

The most important international legal text aimed at preventing violence against women is the *Counsel of Europe Convention on the Preventing and Combatting Violence against Women and Domestic Violence*, also referred to as the Istanbul Convention due to being signed in Istanbul during the Presidency of Turkey to the Council of Europe. As one of the first to sign the Convention, Turkey adopted the Law on the Protection of Family and Prevention of Violence against Women (Law No. 6284) in order to abide by the obligations deriving from the Convention.

The entry into force of the Law No. 6284 in accordance with the provisions of the Istanbul Convention is the most important indicator that the legal infrastructure on combatting violence against women has been strengthened and that the fight has been taken to a new level.

With the adoption of Law No. 6284 all women, children, other family members and victims of stalking have been included into the scope of the law without distinction and the concepts of “violence”, “domestic violence” and “violence against women” have been defined as to cover physical, verbal, sexual, economic and psychological violence. Protective and preventive measures have been regulated in detail for both protected individuals and individuals who apply or may apply violence. Apart from the family court judge, the civil authority and chief of law enforcement have been granted competence to adopt those measures enumerated under the Law. This way it is possible to take certain provisional measures outside of working hours and during weekends and holidays. Moreover, to increase the effectiveness and deterrence of the law, it is foreseen that in case of violation of such measures the perpetrator is sanctioned with three to ten days of forced confinement, with fifteen to thirty days of forced confinement for each additional repetition. The Law also establishes and regulates the services

to be rendered by Violence Prevention and Monitoring Centers (VPM Centers) which have been set up to prevent violence and provide assistance and monitoring services for the effective implementation of preventive and protective measures.

2.2. Basic Policy Documents

Basic policy documents, programs and practices are being implemented with the encouragement of international conventions and legal regulations, especially inspired by the Istanbul Convention. Since problems experienced by women are multifaceted, the subject must be considered under a holistic approach. It is very important to work in cooperation with all institutions and organizations responsible for the empowerment of women so that the concept of equality of men and women is included in all the main plans and programs in our country and work is carried out so that the understanding of equality between men and women is reflected in policies and practices.

In this direction, measures aiming to ensure the empowerment of women in our country are being included in development plans, government programs and strategic plans. The work to be conducted by numerous institutions for the empowerment of women are compiled in special systematic documents. These works carried out separately lead to the emergence of a superior policy document. In this context, strategy documents and national action plans, development plans and government programs are considered to be one of the most important tools in inserting women's equality of opportunity in main plans and policies.

In order to present a framework for the steps to be taken in combatting violence against women and to guide relevant institutions on the subject matter action plans are prepared by the Ministry of Family, Labor and Social Services⁵. In this context, the “*National Plan of Action for Combatting Violence against Women*” is prepared to cover a three-year period. The implementation of the actions foreseen

⁵ See: <https://ailevecalisma.gov.tr/ksgm/ulusal-eylem-planlari/kadina-yonelik-siddetle-mucadele-ulusal-eylem-planlari/> [01.06.2019].

under the plan are monitored through periodic meetings. The first Plan of Action for Combatting Violence Against Women was prepared in 2007⁶. The second plan, which was the “*National Plan of Action for Combatting Violence Against Women (2012-2015)*”, entered into force in 2012 and work was conducted for the Implementation and Evaluation of the Action Plan⁷. With the termination of the term of application of the 2012-2015 period National Action Plan, work was carried out for the update and preparation for the 2016-2020 period. Within the scope of this work, the Istanbul Convention and other relevant applicable international conventions and national laws and reports were examined, including the “*Monitoring and Evaluation Reports of the National Action Plan for Combatting Violence Against Women 2012-2015*”, the results of the “*Effect Analysis of the Law No. 6284*”⁸ and the “*Report of the Parliamentary Inquiry Commission for the Determination of the Reasons of Violence Against Women and Measures to be Taken*”⁹ prepared by the Turkish Parliament. In line with emerging social needs and developments, the aims, strategies and activities of the new Action Plan were determined with the active contribution and participation of relevant public institutions and organization, NGO’s and university research centers¹⁰.

