

*To Love and to Cherish....*



Facing  
Sexual  
Abuse in  
Marriage

D. Anne Pierce

## Prevention of Violence Against Women in International Conventions and in Turkish Laws

- The first written document regarding the human rights of women in history is “Declaration of Citizen and Women Rights” adopted in 1791 afterwards the French Revolution in 1789.

HISTORICAL  
PROCESS



As being the leader of women activists Olympe de Gouges had lost her life in guillotine with her words defending “If women are sent to guillotine when they commit a crime as being citizens; then women should have the right to do politics and to go up to the rostrum as being citizens.”

The justification of the death sentence given by the Revolution Court was “women were claiming demands contrary to their nature” and the Court was in the opinion of this decision would be a lesson for other women.



French Women who had died for the purpose of acquiring their political rights in 1791 could only be able to earn their rights to elect and to be elected in year 1945.



In Turkey as taking its place in the low ranks in many indicators regarding the Gender Mainstreaming; the Turkish Women earned their equal citizenship rights in 1926 and their rights to elect and to be elected in year 1934.

This positive initiation could not be sustained afterwards and Turkey had stayed behind of many other countries regarding the fields evaluated within the framework of Gender Mainstreaming.



As being originated from the reproduced dominance relations within the family along with the patriarchal culture throughout its history; the “domestic violence towards the women” is accepted as a “private field” and therefore it did not even took its place within the scope of CEDAW Covenant.



The subject of Violence Against Women gradually lost its taboo meaning after it is given place in the final declaration of 2nd World Women Conference held in 1980 in Copenhagen.



What you don't know  
**CAN** hurt me.

More than 70% of child sex abuse cases involve a relative, friend or someone else close to the child.  
- NSPCC

Be sure,  
**BEFORE.**

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In the 3rd World Conference held in 1985 in Nairobi, the issue of violence towards women was mentioned in the “Peace” chapter of “Nairobi Prospective Strategies for the Development of Women” document and first of all it was stipulated to take special measures in order to prevent violence against women.

January 1992 dated, 19 Numbered  
Advisory Jurisdiction given in the 11th  
session of UN Status of Women  
Committee was as follows: “Gender  
based violence is a form of  
discrimination of which damages the  
freedom of women and the rights of  
women based on equality of women and  
men.”

UN Human Rights Committee held a meeting in 1992 in Geneva and stated that violence against women constitutes violation of human rights and called for support of overall member states to sign the petition on this matter. More than 30.000 signatures were collected in Turkey for this campaign opened with the demand for taking urgent precautions regarding the violence against women.

The first document adopted by UN General Assembly in 1993 related with the prevention of violence against women is the “Declaration Regarding Prevention of Violence Against Women”.



In this Declaration the liabilities and duties shared by the States were arranged in detail on the subjects such as the prevention of violence, punishment of the perpetrator, providing physical and psychological treatment for the women exposed to violence and sustaining their protection.

Until the Decision “Zero Tolerance on Violence Against Women” given by the Council of Europe’s Parliamentary Assembly in 1997; no special legislation were enacted in the member states of European Union regarding the prevention of violence against women. Then, in 1997 in Austria and in 2002 in Germany “Law to Fight Violence” was enacted with the effect of UN Declaration.

In Turkey, 4320 numbered “Law Regarding to Protect the Family” was adopted and entered into force in year 1998.





With an amendment realized in Labor Law in 2003, “the sexual harassment/mobbing at workplace” was adopted as a justified reason for terminating the labor contract of the workers. Moreover, new arrangements were made in Turkish Penal Code, Civil Code and in Code of Obligations in order to ensure the prevention of physical, sexual and economic violence against women.

European Court of Human Rights  
condemned Turkey to pay compensations  
due to weaknesses lived in the  
implementations as a result of political  
instability lasted for many long years  
although the legal infrastructure was  
established long ago.

This decision was taken unanimously in 2009 and it was creating a prejudication for 47 member states and it was grounded as follows: “the required precautions were not taken in order to prevent domestic violence towards women and women victims were not protected.”

- It can be said that international conventions executed especially on women rights and particularly the “Convention on the elimination of all forms of discrimination against women- CEDAW” had created a driving force in the sense of taking legal measures in Turkey.

## CHANGE IN TURKEY



According to 5th sub-clause of Article 90 of our Constitution: “In the case of a conflict between international agreements in the area of fundamental rights and freedoms duly put into effect and the domestic laws due to differences in provisions on the same matter, the provisions of international agreements shall prevail.”

Turkey has been condemned to pay compensation by the European Court of Human Rights in year 2009, due to not taking required precautions on the subject of violence against women.



