

Information Provided by Turkey related to the Investigation and Prosecution of Gender-Related Killings of Women and Girls

Pursuant to the U.N. General Assembly resolution 68/191, “Taking action against gender-related killings of women and girls”, which was previously adopted at the 22nd session of the Commission on Crime Prevention and Criminal Justice, where it was also co-sponsored by Turkey along with other countries, Turkey submits the following information concerning the investigation and prosecution of gender-related killings of women and girls, in accordance with its national legislation, as well as relevant information on actions taken at national level to address violence against women.

1. Criminalization

Voluntary manslaughter and its specific forms are criminalized in Articles 81 and 82 of the Turkish Penal Code of 2004. Article 81, titled “Voluntary manslaughter”, states that anyone who commits a murder intentionally is to be sentenced to life in prison. Article 82, under the title “Specific forms”, indicates that the sentence will be aggravated life in prison, should the victim be a lineal kinsman, sibling or spouse of the perpetrator (subparagraph d), or the victim be pregnant (subparagraph f), or should the crime committed due to motives of honor and custom (subparagraph k). In this regard, whenever the crime is perpetrated against spouse, daughter, mother or any woman who is pregnant during the commission of the crime, or due to honor motives, such circumstances constitute aggravated factors against the perpetrator.

Furthermore, the clause governing unjust provocation under Article 29 of the Law was adjusted to make it applicable to the circumstances of unjust provocation only if it is sourced from a wrongful act; and it was envisaged in preamble of the clause in question that the family members, kins and other relatives killing a woman with honor motives after any sexual assault shall not be entitled to a reduced sentence on the grounds of unjust provocation and the clause of unjust provocation shall not cover all the wrongful acts.

2. Protective Measures and Law Enforcement

The Law on the Protection of Family and Prevention of Violence against Women # 6284, which entered into force on March 20, 2012, aims at the protection of women, children and other family members who are subject to or under the threat of violence, and the prevention of such violence. The Regulation for the implementation of the said Law was issued in the Turkish Official Gazette of January 18, 2013. The Regulation prescribes a number of protective measures for the persons within the scope of the aforementioned Law, which include provision of shelter for the victim upon the approval of the prefecture, provision of temporary financial assistance, provision of counseling, provision of temporary physical protection, changing of workplace by judicial decision, changing of place of residence, banishment of the perpetrator of violence from the common residence shared with the victim, and ordering the perpetrator to refrain from approaching to the victim.

Concealing the Identity of the Victim

Moreover, in case the life of the person under protection is under threat and other measures are not deemed to be sufficient for her protection, her identity information and other personal data together with supporting documents may be changed upon her informed consent and by court order (Witness Protection Act of 2007, # 5726, as applicable by the Law # 6284). Such protective measures are carried out by the Directorate-General of Security (Turkish Police Forces). So far, protective measures of this nature have been ordered by 92 court decisions on 159 individuals. A total of 95 individuals are granted new identity documents.

Technical Surveillance

Pursuant to the Law # 6284 Article 12, titled “Technical Surveillance”, the Ministry of Family and Social Policies (Directorate-General of the Status of Women) and the Ministry of Interior (Directorate-General of Security) signed the “Protocol on the Use of Electronic Support Technologies within the Scope of Fighting Violence against Women” on September 27, 2012. Following the signing of the Protocol, the pilot program of security button systems has started in the provinces of Adana and Bursa. Whenever a potential victim perceives a threat, she may press the button, which prompts a signal transmitting the location data and call for help to the emergency call center. The center then directs the nearest police unit to the victim. The system enables rapid response to calls for security assistance.

As of May 2014 in the province of Adana, 75 victims, 1 of whom were males, were given the security button. 22 of them are currently active. In Bursa, 74 victims, , 2 of whom were males were given security buttons, 43 of which are still active.

Violence Prevention and Monitoring Centers/Shelters/First Step Stations

Pursuant to the Law # 6284 Article 14, the Ministry of Family and Social Policies established “Violence Prevention and Monitoring Centers” throughout the country. These Centers are places where necessary expert personnel, preferably female personnel, are recruited, and supportive and protective services are offered effectively to prevent violence against women. They work on the 7/24 basis with a one-step system, provide effective and urgent services that recognizes human dignity, focus on the strengthening of women's economic, psychological, legal and social position. As of today, 14 of such Centers are operational in the provinces of Adana, Ankara, Antalya, Bursa, Denizli, Diyarbakır, Gaziantep, İstanbul, İzmir, Malatya, Mersin, Samsun, Şanlıurfa and Trabzon. They have also been provided with law enforcement protection upon request.