The “*National Action Plan for Combatting Violence against Women 2016-2020*” entered into force in December 2016 and was distributed to relevant institutions and organization. It aims to bring further improvements in five main areas: Legal regulations; awareness-raising and mentality transformation; empowerment of victims of violence and the rendering of protective and preventive services; regulation and implementation of health services and cooperation among institutions and organizations; and policy development.

⁶ See: http://www.ktu.edu.tr/dosyalar/kadinarastirmalari_b5652.pdf [01.06.2019].

⁷ See: <https://ailevecalisma.gov.tr/ksgm/ulusal-eylem-planlari/kadina-yonelik-siddetle-mucadele-ulusal-eylem-planlari/> [01.06.2019].

⁸ See: <https://ailevecalisma.gov.tr/ksgm/yayinlar/> [01.06.2019].

⁹ See: <https://www.tbmm.gov.tr/sirasayi/donem24/yil01/ss.717-bolum-1.pdf>, <https://www.tbmm.gov.tr/sirasayi/donem24/yil01/ss.717-bolum-2.pdf>, [01.06.2019].

¹⁰ See: <https://ailevecalisma.gov.tr/ksgm/yayinlar/> [01.06.2019].

Another action plan covering the years 2018-2023 is the “*Strategy Document and Action Plan for Combating Early Age and Forced Marriages*”¹¹. This plan was prepared by the Ministry of Family, Labor and Social Services in order to solve problems related to early and forced marriages in light of applicable international conventions and national legislation and with the contribution and participation of relevant public institutions and organizations, university research centers for women studies, NGO’s and international and regional organization. The Action Plan includes activities covering every section of society under the headings of “legislation development”, “empowerment of female children”, “raising awareness” and “inter-institutional cooperation”. It aims to provide for children access to health, education and social rights and prevent their childhood from being stolen due to early age and forced marriages.

Early age and forced marriage are important forms of human rights violations and violence against women. They are social phenomenon more frequently witnessed in the poorest traditional societies which are usually devoid of educational opportunities and have spread to other parts of the Globe due to forced or voluntary migration. Developed countries, on the other hand, struggle with specific forms of early marriages or early pregnancies. Early marriages can be caused by reasons such as economic poverty, lack of information, stereotypes, lack of education, domestic violence and community pressure¹².

The Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Istanbul Convention, and other international conventions to which our country is party, include provisions on early and forced marriages, and oblige states party to take necessary legislative, administrative and other measures.

¹¹ See: http://www.sp.gov.tr/upload/xSPTemelBelge/files/RySPo+KADININ_GUCLENMESI_STRATEJI_BELGESI_VE_EYLEM_PLANI_2018-2023_.pdf [01.062019].

¹² See: Kadına Yönelik Aile İçi Şiddeti Önleme Projesi, 2013, https://vatandas.jandarma.gov.tr/KYSOP/uzaktan_egitim/Documents/2%20KYAIS.pdf, [21.06.2019].

In examining the prevalence of early marriages in our country, one can observe that in time this form of marriage has declined for both sexes. According to the marriage statistics of the Turkish Statistics Institute, while in 2013 the rate of official marriage in girls between the age of 16-17 was 6.2%, by 2017 it had decreased to 4.2%¹³.

In order to prepare these action plans various researches and projects are carried out by governmental and NGO’s. The first large scale “*Study on Domestic Violence Against Women in Turkey*” was conducted by the Ministry of Family, Labor and Social Services in 2008 in order to provide a nation-wide answer to the question “What are the sources and types of violence against women?” so that effective indicators could be extracted for monitoring and combatting domestic violence against women. The follow up study was conducted in 2014¹⁴.