- In Turkey, physical violence is being applied in 39% of the families and oral violence is being applied in 46% of the families.

- Regional distribution of the physical violence against women in Turkey is as follows: 53% in Northern Anatolia, 48% in Southeastern Anatolia, 25% in West Marmara and 31% in Aegean.



Violence in Turkey with Data

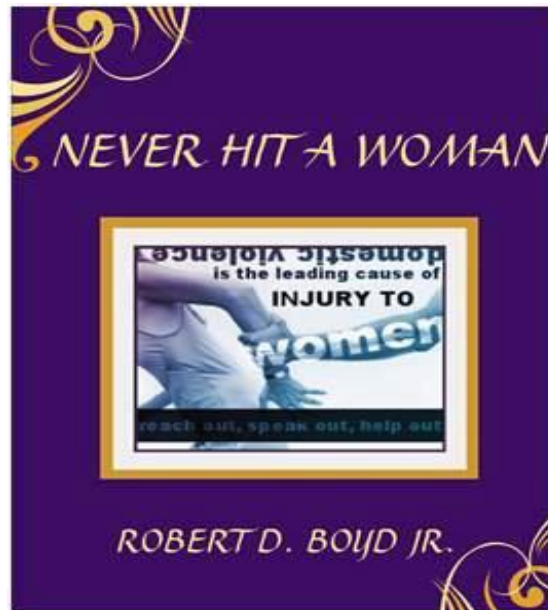
Numbers of the married women as being the victim of violence in Turkey decreases as their educational levels increase. For instance, the violence ratio is 27% for the women who are in high-school and university educational levels and 56% for non-educated women.



In order to urgently decrease the numbers of the cases in violence against women, Turkey had worked intensely during the preparation process of “Convention on Prevention of Violence Against Women and Domestic Violence and Fight with Violence” which was opened for signing in 2011 in Istanbul and Turkey signed and ratified this Convention in 2011.

Istanbul Convention as having the legal binding character regarding the violence against women and domestic violence was signed by 23 countries however no other countries had ratified it except Turkey.

Article 3 of Istanbul Convention defines the “Gender Mainstreaming” as follows: the roles, behaviors, actions and qualifications that are approved by the society and built in social means.



In Istanbul Convention “Violence Against Women” is defined as all kinds of actions based on gender which gives or may give physical, sexual, psychological and economic damage and harm to women whether realized in public area or in private area and it is emphasized that violence against women is a violation of human rights.

In Istanbul Convention, it is stipulated to protect all women from violence irregardless of their marital status and to protect the rights of the victims and to prevent the discrimination based on sexual identity.

In order to establish a comprehensive legal framework for fighting with the violence against women; various policies were given place in Istanbul Convention such as prevention, protection, prosecution and victim support policies.



It was decided to realize active cooperation with overall relevant institutions and organizations; incorporating the civil society organizations into the process and allocating sufficient financial and human sources for fighting with violence in Istanbul Convention.

Pursuant to 2nd sub-clause of Article 75 of Istanbul Convention; this Convention shall enter into force on the first day of the next month following after three months of period after the ratification of the Convention by 10 States- of which minimum 8 of these States are members of Council of Europe.



Istanbul Convention is a significant international convention as facilitating to establish the infrastructure of a new Law; that is Law No 6284 adopted on 8 March 2012 of which can be accepted as a milestone in Turkey in the sense of Prevention of Violence Against Women.

- **Goal:** Protecting the persons who are exposed to violence and the ones who have risk to suffer violence and to prevent the violence.
- **Scope:** Women, children and family members without making any exceptions and irregardless of their marital status.
- **Fundamental Principles:** Constitution, international covenants and particularly Istanbul Convention shall be based on.



General Overview to Law No 6284

- Giving fair, active and rapid support and service to the victims of violence in accordance with the basic human rights and equality of women and men,
- Fulfilling the measure clause by protecting the human dignity,
- Defining the violence against women as a discrimination based on gender and as an attitude which violates the human rights of women.

## **SIGNIFICANT ARTICLES**



- Defining in detail the concepts of violence, domestic violence and violence against women,
- Fulfilling the measure clause by protecting the human dignity,
- Establishment of violence prevention and tracking centers of which will work on 7/24 basis,

- The protective measure decisions shall be given by the Family Court Judges however, for the circumstances in which the delay of such decision is found disadvantageous; the civilian authorities and law-enforcement officers may start one or more protective measures specified in Article 5.



