



Republic of Turkey  
Ministry of Family and  
Social Policies

**THE COUNCIL OF EUROPE CONVENTION ON PREVENTING AND  
COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC  
VIOLENCE (THE ISTANBUL CONVENTION)**

**THE LAW NR.6284 ON PROTECTION OF FAMILY AND  
PREVENTION OF VIOLENCE AGAINST WOMEN**

**THE IMPLEMENTING REGULATION OF THE LAW NR.6284 ON  
PROTECTION OF FAMILY AND PREVENTION OF VIOLENCE  
AGAINST WOMEN**

**THE REGULATION ON VIOLENCE PREVENTION AND  
MONITORING CENTERS**

**THE REGULATION ON OPENING AND OPERATION OF WOMEN'S  
SHELTERS**

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**THE GENERAL DIRECTORATE ON  
STATUS OF WOMAN**

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COUNCIL OF EUROPE



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THE COUNCIL  
OF EUROPE  
CONVENTION  
ON PREVENTING  
AND COMBATING  
VIOLENCE  
AGAINST WOMEN  
AND DOMESTIC  
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(THE ISTANBUL  
CONVENTION)



T.C.  
Aile ve  
Sosyal Politikalar  
Bakanlığı

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## **Preamble**

The member States of the Council of Europe and the other signatories hereto,

Recalling the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5, 1950) and its Protocols, the European Social Charter (ETS No. 35, 1961, revised in 1996, ETS No. 163), the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197, 2005) and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201, 2007);

Recalling the following recommendations of the Committee of Ministers to member States of the Council of Europe: Recommendation Rec(2002)5 on the protection of women against violence, Recommendation CM/Rec(2007)17 on gender equality standards and mechanisms, Recommendation CM/Rec(2010)10 on the role of women and men in conflict prevention and resolution and in peace building, and other relevant recommendations;

Taking account of the growing body of case law of the European Court of Human Rights which sets important standards in the field of violence against women;

Having regard to the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (“CEDAW”, 1979) and its Optional Protocol (1999) as well as General Recommendation No. 19 of the CEDAW Committee on violence against women, the United Nations Convention on the Rights of the Child (1989) and its Optional Protocols (2000) and the United Nations Convention on the Rights of Persons with Disabilities (2006);

Having regard to the Rome Statute of the International Criminal Court (2002);

Recalling the basic principles of international humanitarian law, and especially the Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War (1949) and the Additional Protocols I and II (1977) thereto;

Condemning all forms of violence against women and domestic violence;

Recognising that the realisation of de jure and de facto equality between women and men is a key element in the prevention of violence against women;

Recognising that violence against women is a manifestation of historically unequal power relations between women and men, which have led to domination over, and discrimination against, women by men and to the prevention of the full advancement of women;

Recognising the structural nature of violence against women as gender-based violence, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men;

Recognising, with grave concern, that women and girls are often exposed to serious forms of violence such as domestic violence, sexual harassment, rape, forced marriage, crimes committed in the name of so-called “honour” and genital mutilation, which constitute a serious violation of the human rights of women and girls and a major obstacle to the achievement of equality between women and men;

Recognising the ongoing human rights violations during armed conflicts that affect the civilian population, especially women in the form of widespread or systematic rape and sexual violence and the potential for increased gender-based violence both during and after conflicts;

Recognising that women and girls are exposed to a higher risk of gender-based violence than men;

Recognising that domestic violence affects women disproportionately, and that men may also be victims of domestic violence;

Recognising that children are victims of domestic violence, including as witnesses of violence in the family;

Aspiring to create a Europe free from violence against women and domestic violence,



Have agreed as follows:

## **Chapter I – Purposes, definitions, equality and non-discrimination, general obligations**

### **Article 1 – Purposes of the Convention**

1. The purposes of this Convention are to:
  - a. protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence;
  - b. contribute to the elimination of all forms of discrimination against women and promote substantive equality between women and men, including by empowering women;
  - c. design a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence;
  - d. promote international co-operation with a view to eliminating violence against women and domestic violence;
  - e. provide support and assistance to organisations and law enforcement agencies to effectively co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence.
2. In order to ensure effective implementation of its provisions by the Parties, this Convention establishes a specific monitoring mechanism.

### **Article 2 – Scope of the Convention**

1. This Convention shall apply to all forms of violence against women, including domestic violence, which affects women disproportionately.
2. Parties are encouraged to apply this Convention to all victims of domestic violence. Parties shall pay particular attention to women

victims of gender-based violence in implementing the provisions of this Convention.

3. This Convention shall apply in times of peace and in situations of armed conflict.

### **Article 3 – Definitions**

For the purpose of this Convention:

- a. “violence against women” is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life;
- b. “domestic violence” shall mean all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim;
- c. “gender” shall mean the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men;
- d. “gender-based violence against women” shall mean violence that is directed against a woman because she is a woman or that affects women disproportionately;
- e. “victim” shall mean any natural person who is subject to the conduct specified in points a and b;
- f. “women” includes girls under the age of 18.

### **Article 4 – Fundamental rights, equality and non-discrimination**

1. Parties shall take the necessary legislative and other measures to promote and protect the right for everyone, particularly women, to live free from violence in both the public and the private sphere.



2. Parties condemn all forms of discrimination against women and take, without delay, the necessary legislative and other measures to prevent it, in particular by:
  - embodying in their national constitutions or other appropriate legislation the principle of equality between women and men and ensuring the practical realisation of this principle;
  - prohibiting discrimination against women, including through the use of sanctions, where appropriate;
  - abolishing laws and practices which discriminate against women.
3. The implementation of the provisions of this Convention by the Parties, in particular measures to protect the rights of victims, shall be secured without discrimination on any ground such as sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, disability, marital status, migrant or refugee status, or other status.
4. Special measures that are necessary to prevent and protect women from gender-based violence shall not be considered discrimination under the terms of this Convention.

### **Article 5 – State obligations and due diligence**

1. Parties shall refrain from engaging in any act of violence against women and ensure that State authorities, officials, agents, institutions and other actors acting on behalf of the State act in conformity with this obligation.
2. Parties shall take the necessary legislative and other measures to exercise due diligence to prevent, investigate, punish and provide reparation for acts of violence covered by the scope of this Convention that are perpetrated by non-State actors.

## **Article 6 – Gender-sensitive policies**

Parties shall undertake to include a gender perspective in the implementation and evaluation of the impact of the provisions of this Convention and to promote and effectively implement policies of equality between women and men and the empowerment of women.

## **Chapter II – Integrated policies and data collection**

### **Article 7 – Comprehensive and co-ordinated policies**

1. Parties shall take the necessary legislative and other measures to adopt and implement State-wide effective, comprehensive and co-ordinated policies encompassing all relevant measures to prevent and combat all forms of violence covered by the scope of this Convention and offer a holistic response to violence against women.
2. Parties shall ensure that policies referred to in paragraph 1 place the rights of the victim at the centre of all measures and are implemented by way of effective co-operation among all relevant agencies, institutions and organisations.
3. Measures taken pursuant to this article shall involve, where appropriate, all relevant actors, such as government agencies, the national, regional and local parliaments and authorities, national human rights institutions and civil society organisations.