The “*Effect Analysis Study on the Implementation of Law No. 6287*” initiated in 2014 with respect to the Law on the Protection of Family and Prevention of Violence against Women (Law No. 6287) has been concluded¹⁵. The study aimed to evaluate the real-life effect of the Law on woman victim of violence, perpetrators of violence and the children and relatives of these individuals. In this context, it aimed to see whether the Law was effective in the prevention of domestic violence and violence against women and the protection of victims of violence.

In addition to these studies, between the years 2014 and 2016, the Ministry of Family, Labor and Social Services conducted the “*Combatting Domestic Violence Project*” in 26 provinces. The Project aimed the establishment and development of support services for women subject to violence¹⁶.

¹³ See: <http://www.tuik.gov.tr/PreHaberBultenleri.do?id=27596> [01.06.2019].

¹⁴ See: <https://ailevecalisma.gov.tr/ksgm/yayinlar/> [01.06.2019].

¹⁵ See: <http://www.hips.hacettepe.edu.tr/KKSATRAAnaRaporKitap26Mart.pdf>. [01.06.2019].

¹⁶ See: <https://ailevecalisma.gov.tr/ksgm/faaliyetler/projelerimiz/> [01.06.2019].

As a hurtful problem existing all over the world, considerations on the issue have not been limited to the ministerial level. The Equal Opportunities for Men and Women Parliamentary Commission has also included to its agenda domestic violence against women. In 2009, a Sub-Commission was formed in order to study the subject. The Sub-Commission gathered its findings in the “Report on the Prevention of Violence against Women and the Determination of Deficiencies in Practice, If Any”. During its working period, the Sub-Commission received information from relevant public institution representatives, members of the judiciary, experts from relevant NGO’s and organized three study visits to three guesthouses in the province of Ankara¹⁷.

Another commission of the Turkish Parliament aimed to investigate the subject from a different angle. In 2011 the Turkish Parliament’s Human Rights Inquiry Commission established a Sub-Commission to examine the social, economic and legal structure of violence against women and family members and to follow the development and implementation of national and international regulations on the subject. The Sub Commission’s findings were gathered in the “Report on the Examination of Violence against Women and Family Members”¹⁸.

In 2019, the “Effective Implementation and Monitoring of the Istanbul Convention” Sub-Commission was established within the body of the Turkish Parliament’s Equal Opportunities for Men and Women Commission. The Sub-Commission’s work is continuing.

It is very important to have integration between services that serve the same purpose but are carried out by different institutions. As a result, the issue of establishing a common database between institutions in order to effectively monitor data on violence against women was raised under the 3rd National Action Plan for Combatting Violence against Women¹⁹. The first example of a common database was developed with the “6284 Decision Monitoring System” which aimed to contribute to the supervision and

¹⁷ See: https://www.tbmm.gov.tr/komisyon/kefe/docs/online_rapor2.doc [01.06.2019].

¹⁸ See: https://www.tbmm.gov.tr/komisyon/insanhaklari/docs/2012/reports/29_05_2012.pdf [25.05.2019].

¹⁹ See: http://bianet.org/files/doc_files/000/000/643/original/kadina_yonelik_siddet_uep12-15.pdf [25.05.2019].

monitoring of measures adopted by virtue of Law No. 6248. As a result, decisions on protective and preventive measure adopted by virtue of Law No. 6248 are transferred electronically to the provincial directorates of the Ministry of Family, Labor and Social Services and to VPM Centers, which in effect has decreased significantly the time necessary to reach victims of violence.

To ensure that data integration decreases the time necessary for reaching victims and increases the effectivity of protective measures, the “Domestic Violence and Violence against Women Incident Registration Form under Law No. 6284” and data with regards to measures adopted by virtue of Law No. 6284 are being shared with relevant institutions. However, in relation to sharing electronically with relevant institutions and organization decisions of “confidentiality” adopted for victims of violence by virtue of the relevant provision of Law No. 6284, work on data integration is in progress.