- The protective decision given by law-enforcement officers should be submitted to the approval of the civilian authorities on the next business day following after the decision-making.
- Upon the request of the victim of violence; in the event of presence of the conditions specified in Article 194 of Civil Code; the “family house” annotation shall be put onto the title deed of such house;

- In order to support the working life of the violence victim, 4 months of day care facility shall be provided for the children of the victim and the costs shall be paid from the budget of Ministry. In case of already working victim; 2 months of day care facility shall be given to the victim;
- In the event of violence or risk of violence; third persons shall be able to inform and report such circumstance to the official authorities;

- In order to give protective measure decision, no evidence or documents shall be sought for regarding the violence application;
- The implementations to be realized by the law-enforcement officers shall be fulfilled by the personnel who have been trained on the subjects of human rights of women and children and equality of women and men;

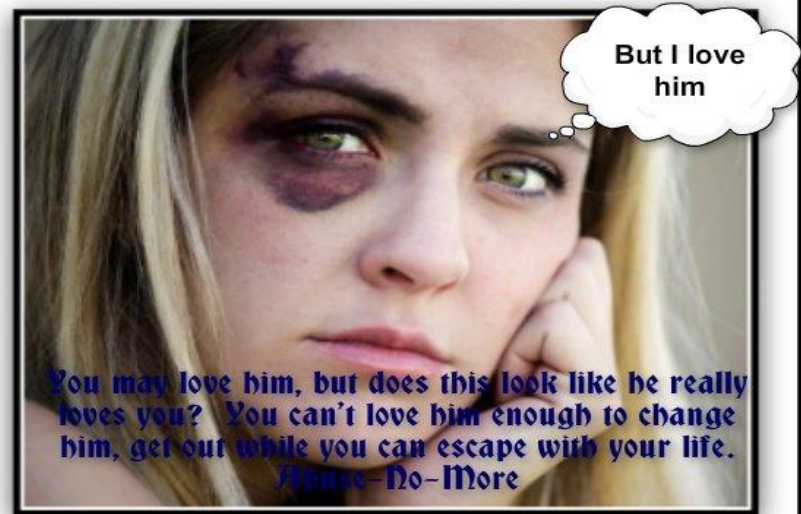


- For the person who violates the protective measure; prison sentence from three days up to ten days shall be given by the judge depending upon the character of the measure violated;
- Publicity programs to be broadcasted on TV in order to prevent the violence shall be broadcasted on TV on the hours which the children are able to watch,



- Human rights of women and equality of women and men subjects shall be included in the curriculums of primary and secondary education,
- Violence prevention and tracking centers shall be established within two years following after the effectiveness of the Law in the cities to be determined by the Ministry.

- Services for preventing the violence and tracking the protective measures,
- Services for the persons who are victims of violence,
- Services for the persons who apply / probable to apply violence.



## ▪ KOZA: VIOLENCE PREVENTION AND TRACKING CENTERS

- Collecting data and establishing a data bank regarding the protective and preventive measure decisions and decision-making and application of prison sentence.
- Coordinating the sheltering, temporary financial aids, health and judicial aid services given to protected person.

## **Services Oriented for Prevention of the Violence and Tracking of Protective Measures**

- Making applications when necessary in order to cause taking and application of the protective measure decisions,
- Preparing and implementing programs oriented for terminating the violence.

- Sheltering Aid
- Day Care Aid
- Scholarship for Kids
- Orientation, Guidance
- Educational Aids

- Financial Aid
- Judicial Aid
- Medical Aid
- Psycho-social Aid
- Aids given for employment

## **Services Oriented for Persons who are Victims of Violence**



- Detailed social research report shall be prepared about the person by the judge decision,
- Upon the request of decision-making authorities, report shall be prepared regarding the effects of measure decision on the relevant person,
- Persons shall be oriented for education and rehabilitation programs,

**Services for  
the persons  
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**Services for the persons who apply / probable to apply violence.**



- Persons shall be oriented for a treatment or an examination in health institutions
- Persons shall be oriented for vocational courses



- Article 41 of Constitution:  
State shall take necessary measures for the protection of the children against all kinds of abuses and violence.
- Turkish Civil Code (Articles 194,196, 197,198, 199): Fighting with Economic Violence
- Turkish Penal Code (Articles 82/1,86/2-a, 96/2-b): Fighting with physical, sexual and economic violence.

## **Regulations Oriented for Fighting with Domestic Violence**



- Labor Law (Article 24): Protective measure regarding the protection of sexual abuse victim.
- Code of Obligations (Article 417): Protective measure regarding the protection of psychological and sexual abuse victim.

## **Regulations Oriented for Fighting with Domestic Violence**