### **Article 8 – Financial resources**

Parties shall allocate appropriate financial and human resources for the adequate implementation of integrated policies, measures and programmes to prevent and combat all forms of violence covered by the scope of this Convention, including those carried out by non-governmental organisations and civil society.

### **Article 9 – Non-governmental organisations and civil society**

Parties shall recognise, encourage and support, at all levels, the work of relevant non-governmental organisations and of civil society active in

combating violence against women and establish effective co-operation with these organisations.

### **Article 10 – Co-ordinating body**

1. Parties shall designate or establish one or more official bodies responsible for the co-ordination, implementation, monitoring and evaluation of policies and measures to prevent and combat all forms of violence covered by this Convention. These bodies shall co-ordinate the collection of data as referred to in Article 11, analyse and disseminate its results.
2. Parties shall ensure that the bodies designated or established pursuant to this article receive information of a general nature on measures taken pursuant to Chapter VIII.
3. Parties shall ensure that the bodies designated or established pursuant to this article shall have the capacity to communicate directly and foster relations with their counterparts in other Parties.

### **Article 11 – Data collection and research**

1. For the purpose of the implementation of this Convention, Parties shall undertake to:
  - a. collect disaggregated relevant statistical data at regular intervals on cases of all forms of violence covered by the scope of this Convention;
  - b. support research in the field of all forms of violence covered by the scope of this Convention in order to study its root causes and effects, incidences and conviction rates, as well as the efficacy of measures taken to implement this Convention.
2. Parties shall endeavour to conduct population-based surveys at regular intervals to assess the prevalence of and trends in all forms of violence covered by the scope of this Convention.
3. Parties shall provide the group of experts, as referred to in Article 66 of this Convention, with the information collected pursuant to this article

in order to stimulate international co-operation and enable international benchmarking.

4. Parties shall ensure that the information collected pursuant to this article is available to the public.

### **Chapter III – Prevention**

#### **Article 12 – General obligations**

1. Parties shall take the necessary measures to promote changes in the social and cultural patterns of behaviour of women and men with a view to eradicating prejudices, customs, traditions and all other practices which are based on the idea of the inferiority of women or on stereotyped roles for women and men.
2. Parties shall take the necessary legislative and other measures to prevent all forms of violence covered by the scope of this Convention by any natural or legal person.
3. Any measures taken pursuant to this chapter shall take into account and address the specific needs of persons made vulnerable by particular circumstances and shall place the human rights of all victims at their centre.
4. Parties shall take the necessary measures to encourage all members of society, especially men and boys, to contribute actively to preventing all forms of violence covered by the scope of this Convention.
5. Parties shall ensure that culture, custom, religion, tradition or so-called “honour” shall not be considered as justification for any acts of violence covered by the scope of this Convention.
6. Parties shall take the necessary measures to promote programmes and activities for the empowerment of women.

#### **Article 13 – Awareness-raising**

1. Parties shall promote or conduct, on a regular basis and at all levels, awareness-raising campaigns or programmes, including in co-operation



with national human rights institutions and equality bodies, civil society and non-governmental organisations, especially women's organisations, where appropriate, to increase awareness and understanding among the general public of the different manifestations of all forms of violence covered by the scope of this Convention, their consequences on children and the need to prevent such violence.

2. Parties shall ensure the wide dissemination among the general public of information on measures available to prevent acts of violence covered by the scope of this Convention.

#### **Article 14 – Education**

1. Parties shall take, where appropriate, the necessary steps to include teaching material on issues such as equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, gender-based violence against women and the right to personal integrity, adapted to the evolving capacity of learners, in formal curricula and at all levels of education.
2. Parties shall take the necessary steps to promote the principles referred to in paragraph 1 in informal educational facilities, as well as in sports, cultural and leisure facilities and the media.

#### **Article 15 – Training of professionals**

1. Parties shall provide or strengthen appropriate training for the relevant professionals dealing with victims or perpetrators of all acts of violence covered by the scope of this Convention, on the prevention and detection of such violence, equality between women and men, the needs and rights of victims, as well as on how to prevent secondary victimisation.
2. Parties shall encourage that the training referred to in paragraph 1 includes training on co-ordinated multi-agency co-operation to allow for a comprehensive and appropriate handling of referrals in cases of violence covered by the scope of this Convention.

## **Article 16 – Preventive intervention and treatment programmes**

1. Parties shall take the necessary legislative or other measures to set up or support programmes aimed at teaching perpetrators of domestic violence to adopt non-violent behaviour in interpersonal relationships with a view to preventing further violence and changing violent behavioural patterns.
2. Parties shall take the necessary legislative or other measures to set up or support treatment programmes aimed at preventing perpetrators, in particular sex offenders, from re-offending.
3. In taking the measures referred to in paragraphs 1 and 2, Parties shall ensure that the safety of, support for and the human rights of victims are of primary concern and that, where appropriate, these programmes are set up and implemented in close co-ordination with specialist support services for victims.

## **Article 17 – Participation of the private sector and the media**

1. Parties shall encourage the private sector, the information and communication technology sector and the media, with due respect for freedom of expression and their independence, to participate in the elaboration and implementation of policies and to set guidelines and self-regulatory standards to prevent violence against women and to enhance respect for their dignity.
2. Parties shall develop and promote, in co-operation with private sector actors, skills among children, parents and educators on how to deal with the information and communications environment that provides access to degrading content of a sexual or violent nature which might be harmful.

## **Chapter IV – Protection and support**

### **Article 18 – General obligations**

1. Parties shall take the necessary legislative or other measures to protect all victims from any further acts of violence.



2. Parties shall take the necessary legislative or other measures, in accordance with internal law, to ensure that there are appropriate mechanisms to provide for effective co-operation between all relevant state agencies, including the judiciary, public prosecutors, law enforcement agencies, local and regional authorities as well as non-governmental organisations and other relevant organisations and entities, in protecting and supporting victims and witnesses of all forms of violence covered by the scope of this Convention, including by referring to general and specialist support services as detailed in Articles 20 and 22 of this Convention.
3. Parties shall ensure that measures taken pursuant to this chapter shall:
  - be based on a gendered understanding of violence against women and domestic violence and shall focus on the human rights and safety of the victim;
  - be based on an integrated approach which takes into account the relationship between victims, perpetrators, children and their wider social environment;
  - aim at avoiding secondary victimisation;
  - aim at the empowerment and economic independence of women victims of violence;
  - allow, where appropriate, for a range of protection and support services to be located on the same premises;address the specific needs of vulnerable persons, including child victims, and be made available to them.
4. The provision of services shall not depend on the victim's willingness to press charges or testify against any perpetrator.
5. Parties shall take the appropriate measures to provide consular and other protection and support to their nationals and other victims entitled to such protection in accordance with their obligations under international law.

### **Article 19 – Information**

Parties shall take the necessary legislative or other measures to ensure that victims receive adequate and timely information on available support services and legal measures in a language they understand.