In combatting violence against women, it is important to improve inter-agency coordination and cooperation and focus on awareness activities. Data integration should not be seen enough, since it is especially important to provide various trainings to people working on the same topic in different institutions. In this context, training programs, seminars, conferences and similar activities are being held with relevant stakeholders and different section of society in order to raise awareness and sensitivity in Turkey about equality of opportunity between men and women and combatting violence against women. In relation to spreading awareness and information on combatting violence against women, the Ministry of Family, Labor and Social Services has held “Training Seminars on Combatting Violence Against Women” in 81 provinces, mainly for civil servants and for the personnel working in relevant institutions and organization²⁰.

On the other hand, it is important that such activities are not only limited to the public sphere and that regular workshops and meetings are conducted simultaneously with NGO’s and university research

²⁰ See: <https://ailevecalisma.gov.tr/ksgm/faaliyetler/egitimler/> [01.06.2019].

centers which work in the field of combatting violence against women so that relevant parties may share information and experience and also have the opportunity to share experienced difficulties and solution proposals.

3. PRACTICES DEVELOPED IN THE COMBAT AGAINST VIOLENCE

The existence of assistance services and institutional structures available for victims is of great importance in combating domestic violence against women. The Ministry of Family, Labor and Social Services, the Ministry of Interior, the Ministry of Health, the Ministry of Justice and other relevant ministries, municipalities, bar associations and NGO’s provide institutional services in combatting violence against women. Within this context, we shall provide in detail examples of existing institutional services.

3.1. Women Guesthouses

The General Directorate for the Status of Women (GDSW), an affiliate to the Ministry of Family, Labor and Social Services, conducts collaborative studies, especially legal work and carries out projects and campaigns, organizes meetings, conferences and seminars and contributes to the work carried out by other institutions in order to prevent and eliminate all forms of violence, harassment and abuse against women.

After being affiliated to the Directorate, Guesthouses have taken on the duty of executing and coordinating protective, preventive, educative and progressive social service activities and provide guidance and rehabilitation services. Thus, they have become executive institutions in possession of a provincial organization.

Women guesthouses are overnight social service institutions so that women who have been victim to physical, emotional, sexual, economic or verbal abuse or violence may temporarily stay with their children, if any, in order to protect themselves from violence, resolve their psycho-social and economic problems and empower themselves during this period (Küçükali, 2016:45). The purpose of this

institution is to enable admitted women to cope with the trauma they have experienced in a non-violent environment so that with support they may once again sustain healthy relations, conduct professional work and thus, they may leave the guesthouse and live their own lives in line with their own demands.

The first public women guesthouses were opened in 1990 in Izmir and Ankara under the Social Services and Child Welfare Agency. Currently, 144 guesthouses function all around the country with a capacity of 3454. 110 of these are directly affiliated to the Ministry of Family, Labor and Social Services, 1 to the Ministry of Interior General Directorate of Migration Management, 1 to NGO’s and 32 to municipalities²¹.

Women guesthouses provide professional support in order to determine the state of applying women and their accompanying children and to satisfy their need for shelter. The guesthouses include additional services such as security, counselling, psychological, legal, medical and educational aid, material assistance, allowance aid, nursery services, professional training courses, group works, scholarships for children and social and artistic activities²².

3.2. Violence Prevention and Monitoring Center

VPM Centers began to provide services with the adoption of Law No. 6284. As foreseen under the Law, these Centers provide housing, temporary financial assistance, guidance and counselling services for the victims of violence. If a threat to life exists, these centers also provide essential services such as pursuit and monitoring, childcare, legal and medical aid, scholarship for the education of children and support for employment.

²¹ See: [https://ailevecalisma.gov.tr/basin-aciklamalari/137-siginma-evi-yetmiyor-baslikli-haberle- % C4% B0lite-press-description /](https://ailevecalisma.gov.tr/basin-aciklamalari/137-siginma-evi-yetmiyor-baslikli-haberle-%C4%B0lite-press-description/) [01.06.2019].