Furthermore, reference should be made to the first step stations, where women victims seeking shelter are first assisted, their psycho-social and economic conditions are screened and they are accepted temporarily up to two weeks. While the number of those stations was 3 when the Ministry of Family and Social Policies was first founded, this number has risen to 25 in June 2014, with a capacity of 432.

There are agencies which temporarily accommodate women who had suffered physical, emotional, sexual, economic and verbal violence and cater for their needs alongside the needs of their children, if any, as long as they stay. The number of women’s shelters rapidly increase since June 2011, when the Ministry of Family and Social Policies was founded.

The data by June 2011 was as follows:

48 women shelters affiliated with the Ministry of Family and Social Policies with a bed capacity of 1.014,

25 women shelters within the local government, with a bed capacity of 594,

3 women shelters within the nongovernmental organizations, with a bed capacity of 42,

77 women shelters in total, with a bed capacity 1650

By June 2014, their availability has been enhanced as follows:

92 women shelters affiliated with the Ministry of Family and Social Policies, 2.507 beds capacity,

34 women shelters within the local government, 809 beds capacity,

3 women shelters within the nongovernmental organizations, 36 beds capacity; which correspond to a total of 129 women shelters and 3.352 beds capacity.

3. Some Recent Activities of the Ministry of Justice to Support Victims of Sexual Harassment to Counter Domestic Violence

Prime Ministerial Circular numbered 2006/17 on “Measures To Be Taken For Preventing The Violent Acts Targeting Children and Women and The Custom and Honor Killings”, issued in 2006 in Accordance with the Parliamentary Report that is published in 2005.

The Department of the Rights of Victims has been set up within the Ministry of Justice in 2013 for the purpose of providing support to victims after the commission of a crime, for providing counseling, and for prevention of their further victimization. Programs designed particularly for victims of domestic violence and for victims of sexual harassment are currently being worked on within the Department. Also planned are certain improvements to the legislation for the protection of victims of sexual harassment.

Within the scope of the project “Protection of Women against Domestic Violence”, which was developed by the Ministry of Justice – Directorate-General of the European Union and financed by the Government of the Netherlands, seminars and workshops have been organized in Ankara, Istanbul, Antalya and Adana, and official visits have been carried out to the Hague and Stockholm in 2013. Judges from the Court of Cassation and the Family Court, public prosecutors, social workers and psychology experts, officials from Ministries, and an attorney representing the Turkish Bar Union have taken part in the official visits to the Hague and Stockholm. The workshops organized in Ankara, Istanbul, Antalya and Adana have achieved high numbers of participants among whom were judges, prosecutors, academicians, law enforcement officers, attorneys, as well as judges and prosecutors from the Netherlands and Sweden who were experts in the field of combating domestic violence. The workshops have focused on legislative and administrative measures to prevent domestic violence, legal and practical challenges in its prevention, the responsibilities of and expectations from the judiciary in this field, promoting the cooperation between the Ministry of Justice and faculties of law, and taking advantage of the experiences of members of the European Union.

4. Best Practices in Combating Violence against Women

Following the entry into force of the Law on the Protection of Family and Prevention of Violence against Women # 6284, the Ministry Circular # 2012/13 on the Implementation of the Law No:6284 on Protection of Family and Prevention of Violence against Women was issued in April 2012 to regulate the details of the implementation of the Law and to guide the practitioners. The implementation Regulation of the Law was prepared with the contribution of relevant institutions and organizations and came into force on January 18, 2013.

The activities with regard to the Regulation on Violence Prevention and Monitoring Centers, set forth in the Law are still going on.

Additionally, the Regulation on the Opening and Operation of Women Shelters, which provide for the reconstructing of shelters, was prepared with the contribution and participation of all relevant stakeholders and came into force on January 5, 2013.

The Committee on the Monitoring of Violence against Women was set up within the framework of the Prime Ministry Circular # 2006/17 and under the coordination of the Directorate-General on the Status of Women with the participation of all relevant public institutions, organizations, universities and NGOs. The Committee which meets annually evaluates the activities, takes note of improvements achieved in violence against women, and offers suggestions with regard to the issue. The Committee has organized seven meetings so far.

The National Action Plan on Combating Domestic Violence has been prepared in accordance with measures set forth in the Prime Ministry Circular # 2006/17 under the coordination of the Directorate-General on the Status of Women with the cooperation of all relevant stakeholders. It covered the years from 2007 to 2010. As that Action Plan is expired, an updated version of the National Action Plan on Combating Domestic Violence covering the years 2012-2015 prepared with the contribution and participation of the relevant public institutions and organizations, NGOs and women research centers of universities under the coordination of the Directorate-General on the Status of Women came into force on July 10, 2012.