### **Article 20 – General support services**

1. Parties shall take the necessary legislative or other measures to ensure that victims have access to services facilitating their recovery from violence. These measures should include, when necessary, services such as legal and psychological counselling, financial assistance, housing, education, training and assistance in finding employment.
2. Parties shall take the necessary legislative or other measures to ensure that victims have access to health care and social services and that services are adequately resourced and professionals are trained to assist victims and refer them to the appropriate services.

### **Article 21 – Assistance in individual/collective complaints**

Parties shall ensure that victims have information on and access to applicable regional and international individual/collective complaints mechanisms. Parties shall promote the provision of sensitive and knowledgeable assistance to victims in presenting any such complaints.

### **Article 22 – Specialist support services**

1. Parties shall take the necessary legislative or other measures to provide or arrange for, in an adequate geographical distribution, immediate, short- and long-term specialist support services to any victim subjected to any of the acts of violence covered by the scope of this Convention.
2. Parties shall provide or arrange for specialist women's support services to all women victims of violence and their children.

### **Article 23 – Shelters**

Parties shall take the necessary legislative or other measures to provide for the setting-up of appropriate, easily accessible shelters in sufficient

numbers to provide safe accommodation for and to reach out proactively to victims, especially women and their children.

### **Article 24 – Telephone helplines**

Parties shall take the necessary legislative or other measures to set up state-wide round-the-clock (24/7) telephone helplines free of charge to provide advice to callers, confidentially or with due regard for their anonymity, in relation to all forms of violence covered by the scope of this Convention.

### **Article 25 – Support for victims of sexual violence**

Parties shall take the necessary legislative or other measures to provide for the setting up of appropriate, easily accessible rape crisis or sexual violence referral centres for victims in sufficient numbers to provide for medical and forensic examination, trauma support and counselling for victims.

### **Article 26 – Protection and support for child witnesses**

1. Parties shall take the necessary legislative or other measures to ensure that in the provision of protection and support services to victims, due account is taken of the rights and needs of child witnesses of all forms of violence covered by the scope of this Convention.
2. Measures taken pursuant to this article shall include age-appropriate psychosocial counselling for child witnesses of all forms of violence covered by the scope of this Convention and shall give due regard to the best interests of the child.

### **Article 27 – Reporting**

Parties shall take the necessary measures to encourage any person witness to the commission of acts of violence covered by the scope of this Convention or who has reasonable grounds to believe that such an act may be committed, or that further acts of violence are to be expected, to report this to the competent organisations or authorities.

## **Article 28 – Reporting by professionals**

Parties shall take the necessary measures to ensure that the confidentiality rules imposed by internal law on certain professionals do not constitute an obstacle to the possibility, under appropriate conditions, of their reporting to the competent organisations or authorities if they have reasonable grounds to believe that a serious act of violence covered by the scope of this Convention, has been committed and further serious acts of violence are to be expected.

## **Chapter V – Substantive law**

### **Article 29 – Civil lawsuits and remedies**

1. Parties shall take the necessary legislative or other measures to provide victims with adequate civil remedies against the perpetrator.
2. Parties shall take the necessary legislative or other measures to provide victims, in accordance with the general principles of international law, with adequate civil remedies against State authorities that have failed in their duty to take the necessary preventive or protective measures within the scope of their powers.

### **Article 30 – Compensation**

1. Parties shall take the necessary legislative or other measures to ensure that victims have the right to claim compensation from perpetrators for any of the offences established in accordance with this Convention.
2. Adequate State compensation shall be awarded to those who have sustained serious bodily injury or impairment of health, to the extent that the damage is not covered by other sources such as the perpetrator, insurance or State-funded health and social provisions. This does not preclude Parties from claiming regress for compensation awarded from the perpetrator, as long as due regard is paid to the victim's safety.
3. Measures taken pursuant to paragraph 2 shall ensure the granting of compensation within a reasonable time.

### **Article 31 – Custody, visitation rights and safety**

1. Parties shall take the necessary legislative or other measures to ensure that, in the determination of custody and visitation rights of children, incidents of violence covered by the scope of this Convention are taken into account.
2. Parties shall take the necessary legislative or other measures to ensure that the exercise of any visitation or custody rights does not jeopardise the rights and safety of the victim or children.

### **Article 32 – Civil consequences of forced marriages**

Parties shall take the necessary legislative or other measures to ensure that marriages concluded under force may be voidable, annulled or dissolved without undue financial or administrative burden placed on the victim.

### **Article 33 – Psychological violence**

Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of seriously impairing a person's psychological integrity through coercion or threats is criminalised.

### **Article 34 – Stalking**

Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of repeatedly engaging in threatening conduct directed at another person, causing her or him to fear for her or his safety, is criminalised.

### **Article 35 – Physical violence**

Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of committing acts of physical violence against another person is criminalised.

### **Article 36 – Sexual violence, including rape**

1. Parties shall take the necessary legislative or other measures to ensure that the following intentional conducts are criminalised:
  - a. engaging in non-consensual vaginal, anal or oral penetration of a sexual nature of the body of another person with any bodily part or object;
  - b. engaging in other non-consensual acts of a sexual nature with a person;
  - c. causing another person to engage in non-consensual acts of a sexual nature with a third person.
2. Consent must be given voluntarily as the result of the person's free will assessed in the context of the surrounding circumstances.
3. Parties shall take the necessary legislative or other measures to ensure that the provisions of paragraph 1 also apply to acts committed against former or current spouses or partners as recognised by internal law.

### **Article 37 – Forced marriage**

1. Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of forcing an adult or a child to enter into a marriage is criminalised.
2. Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of luring an adult or a child to the territory of a Party or State other than the one she or he resides in with the purpose of forcing this adult or child to enter into a marriage is criminalised.

### **Article 38 – Female genital mutilation**

Parties shall take the necessary legislative or other measures to ensure that the following intentional conducts are criminalised:

- a. excising, infibulating or performing any other mutilation to the whole or any part of a woman's labia majora, labia minora or clitoris;



coercing or procuring a woman to undergo any of the acts listed in point a;

- c. inciting, coercing or procuring a girl to undergo any of the acts listed in point a.

### **Article 39 – Forced abortion and forced sterilisation**

Parties shall take the necessary legislative or other measures to ensure that the following intentional conducts are criminalised:

- a. performing an abortion on a woman without her prior and informed consent;
- b. performing surgery which has the purpose or effect of terminating a woman's capacity to naturally reproduce without her prior and informed consent or understanding of the procedure.

### **Article 40 – Sexual harassment**

Parties shall take the necessary legislative or other measures to ensure that any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment, is subject to criminal or other legal sanction.

### **Article 41 – Aiding or abetting and attempt**

1. Parties shall take the necessary legislative or other measures to establish as an offence, when committed intentionally, aiding or abetting the commission of the offences established in accordance with Articles 33, 34, 35, 36, 37, 38.a and 39 of this Convention.
2. Parties shall take the necessary legislative or other measures to establish as offences, when committed intentionally, attempts to commit the offences established in accordance with Articles 35, 36, 37, 38.a and 39 of this Convention.