²² See: [https://ailevecalisma.gov.tr/sss/woman-statusu-general-mudurlugu /](https://ailevecalisma.gov.tr/sss/woman-statusu-general-mudurlugu/) [20.05.2019].

As of November 2018, VPM Centers are serving in 79 provinces and a total of 353,268 individuals, including 271,058 women, 23,374 men and 58,836 women have benefited from the services provided by these centers²³.

3.3. ALO 183 Social Assistance Hotline

The “ALO-183 Social Support Hotline” functions under the Ministry of Family, Labor and Social Services. It works as a psychological, legal and economic advisory hotline for women and children who have suffered or are at risk of being subjected to violence and who need support and assistance. The hotline provides such individuals information concerning their rights and where they could apply. In addition, the hotline receives notifications concerning cases of negligence, abuse and violence and warning calls for the prevention of custom and honor killings. Taking into consideration the urgency of a situation, the responsible emergency intervention team and / or law enforcement agency of the province in question are notified so that intervention takes place as soon as possible. The hotline is available 24/7 and is free of charge. It also serves in Arabic and Kurdish languages, has the feature of communication via SMS and has a 3G feature for hearing impaired individuals²⁴.

3.4. Electronic Bracelet Application

For the prevention of the gravest forms of violence against women, namely murder, it is important to carry out risk assessment at every stage and by adopting special measures, protect victims who are under high risk. In this context, the communication and technology infrastructure facilities developed in cooperation with the relevant institutions are used for the effective protection of victims of violence.

Following the entry into force of Law No. 6284, the Ministry of Family, Labor and Social Services conducted activities for the implementation of electronic monitoring and support systems in cooperation

²³ See: Directorate for the Status of Women: <https://ailevecalisma.gov.tr/sss/kadinin-statusu-genel-mudurlugu/> [20.05.2019].

²⁴ See: <https://alo183.ailevecalisma.gov.tr/> [01.06.2019].

with the Directorate General on the Status of Women and the General Directorate of Security. In this context, the Electronic Support System Pilot Application was carried out in the provinces of Adana and Bursa between October 2012 and December 2015. In order to combat violence against women more effectively and as a result of the experience gained from the implementation of the panic button, in 2015, the Protocol for the Pilot Implementation Cooperation for the Use of Tracking Systems by Technical Methods for Combatting Violence against Women was signed between the Ministry of Family, Labor and Social Services and the Ministry of Justice²⁵.

Under the Protocol, the electronic monitoring system infrastructure and electronic clamp devices set up within the framework of the Ministry of Justice General Directorate of Prisons and Detention Houses Department of Probation are used. The victim of violence is provided with the “victim unit” and the perpetrator of violence is applied an “electronic bracelet”. Monitoring is conducted by the Electronic Monitoring Centre on a 7/24 basis; in case of a violation, the protection of the victim is ensured by the intervention of the competent law enforcement agency.

During the first period of 2015-2016 the electronic bracelet pilot application was executed in Ankara and İzmir within areas under police jurisdiction. During the second period of 2016-2017 the application was executed in areas under police and gendarmerie jurisdiction. In 2017, the practice was extended for a period of two years within areas under police and gendarmerie jurisdiction in the provinces of Ankara, İzmir, Istanbul, Bursa, Gaziantep and Antalya.

Under Law No. 6284, it is within the discretion of the judge to determine whether a victim of violence benefits from the implementation of the electronic bracelet application as a protective measure (Koç, 2013: 186). If the judge of the family court so decides, based on the time period again determined by the judge, the decision is notified to the VPM Center and the relevant enforcement agency in the

²⁵ See: Ministry of Justice: <http://www.cte.adalet.gov.tr/menudekiler/mevzuat/protokol/P52.pdf> [23.05.2019].

province which under the coordination of the VPM Center contacts the Probation Directorate. Thus, the use of electronic bracelets on the perpetrator of violence is ensured and the victims is informed and provided with a victim’s unit. Technical tracking practices are applied as a priority in cases where there is high risk to life, where the victim is under risk or in cases of frequent violation of previous measures. In addition, considering that this system cannot be considered by itself as sufficient in terms of ensuring the security of the person, if necessary, different security measures may be applied in conjunction with technical tracking.