The National Action Plan aims at fostering improvements in five fundamental areas, including legislative amendments, awareness raising, empowerment of women and protective service delivery, delivery of health services and inter-institutional cooperation. The Action Plan covers three implementation periods: Short-term (2012-2013), Medium-term (2012-2014) and Long-term (2012-2015 and aftermath). The first evaluation meeting of the National Action Plan was introduced in June 2013.

A set of "Training Protocols" were signed between the Directorate-General on the Status of Women and relevant Ministries to raise awareness of the personnel working in institutions which deliver services for victims of violence on violence against women, domestic violence, gender equality, method of approach to victims of violence and implementation of relevant laws. Within the framework of the trainings and seminars introduced as a part of the "Training Protocols", 71.000 police officials, 65.000 health personnel, 21.000 religious officials, 3.300 civil servants, 778 court clerks and chief clerks, 434 Communication Faculty students and 198 local media workers, 326 Family Court judges and prosecutors, 256 civil inspectors, 176 intern district-governors have been trained.

As a part of the cooperation with the Ministry of National Defense, it is planned to deliver awareness raising seminars for the Ministry of National Defense personnel and 450.000 soldiers who are doing their military services.

Within the framework of the cooperation with the General Commandership of Gendarmerie, it is planned to introduce gender equality trainings in the curriculum of all schools affiliated with the Gendarmerie in 2014. Within this framework, Combating Violence against Women Textbooks have been prepared, and the trainings are planned to start in this spring.

The “Role and Importance of Law Enforcement Officers in Combating Violence against Women Conference”, the first event to be introduced as a part of the Protocol, was held on November 11, 2012 with the participation of 2.470 Gendarmerie personnel. Two Gendarmerie Academy Command Training Activities were organized: The first training was held between February 4 and 7, and the second one was between April 9 and 12, 2013.

Within scope of the project titled “Training of Trainers for the Staff Engaged in Domestic Violence”, which was run in cooperation with the Embassy of the United Kingdom, the Ministry of EU Affairs and The Ministry of Family and Social Policies, training of trainers programs of 8 days each were held for psychologists, social workers, child development experts and sociologists across 81 provinces, with the objective of providing minimum one trainer for each province and thus enhancing awareness on domestic violence among the personnel of other government offices and agencies in provinces.

Signed on April 12, 2010 between the Directorate of Religious Affairs and the Directorate-General on the Status of Women in order to promote awareness and sensitivity on combating violence against women among the staff of Religious Affairs in view of their pioneering role in society and close contact with people, “the Project Protocol on the Contribution of Religious Officials in Preventing Violence against Women” remained in effect for two years, and it was renewed on August 22, 2013.

A wide range of activities and events are launched within the framework of the November 25 International Day for the Elimination of Violence against Women and Solidarity.

5. Further Projects Planned by the Ministry of Family and Social Policies

- Action is taken for updating “The National Research on Domestic Violence against Women in Turkey” which was conducted in 2008. The research started in 2013 and will be resulted in October 2014.

- “2010 IPA- I Enhancing the Protective Measures for Women Subject To Violence ” Project is aimed at stepping up the serviceability of the women’s shelters for protecting the women victims of violence and those under risk effectively and providing more efficient protection for victims of violence using the audio surveillance systems.

The project consists of two components: “technical assistance” and “supply”.

The budget of the technical assistance component is 200.000 Euro and the goods procurement component has a budget of 2.705.882 Euro. (The total budget of the project is

2.905.882 Euro and the national contribution is 10% (20.000 Euro) for the technical assistance component, while it is 15 % (405.882 Euro) for the supply procurement.)

- Another project planned for 2014 is “2009 IPA-I Women’s Shelters for Combating Violence” project. The Project is comprised of two components, which are “technical assistance” and “grant”. (The project is financed with a total budget of 10.150.000 Euro has 10% national contribution in both components.) The “technical assistance ” component of the project started on 27 December 2013 and will last 36 months. The total budget amounts to 6.850.000 Euro. Besides addressing coordination and quality of shelter service provisions, the component also addresses training for service providers and public awareness raising activities. Within the scope of “grant” component 19 grantees have been provided for 3 million Euros for their projects. The duration of these projects varies from 12-24 months starting from 1st of February 2014. The objective of the grant scheme component of the Project is to strengthen the capacity of local NGOs in combating violence against women in Turkey.

- “The Survey Project on Impact Analysis of Implementation of the Law # 6284” is yet another project the Directorate- General intends to run. Furnished with 131.000 \$ budget, the project is envisaged to last 24 months.