## **Article 42 – Unacceptable justifications for crimes, including crimes committed in the name of so-called “honour”**

1. Parties shall take the necessary legislative or other measures to ensure that, in criminal proceedings initiated following the commission of any of the acts of violence covered by the scope of this Convention, culture, custom, religion, tradition or so-called “honour” shall not be regarded as justification for such acts. This covers, in particular, claims that the victim has transgressed cultural, religious, social or traditional norms or customs of appropriate behaviour.
2. Parties shall take the necessary legislative or other measures to ensure that incitement by any person of a child to commit any of the acts referred to in paragraph 1 shall not diminish the criminal liability of that person for the acts committed.

## **Article 43 – Application of criminal offences**

The offences established in accordance with this Convention shall apply irrespective of the nature of the relationship between victim and perpetrator.

## **Article 44 – Jurisdiction**

1. Parties shall take the necessary legislative or other measures to establish jurisdiction over any offence established in accordance with this Convention, when the offence is committed:
  - a. in their territory; or
  - b. on board a ship flying their flag; or
  - c. on board an aircraft registered under their laws; or
  - d. by one of their nationals; or
  - e. by a person who has her or his habitual residence in their territory.

2. Parties shall endeavour to take the necessary legislative or other measures to establish jurisdiction over any offence established in accordance with this Convention where the offence is committed against one of their nationals or a person who has her or his habitual residence in their territory.
3. For the prosecution of the offences established in accordance with Articles 36, 37, 38 and 39 of this Convention, Parties shall take the necessary legislative or other measures to ensure that their jurisdiction is not subordinated to the condition that the acts are criminalised in the territory where they were committed.
4. For the prosecution of the offences established in accordance with Articles 36, 37, 38 and 39 of this Convention, Parties shall take the necessary legislative or other measures to ensure that their jurisdiction as regards points d and e of paragraph 1 is not subordinated to the condition that the prosecution can only be initiated following the reporting by the victim of the offence or the laying of information by the State of the place where the offence was committed.
5. Parties shall take the necessary legislative or other measures to establish jurisdiction over the offences established in accordance with this Convention, in cases where an alleged perpetrator is present on their territory and they do not extradite her or him to another Party, solely on the basis of her or his nationality.
6. When more than one Party claims jurisdiction over an alleged offence established in accordance with this Convention, the Parties involved shall, where appropriate, consult each other with a view to determining the most appropriate jurisdiction for prosecution.
7. Without prejudice to the general rules of international law, this Convention does not exclude any criminal jurisdiction exercised by a Party in accordance with its internal law.

## **Article 45 – Sanctions and measures**

1. Parties shall take the necessary legislative or other measures to ensure that the offences established in accordance with this Convention are punishable by effective, proportionate and dissuasive sanctions, taking into account their seriousness. These sanctions shall include, where appropriate, sentences involving the deprivation of liberty which can give rise to extradition.
2. Parties may adopt other measures in relation to perpetrators, such as:
  - monitoring or supervision of convicted persons;
  - withdrawal of parental rights, if the best interests of the child, which may include the safety of the victim, cannot be guaranteed in any other way.

## **Article 46 – Aggravating circumstances**

Parties shall take the necessary legislative or other measures to ensure that the following circumstances, insofar as they do not already form part of the constituent elements of the offence, may, in conformity with the relevant provisions of internal law, be taken into consideration as aggravating circumstances in the determination of the sentence in relation to the offences established in accordance with this Convention:

- a. the offence was committed against a former or current spouse or partner as recognised by internal law, by a member of the family, a person cohabiting with the victim or a person having abused her or his authority;
- b. the offence, or related offences, were committed repeatedly;
- c. the offence was committed against a person made vulnerable by particular circumstances;
- d. the offence was committed against or in the presence of a child;
- e. the offence was committed by two or more people acting together;



- f. the offence was preceded or accompanied by extreme levels of violence;
- g. the offence was committed with the use or threat of a weapon;
- h. the offence resulted in severe physical or psychological harm for the victim;
- i. the perpetrator had previously been convicted of offences of a similar nature.

#### **Article 47 – Sentences passed by another Party**

Parties shall take the necessary legislative or other measures to provide for the possibility of taking into account final sentences passed by another Party in relation to the offences established in accordance with this Convention when determining the sentence.

#### **Article 48 – Prohibition of mandatory alternative dispute resolution processes or sentencing**

1. Parties shall take the necessary legislative or other measures to prohibit mandatory alternative dispute resolution processes, including mediation and conciliation, in relation to all forms of violence covered by the scope of this Convention.
2. Parties shall take the necessary legislative or other measures to ensure that if the payment of a fine is ordered, due account shall be taken of the ability of the perpetrator to assume his or her financial obligations towards the victim.

#### **Chapter VI – Investigation, prosecution, procedural law and protective measures**

##### **Article 49 – General obligations**

1. Parties shall take the necessary legislative or other measures to ensure that investigations and judicial proceedings in relation to all forms of violence covered by the scope of this Convention are carried out without

undue delay while taking into consideration the rights of the victim during all stages of the criminal proceedings.

2. Parties shall take the necessary legislative or other measures, in conformity with the fundamental principles of human rights and having regard to the gendered understanding of violence, to ensure the effective investigation and prosecution of offences established in accordance with this Convention.

### **Article 50 – Immediate response, prevention and protection**

1. Parties shall take the necessary legislative or other measures to ensure that the responsible law enforcement agencies respond to all forms of violence covered by the scope of this Convention promptly and appropriately by offering adequate and immediate protection to victims.
2. Parties shall take the necessary legislative or other measures to ensure that the responsible law enforcement agencies engage promptly and appropriately in the prevention and protection against all forms of violence covered by the scope of this Convention, including the employment of preventive operational measures and the collection of evidence.

### **Article 51 – Risk assessment and risk management**

1. Parties shall take the necessary legislative or other measures to ensure that an assessment of the lethality risk, the seriousness of the situation and the risk of repeated violence is carried out by all relevant authorities in order to manage the risk and if necessary to provide co-ordinated safety and support.
2. Parties shall take the necessary legislative or other measures to ensure that the assessment referred to in paragraph 1 duly takes into account, at all stages of the investigation and application of protective measures, the fact that perpetrators of acts of violence covered by the scope of this Convention possess or have access to firearms.

## **Article 52 – Emergency barring orders**

Parties shall take the necessary legislative or other measures to ensure that the competent authorities are granted the power to order, in situations of immediate danger, a perpetrator of domestic violence to vacate the residence of the victim or person at risk for a sufficient period of time and to prohibit the perpetrator from entering the residence of or contacting the victim or person at risk. Measures taken pursuant to this article shall give priority to the safety of victims or persons at risk.