3.5. Women Support Mobile Application

Women Support Mobile Application (WSMA) is an official application, offered to users in order to prevent harmful acts such as violence and harassment which women and children may be subject to²⁶. It was prepared by the General Directorate of Security and is the first emergency response application to come to mind in emergency situations.

Considering the increase of violence against women in recent years, the Application was developed with the aim of helping women and avoiding such occurrences. Women who are subject to or under the risk of violence from their spouse or a third person may promptly reach the Women Emergency Support Notification System by use of their smart phones.

A woman who uses a smart phone may download the Application, free of charge, from either Google Play Store or Apple Store. After entering her Republic of Turkey Identity number, the application will become active once the activation code provided by the Directorate of Security is entered. In emergency situations, by activating location services, women who are victim of domestic violence or violence against women may reach the 155 Police Emergency Hotline and intervention from the nearest stationary or patrolling law enforcement unit to the location of the call is ensured. This application which

²⁶ See: Ministry of Interior: <https://www.icisleri.gov.tr/kadin-destek-apple-games> [22.05.2019].

is only available for women and can only be used with a Republic of Turkey Identity Number ensures further effective protection for women.

The implementation of the Application aims to prevent situations that may pose a risk and threat to women and to shorten response times in emergency situations.

3.6. Red-Light Application

The “Red-Light” application created by Vodafone Turkey under the “Women First” program which aims to combat the increase of cases of violence against women, supports the struggle with violence against women²⁷. This application has already been downloaded by more than three hundred thousand users. The “Red-Light” application is free of charge and during an act of violence, with the press of a button, it allows women to call three individuals whom may help. It also allows the sending of an SMS by shaking the phone

Moreover, with the use of the Application women are informed about their legal rights and the services provided by VPM Centers.

3.7. Domestic Violence Hotline

In 2003 the Hürriyet newspaper launched the Domestic Violence Hotline in order to draw attention to domestic violence and to support victims. Since 2014 the emergency hotline is being managed by the Turkey Women's Associations Federation (TWAF)²⁸. This hotline is accessible 24/7 and supports both Kurdish and Arabic languages. Anyone subject or witness to violence or harassment may call either 0549 656 96 96 or 0212 656 96 96, free of charge.

²⁷ See: Vodafone: <http://www.vodafone.com.tr/Servisler/hayatinizi-kolaylastiran-servisler/kirmizi-isik-uygulama-si.php> [01.06.2019].

²⁸ See: Hürriyet Newspaper: <http://www.hurriyetkurumsal.com/tr/NSosyal-Sorumluluk/Sayfalar/NAile-Ici-Siddete-Son.aspx> [01.06.2019].

Once the hotline is called, psychologists will ask for personal information such as age, marital status and whether the caller has children. Then they will inform the person on their rights and possible courses of action. Information can be obtained on various procedures such as how to obtain a medical report in case of physical attacks, how to obtain a restraining order, how to hire a lawyer, how to benefit from legal support provided by the bar association in case of lack of necessary finances, how to move into a guesthouse etc.

3.8. Ankara Bar Poppy Center

The Poppy Project is a project implemented by the Ankara Bar Association on the 2nd of April 2011²⁹. The project consists of 45 guiding lawyers and 221 voluntary lawyers who have received special training on the violence suffered by children and women subject to physical, psychological, economic and sexual violence. The Center also provides, if necessary, assistance from psychologists and social workers and it is reachable 24/7.