## **Article 53 – Restraining or protection orders**

1. Parties shall take the necessary legislative or other measures to ensure that appropriate restraining or protection orders are available to victims of all forms of violence covered by the scope of this Convention.
2. Parties shall take the necessary legislative or other measures to ensure that the restraining or protection orders referred to in paragraph 1 are:
  - available for immediate protection and without undue financial or administrative burdens placed on the victim;
  - issued for a specified period or until modified or discharged;
  - where necessary, issued on an *ex parte* basis which has immediate effect;
  - available irrespective of, or in addition to, other legal proceedings;
  - allowed to be introduced in subsequent legal proceedings.
3. Parties shall take the necessary legislative or other measures to ensure that breaches of restraining or protection orders issued pursuant to paragraph 1 shall be subject to effective, proportionate and dissuasive criminal or other legal sanctions.

## **Article 54 – Investigations and evidence**

Parties shall take the necessary legislative or other measures to ensure that, in any civil or criminal proceedings, evidence relating to the sexual

history and conduct of the victim shall be permitted only when it is relevant and necessary.

### **Article 55 – *Ex parte* and *ex officio* proceedings**

1. Parties shall ensure that investigations into or prosecution of offences established in accordance with Articles 35, 36, 37, 38 and 39 of this Convention shall not be wholly dependant upon a report or complaint filed by a victim if the offence was committed in whole or in part on its territory, and that the proceedings may continue even if the victim withdraws her or his statement or complaint.
2. Parties shall take the necessary legislative or other measures to ensure, in accordance with the conditions provided for by their internal law, the possibility for governmental and non-governmental organisations and domestic violence counsellors to assist and/or support victims, at their request, during investigations and judicial proceedings concerning the offences established in accordance with this Convention.

### **Article 56 – Measures of protection**

1. Parties shall take the necessary legislative or other measures to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigations and judicial proceedings, in particular by:
  - a. providing for their protection, as well as that of their families and witnesses, from intimidation, retaliation and repeat victimisation;
  - b. ensuring that victims are informed, at least in cases where the victims and the family might be in danger, when the perpetrator escapes or is released temporarily or definitively;
  - c. informing them, under the conditions provided for by internal law, of their rights and the services at their disposal and the follow-up given to their complaint, the charges, the general progress of the investigation or proceedings, and their role therein, as well as the outcome of their case;





- d. enabling victims, in a manner consistent with the procedural rules of internal law, to be heard, to supply evidence and have their views, needs and concerns presented, directly or through an intermediary, and considered;
  - e. providing victims with appropriate support services so that their rights and interests are duly presented and taken into account;
  - f. ensuring that measures may be adopted to protect the privacy and the image of the victim;
  - g. ensuring that contact between victims and perpetrators within court and law enforcement agency premises is avoided where possible;
  - h. providing victims with independent and competent interpreters when victims are parties to proceedings or when they are supplying evidence;
  - i. enabling victims to testify, according to the rules provided by their internal law, in the courtroom without being present or at least without the presence of the alleged perpetrator, notably through the use of appropriate communication technologies, where available.
2. A child victim and child witness of violence against women and domestic violence shall be afforded, where appropriate, special protection measures taking into account the best interests of the child.

### **Article 57 – Legal aid**

Parties shall provide for the right to legal assistance and to free legal aid for victims under the conditions provided by their internal law.

### **Article 58 – Statute of limitation**

Parties shall take the necessary legislative and other measures to ensure that the statute of limitation for initiating any legal proceedings with regard to the offences established in accordance with Articles 36, 37, 38 and 39 of this Convention, shall continue for a period of time that is

sufficient and commensurate with the gravity of the offence in question, to allow for the efficient initiation of proceedings after the victim has reached the age of majority.

## **Chapter VII – Migration and asylum**

### **Article 59 – Residence status**

1. Parties shall take the necessary legislative or other measures to ensure that victims whose residence status depends on that of the spouse or partner as recognised by internal law, in the event of the dissolution of the marriage or the relationship, are granted in the event of particularly difficult circumstances, upon application, an autonomous residence permit irrespective of the duration of the marriage or the relationship. The conditions relating to the granting and duration of the autonomous residence permit are established by internal law.
2. Parties shall take the necessary legislative or other measures to ensure that victims may obtain the suspension of expulsion proceedings initiated in relation to a residence status dependent on that of the spouse or partner as recognised by internal law to enable them to apply for an autonomous residence permit.
3. Parties shall issue a renewable residence permit to victims in one of the two following situations, or in both:
  - a. where the competent authority considers that their stay is necessary owing to their personal situation;
  - b. where the competent authority considers that their stay is necessary for the purpose of their co-operation with the competent authorities in investigation or criminal proceedings.
4. Parties shall take the necessary legislative or other measures to ensure that victims of forced marriage brought into another country for the purpose of the marriage and who, as a result, have lost their residence status in the country where they habitually reside, may regain this status.



## **Article 60 – Gender-based asylum claims**

1. Parties shall take the necessary legislative or other measures to ensure that gender-based violence against women may be recognised as a form of persecution within the meaning of Article 1, A (2), of the 1951 Convention relating to the Status of Refugees and as a form of serious harm giving rise to complementary/subsidiary protection.
2. Parties shall ensure that a gender-sensitive interpretation is given to each of the Convention grounds and that where it is established that the persecution feared is for one or more of these grounds, applicants shall be granted refugee status according to the applicable relevant instruments.
3. Parties shall take the necessary legislative or other measures to develop gender-sensitive reception procedures and support services for asylum-seekers as well as gender guidelines and gender-sensitive asylum procedures, including refugee status determination and application for international protection.

## **Article 61 – Non-refoulement**

1. Parties shall take the necessary legislative or other measures to respect the principle of non-refoulement in accordance with existing obligations under international law.
2. Parties shall take the necessary legislative or other measures to ensure that victims of violence against women who are in need of protection, regardless of their status or residence, shall not be returned under any circumstances to any country where their life would be at risk or where they might be subjected to torture or inhuman or degrading treatment or punishment.

## **Chapter VIII – International co-operation**

### **Article 62 – General principles**

1. Parties shall co-operate with each other, in accordance with the provisions of this Convention, and through the application of relevant international

and regional instruments on co-operation in civil and criminal matters, arrangements agreed on the basis of uniform or reciprocal legislation and internal laws, to the widest extent possible, for the purpose of:

- a. preventing, combating and prosecuting all forms of violence covered by the scope of this Convention;
  - b. protecting and providing assistance to victims;
  - c. investigations or proceedings concerning the offences established in accordance with this Convention;
  - d. enforcing relevant civil and criminal judgments issued by the judicial authorities of Parties, including protection orders.
2. Parties shall take the necessary legislative or other measures to ensure that victims of an offence established in accordance with this Convention and committed in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their State of residence.
  3. If a Party that makes mutual legal assistance in criminal matters, extradition or enforcement of civil or criminal judgments imposed by another Party to this Convention conditional on the existence of a treaty receives a request for such legal co-operation from a Party with which it has not concluded such a treaty, it may consider this Convention to be the legal basis for mutual legal assistance in criminal matters, extradition or enforcement of civil or criminal judgments imposed by the other Party in respect of the offences established in accordance with this Convention.
  4. Parties shall endeavour to integrate, where appropriate, the prevention and the fight against violence against women and domestic violence in assistance programmes for development provided for the benefit of third States, including by entering into bilateral and multilateral agreements with third States with a view to facilitating the protection of victims in accordance with Article 18, paragraph 5.



### **Article 63 – Measures relating to persons at risk**

When a Party, on the basis of the information at its disposal, has reasonable grounds to believe that a person is at immediate risk of being subjected to any of the acts of violence referred to in Articles 36, 37, 38 and 39 of this Convention on the territory of another Party, the Party that has the information is encouraged to transmit it without delay to the latter for the purpose of ensuring that appropriate protection measures are taken. Where applicable, this information shall include details on existing protection provisions for the benefit of the person at risk.

### **Article 64 – Information**

1. The requested Party shall promptly inform the requesting Party of the final result of the action taken under this chapter. The requested Party shall also promptly inform the requesting Party of any circumstances which render impossible the carrying out of the action sought or are likely to delay it significantly.
2. A Party may, within the limits of its internal law, without prior request, forward to another Party information obtained within the framework of its own investigations when it considers that the disclosure of such information might assist the receiving Party in preventing criminal offences established in accordance with this Convention or in initiating or carrying out investigations or proceedings concerning such criminal offences or that it might lead to a request for co-operation by that Party under this chapter.
3. A Party receiving any information in accordance with paragraph 2 shall submit such information to its competent authorities in order that proceedings may be taken if they are considered appropriate, or that this information may be taken into account in relevant civil and criminal proceedings.

### **Article 65 – Data Protection**

Personal data shall be stored and used pursuant to the obligations undertaken by the Parties under the Convention for the Protection of

Individuals with regard to Automatic Processing of Personal Data (ETS No. 108).

## **Chapter IX – Monitoring mechanism**

### **Article 66 – Group of experts on action against violence against women and domestic violence**

1. The Group of experts on action against violence against women and domestic violence (hereinafter referred to as “GREVIO”) shall monitor the implementation of this Convention by the Parties.
2. GREVIO shall be composed of a minimum of 10 members and a maximum of 15 members, taking into account a gender and geographical balance, as well as multidisciplinary expertise. Its members shall be elected by the Committee of the Parties from among candidates nominated by the Parties for a term of office of four years, renewable once, and chosen from among nationals of the Parties.
3. The initial election of 10 members shall be held within a period of one year following the entry into force of this Convention. The election of five additional members shall be held following the 25th ratification or accession.
4. The election of the members of GREVIO shall be based on the following principles:
  - a. they shall be chosen according to a transparent procedure from among persons of high moral character, known for their recognised competence in the fields of human rights, gender equality, violence against women and domestic violence, or assistance to and protection of victims, or having demonstrated professional experience in the areas covered by this Convention;
  - b. no two members of GREVIO may be nationals of the same State;
  - c. they should represent the main legal systems;



- d. they should represent relevant actors and agencies in the field of violence against women and domestic violence;
  - e. they shall sit in their individual capacity and shall be independent and impartial in the exercise of their functions, and shall be available to carry out their duties in an effective manner.
5. The election procedure of the members of GREVIO shall be determined by the Committee of Ministers of the Council of Europe, after consulting with and obtaining the unanimous consent of the Parties, within a period of six months following the entry into force of this Convention.
  6. GREVIO shall adopt its own rules of procedure.
  7. Members of GREVIO, and other members of delegations carrying out the country visits as set forth in Article 68, paragraphs 9 and 14, shall enjoy the privileges and immunities established in the appendix to this Convention.

#### **Article 67 – Committee of the Parties**

1. The Committee of the Parties shall be composed of the representatives of the Parties to the Convention.
2. The Committee of the Parties shall be convened by the Secretary General of the Council of Europe. Its first meeting shall be held within a period of one year following the entry into force of this Convention in order to elect the members of GREVIO. It shall subsequently meet whenever one third of the Parties, the President of the Committee of the Parties or the Secretary General so requests.
3. The Committee of the Parties shall adopt its own rules of procedure.

#### **Article 68 – Procedure**

1. Parties shall submit to the Secretary General of the Council of Europe, based on a questionnaire prepared by GREVIO, a report on legislative

and other measures giving effect to the provisions of this Convention, for consideration by GREVIO.

2. GREVIO shall consider the report submitted in accordance with paragraph 1 with the representatives of the Party concerned.
3. Subsequent evaluation procedures shall be divided into rounds, the length of which is determined by GREVIO. At the beginning of each round GREVIO shall select the specific provisions on which the evaluation procedure shall be based and send out a questionnaire.
4. GREVIO shall define the appropriate means to carry out this monitoring procedure. It may in particular adopt a questionnaire for each evaluation round, which shall serve as a basis for the evaluation procedure of the implementation by the Parties. This questionnaire shall be addressed to all Parties. Parties shall respond to this questionnaire, as well as to any other request of information from GREVIO.
5. GREVIO may receive information on the implementation of the Convention from non-governmental organisations and civil society, as well as from national institutions for the protection of human rights.
6. GREVIO shall take due consideration of the existing information available from other regional and international instruments and bodies in areas falling within the scope of this Convention.
7. When adopting a questionnaire for each evaluation round, GREVIO shall take due consideration of the existing data collection and research in the Parties as referred to in Article 11 of this Convention.
8. GREVIO may receive information on the implementation of the Convention from the Council of Europe Commissioner for Human Rights, the Parliamentary Assembly and relevant specialised bodies of the Council of Europe, as well as those established under other international instruments. Complaints presented to these bodies and their outcome will be made available to GREVIO.





9. GREVIO may subsidiarily organise, in co-operation with the national authorities and with the assistance of independent national experts, country visits, if the information gained is insufficient or in cases provided for in paragraph 14. During these visits, GREVIO may be assisted by specialists in specific fields.
10. GREVIO shall prepare a draft report containing its analysis concerning the implementation of the provisions on which the evaluation is based, as well as its suggestions and proposals concerning the way in which the Party concerned may deal with the problems which have been identified. The draft report shall be transmitted for comments to the Party which undergoes the evaluation. Its comments shall be taken into account by GREVIO when adopting its report.
11. On the basis of all the information received and the comments by the Parties, GREVIO shall adopt its report and conclusions concerning the measures taken by the Party concerned to implement the provisions of this Convention. This report and the conclusions shall be sent to the Party concerned and to the Committee of the Parties. The report and conclusions of GREVIO shall be made public as from their adoption, together with eventual comments by the Party concerned.
12. Without prejudice to the procedure of paragraphs 1 to 8, the Committee of the Parties may adopt, on the basis of the report and conclusions of GREVIO, recommendations addressed to this Party (a) concerning the measures to be taken to implement the conclusions of GREVIO, if necessary setting a date for submitting information on their implementation, and (b) aiming at promoting co-operation with that Party for the proper implementation of this Convention.
13. If GREVIO receives reliable information indicating a situation where problems require immediate attention to prevent or limit the scale or number of serious violations of the Convention, it may request the urgent submission of a special report concerning measures taken to prevent a serious, massive or persistent pattern of violence against women.