In the Poppy Center an interview is conducted with a guiding lawyer after which, depending on the incident experienced by the victim, the relevant legal recourse is determined. If the victim does not have access to accommodation, the Center takes the necessary initiative to establish contact with the relevant institution for the allocation of victim and her children, if any.

Within the context of the legal process, if the circumstances of the case allow it, divorce, alimony, compensation and custody actions are filled and pursued on behalf of the victim. As required by Law No. 6284, measures such as removal from the domicile, removal of weapons, interdiction of harassment via communication etc. are adopted in order to protect the victims life and property from the perpetrator or potential perpetrator of violence and criminal complaints are brought against those who violate such measures. Moreover, it is ensured that a report from the Forensic Medicine Institute is received and

²⁹ See: <http://www.gelincikprojesi.org.tr/sayfa.php?x=proje-hakkinda> [25.05.2019].

depending on the existence of a complaint, a criminal complaint is filed with the Public Prosecutor’s Office. In addition, enforcement proceedings are initiated in relation to unpaid alimonies.

4. CONCLUSION

Combatting violence against women requires a multi-faceted holistic approach and a common and determined struggle inclusive of all segments of society. Therefore, it is of great importance that studies are carried out with an interdisciplinary approach and that all concerned parties take part in the prevention, protection, punishment and policy processes.

Studies around the world reveal that while a large proportion of those who are exposed to domestic violence are women, males also experience physical and verbal violence within the family. Moreover, children and the elderly are also common targets of domestic violence. As it can be understood from the research cited in this study, violence is not only a problem experienced in Turkey. Violence is a global problem.

All countries are displaying great effort to deal with violence against women. Similarly, our country has adopted legal and administrative measures in all domains and has begun an absolute struggle by including all relevant institutions into the process in order to prevent violence against women which takes the life of many women, mutilates many others, leads to the disintegration of families, wastes social resources and constitutes the basis of many social problems.

When violence take place within a home, the issue is usually considered a private family matter, it is transformed into a natural part of life and consequently becomes ordinary. Violence which becomes accepted receives implicit approval from various social strata, and in time, it is internalized. Whereas, the idea that “one should not meddle between husband and wife” must be explicitly denied and in cases of violence support from friends and relatives should be sought.

Just like when one witnesses a theft and intervenes so that institutions function properly, in cases of violence complaint mechanisms should be effectively used because everyone has a responsibility towards others since they live within the same society, premises, neighborhood or apartment.

Establishing the relationship between violence against women and gender roles is important in terms of regulations adopted for the prevention of this form of violence. No matter what form it takes, violence is a significant obstacle to the exercise of women's fundamental rights and freedoms. This situation leads to gender discrimination in many societies. Women remain alone with the violence they experience and, unfortunately, do not possess enough information, means and awareness to defend their own rights. Therefore, while empowerment of women is of great importance, the priority steps to take are the implementation of the laws, which is one of the most effective means to solve this problem, as well as achieving change in mentality and providing education at an early age.

Even if national parliaments adopt the most perfect laws protecting women and family members from violence, the end of violence is directly related to a change in mentality. This in return is not only a matter of legislation, but also involves the shattering of certain social prejudices and sustained education to this effect. No matter the quality of the legal framework, a law's aim and purposes cannot be fulfilled in lack of proper implementers. Therefore, in this context, how legal regulations are harmonized with society carries weight. It is very pleasing to witness practices in our country which enable women to convey in full confidence any form of violence that they may face.

ÖZET

Bu çalışmada öncelikle şiddetin tanımı, ulusal ve uluslararası istatistikler ışığında yapılmış olup sonrasında kadına yönelik şiddetle mücadele kapsamında düzenlenen yasalar silsile halinde aktarılmıştır.Yasal düzenlemelerin yanı sıra kadına yönelik şiddetin durdurulması ve son verilmesine yönelik hayata geçirilen uygulama örnekleri ayrı ayrı başlıklarda ele alınmıştır.

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