14. Taking into account the information submitted by the Party concerned, as well as any other reliable information available to it, GREVIO may designate one or more of its members to conduct an inquiry and to report urgently to GREVIO. Where warranted and with the consent of the Party, the inquiry may include a visit to its territory.
15. After examining the findings of the inquiry referred to in paragraph 14, GREVIO shall transmit these findings to the Party concerned and, where appropriate, to the Committee of the Parties and the Committee of Ministers of the Council of Europe together with any comments and recommendations.

#### **Article 69 – General recommendations**

GREVIO may adopt, where appropriate, general recommendations on the implementation of this Convention.

#### **Article 70 – Parliamentary involvement in monitoring**

1. National parliaments shall be invited to participate in the monitoring of the measures taken for the implementation of this Convention.
2. Parties shall submit the reports of GREVIO to their national parliaments.
3. The Parliamentary Assembly of the Council of Europe shall be invited to regularly take stock of the implementation of this Convention.

### **Chapter X – Relationship with other international instruments**

#### **Article 71 – Relationship with other international instruments**

1. This Convention shall not affect obligations arising from other international instruments to which Parties to this Convention are Parties or shall become Parties and which contain provisions on matters governed by this Convention.
2. The Parties to this Convention may conclude bilateral or multilateral agreements with one another on the matters dealt with in this

Convention, for purposes of supplementing or strengthening its provisions or facilitating the application of the principles embodied in it.

## **Chapter XI – Amendments to the Convention**

### **Article 72 – Amendments**

1. Any proposal for an amendment to this Convention presented by a Party shall be communicated to the Secretary General of the Council of Europe and forwarded by her or him to the member States of the Council of Europe, any signatory, any Party, the European Union, any State invited to sign this Convention in accordance with the provisions of Article 75, and any State invited to accede to this Convention in accordance with the provisions of Article 76.
2. The Committee of Ministers of the Council of Europe shall consider the proposed amendment and, after having consulted the Parties to this Convention that are not members of the Council of Europe, may adopt the amendment by the majority provided for in Article 20.d of the Statute of the Council of Europe.
3. The text of any amendment adopted by the Committee of Ministers in accordance with paragraph 2 shall be forwarded to the Parties for acceptance.
4. Any amendment adopted in accordance with paragraph 2 shall enter into force on the first day of the month following the expiration of a period of one month after the date on which all Parties have informed the Secretary General of their acceptance.

## **Chapter XII – Final clauses**

### **Article 73 – Effects of this Convention**

The provisions of this Convention shall not prejudice the provisions of internal law and binding international instruments which are already in force or may come into force, under which more favourable rights are

or would be accorded to persons in preventing and combating violence against women and domestic violence.

### **Article 74 – Dispute settlement**

1. The Parties to any dispute which may arise concerning the application or interpretation of the provisions of this Convention shall first seek to resolve it by means of negotiation, conciliation, arbitration or by any other methods of peaceful settlement accepted by mutual agreement between them.
2. The Committee of Ministers of the Council of Europe may establish procedures of settlement to be available for use by the Parties in dispute if they should so agree.

### **Article 75 – Signature and entry into force**

1. This Convention shall be open for signature by the member States of the Council of Europe, the non-member States which have participated in its elaboration and the European Union.
2. This Convention is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.
3. This Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date on which 10 signatories, including at least eight member States of the Council of Europe, have expressed their consent to be bound by the Convention in accordance with the provisions of paragraph 2.
4. In respect of any State referred to in paragraph 1 or the European Union, which subsequently expresses its consent to be bound by it, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of its instrument of ratification, acceptance or approval.



## **Article 76 – Accession to the Convention**

1. After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may, after consultation of the Parties to this Convention and obtaining their unanimous consent, invite any non-member State of the Council of Europe, which has not participated in the elaboration of the Convention, to accede to this Convention by a decision taken by the majority provided for in Article 20.d of the Statute of the Council of Europe, and by unanimous vote of the representatives of the Parties entitled to sit on the Committee of Ministers.
2. In respect of any acceding State, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

## **Article 77 – Territorial application**

1. Any State or the European Union may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.
2. Any Party may, at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory specified in the declaration and for whose international relations it is responsible or on whose behalf it is authorised to give undertakings. In respect of such territory, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.
3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General of the Council of Europe. The withdrawal shall become effective on the first day of the

month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.

### **Article 78 – Reservations**

1. No reservation may be made in respect of any provision of this Convention, with the exceptions provided for in paragraphs 2 and 3.
2. Any State or the European Union may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, declare that it reserves the right not to apply or to apply only in specific cases or conditions the provisions laid down in:
  - Article 30, paragraph 2;
  - Article 44, paragraphs 1.e, 3 and 4;
  - Article 55, paragraph 1 in respect of Article 35 regarding minor offences;
  - Article 58 in respect of Articles 37, 38 and 39;
  - Article 59.
3. Any State or the European Union may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, declare that it reserves the right to provide for non-criminal sanctions, instead of criminal sanctions, for the behaviours referred to in Articles 33 and 34.
4. Any Party may wholly or partly withdraw a reservation by means of a declaration addressed to the Secretary General of the Council of Europe. This declaration shall become effective as from its date of receipt by the Secretary General.



### **Article 79 – Validity and review of reservations**

1. Reservations referred to in Article 78, paragraphs 2 and 3, shall be valid for a period of five years from the day of the entry into force of this Convention in respect of the Party concerned. However, such reservations may be renewed for periods of the same duration.
2. Eighteen months before the date of expiry of the reservation, the Secretariat General of the Council of Europe shall give notice of that expiry to the Party concerned. No later than three months before the expiry, the Party shall notify the Secretary General that it is upholding, amending or withdrawing its reservation. In the absence of a notification by the Party concerned, the Secretariat General shall inform that Party that its reservation is considered to have been extended automatically for a period of six months. Failure by the Party concerned to notify its intention to uphold or modify its reservation before the expiry of that period shall cause the reservation to lapse.
3. If a Party makes a reservation in conformity with Article 78, paragraphs 2 and 3, it shall provide, before its renewal or upon request, an explanation to GREVIO, on the grounds justifying its continuance.

### **Article 80 – Denunciation**

1. Any Party may, at any time, denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.
2. Such denunciation shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of the notification by the Secretary General.

### **Article 81 – Notification**

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, the non-member States which have participated in its elaboration, any signatory, any Party, the European Union, and any State invited to accede to this Convention of:

- a. any signature;
- b. the deposit of any instrument of ratification, acceptance, approval or accession;
- c. any date of entry into force of this Convention in accordance with Articles 75 and 76;
- d. any amendment adopted in accordance with Article 72 and the date on which such an amendment enters into force;
- e. any reservation and withdrawal of reservation made in pursuance of Article 78;
- f. any denunciation made in pursuance of the provisions of Article 80;
- g. any other act, notification or communication relating to this Convention.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at Istanbul, this 11th day of May 2011, in English and in French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, to the non-member States which have participated in the elaboration of this Convention, to the European Union and to any State invited to accede to this Convention.

### **Appendix – Privileges and immunities (Article 66)**

1. This appendix shall apply to the members of GREVIO mentioned in Article 66 of the Convention, as well as to other members of the country visit delegations. For the purpose of this appendix, the term “other members of the country visit delegations” shall include the independent national experts and the specialists mentioned in Article 68, paragraph 9, of the Convention, staff members of the Council of Europe





and interpreters employed by the Council of Europe accompanying GREVIO during its country visits.

2. The members of GREVIO and the other members of the country visit delegations shall, while exercising their functions relating to the preparation and the carrying out of country visits, as well as the follow-up thereto, and travelling in connection with those functions, enjoy the following privileges and immunities:
  - a. immunity from personal arrest or detention and from seizure of their personal baggage, and immunity from legal process of every kind in respect of words spoken or written and all acts performed by them in their official capacity;
  - b. exemption from any restrictions on their freedom of movement on exit from and return to their country of residence, and entry into and exit from the country in which they exercise their functions, and from alien registration in the country which they are visiting or through which they are passing in the exercise of their functions.
3. In the course of journeys undertaken in the exercise of their functions, the members of GREVIO and the other members of the country visit delegations shall, in the matter of customs and exchange control, be accorded the same facilities as those accorded to representatives of foreign governments on temporary official duty.
4. The documents relating to the evaluation of the implementation of the Convention carried by members of GREVIO and other members of the country visit delegations shall be inviolable insofar as they concern the activity of GREVIO. No stoppage or censorship shall be applied to the official correspondence of GREVIO or to official communications of members of GREVIO and other members of the country visit delegations.
5. In order to secure for the members of GREVIO and the other members of the country visit delegations complete freedom of speech and complete independence in the discharge of their duties, the immunity

from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

6. Privileges and immunities are granted to the persons mentioned in paragraph 1 of this appendix in order to safeguard the independent exercise of their functions in the interests of GREVIO and not for their personal benefit. The waiver of immunities of the persons mentioned in paragraph 1 of this appendix shall be made by the Secretary General of the Council of Europe in any case where, in his or her opinion, the immunity would impede the course of justice and where it can be waived without prejudice to the interests of GREVIO.W



THE LAW NR.6284  
ON PROTECTION  
OF FAMILY AND  
PREVENTION  
OF VIOLENCE  
AGAINST  
WOMEN



Republic of Turkey  
Ministry of Family and  
Social Policies

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THE GENERAL DIRECTORATE ON  
STATUS OF WOMAN

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# THE LAW NR.6284 ON PROTECTION OF FAMILY AND PREVENTION OF VIOLENCE AGAINST WOMEN

**Law No. 6284**

**Approval Date: 8/3/2012**

## CHAPTER ONE

### Objective, Scope, Basic Principles and Definitions

#### Objective, scope and basic principles

**ARTICLE 1 – (1)** The objective of this Law is to regulate the principles and procedures concerning the measures to be taken for the protection of the women, children, family members who have been exposed to or under the risk of being exposed to violence and the persons who are the victims of unilateral persistent stalking and for the prevention of violence against these persons.

(2) The following basic principles shall be respected in the implementation of this Law and provision of necessary services:

a) The Constitution of the Republic of Turkey and the international conventions to which Turkey is a party, particularly the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and the other applicable legal regulations shall be based on.

b) In providing support and services for the victims of violence, a procedure which is based on fundamental human rights, sensitive to equality of women and men, in compliance with the principle of social state, fair, effective and swift shall be followed.

c) The protection orders that are issued for the victim of violence and perpetrator shall be fulfilled in a manner compatible with human dignity.

ç) The special measures which prevent and protect women from gender-based violence shall not be considered discrimination under the provisions of this Law.

### **Definitions**

**ARTICLE 2 – (1)** For the purpose of this Law;

a) Ministry shall mean the Ministry of Family and Social Policies,

b) Domestic violence shall mean all acts of physical, sexual, psychological and economic violence that occur within the family or domestic unit or between other family members whether or not the perpetrator shares the same residence with the victim of violence,

c) Judge shall mean the judge of family court,

ç) Violence against women shall mean all sorts of violent act that is directed against a woman because she is a woman or lead to violation of human rights of women through a gender-based discrimination which affects women and defined as violence by this Law,

d) Violence shall mean all sorts of physical, sexual, psychological, verbal or economic acts that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to persons, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in social, public or private life,

e) Victim of violence shall mean the persons who are exposed, or under the risk of being exposed, directly or indirectly, to the acts defined as violence by this Law and those who are affected, or under the risk of being affected, by violence,

f) Centers for prevention and monitoring of violence shall mean the centers where support and monitoring services are provided to prevent violence and effectively implement the protective and preventive orders and which operate seven days twenty four hours (24/7),



g) Perpetrator shall mean the persons who commit, or has the potential to commit, all sorts of act defined as violence by this Law,

ğ) Protection order shall mean the protective orders to be issued for the victims of violence and perpetrators on request or ex officio by the judge, law enforcement officers and administrative chiefs within the scope of this Law.

## CHAPTER TWO

### Provisions on Protective and Preventive Measures

#### The protection orders to be issued by the administrative chiefs

**ARTICLE 3** – (1) One or several of the following measures or similar measures to be deemed appropriate by the administrative chiefs for the persons who are under the protection within this Law might be decided by the administrative chiefs:

a) Providing an appropriate shelter for the victims and their children if necessary at their current residence or another place.

b) Providing temporary financial assistance without prejudice to the assistances to be provided pursuant to other laws.

c) Offering psychological, professional, legal and social guidance and counseling services.

ç) In case of a life-threatening situation, putting the victim under temporary protection on request of the victim or ex officio.

d) Where necessary, providing nursery services for four months to support the participation of the children in working life if the protected person has children or maximum two months for the children over sixteen if the protected person is working, provided that the amount does not exceed half of the annually determined monthly net minimum wage and with the condition to certify it and by covering it from the relevant scheme of the Ministry budget.

(2) In non-delayable cases, the measures mentioned in the subparagraphs (a) and (ç) of the first paragraph might be taken by the relevant law enforcement

chiefs as well. The law enforcement chief shall submit the document for the approval of the administrative chief within one working day following the decision date at the latest. The measures which are not approved by the administrative chief within forty eight hours shall be automatically cancelled.

### **The protection orders to be issued by the judge**

**ARTICLE 4 – (1)** One or several of the following protective measures or similar measures to be deemed appropriate for the protected persons within the scope of this Law might be decided by the judge:

- a) Changing the working place.
- b) If the person is married, providing a residence different from the shared residence.
- c) Putting a family residence annotation onto the title deed if the conditions of the Turkish Civil Code No. 4721 dated 22/11/2001 are applicable and on request of the protected person.
- ç) Changing identity and other relevant identification information and documents in case that the protected person has a life-threatening situation and the other measures that are taken to prevent this life-threatening situation are not sufficient and based on informed consent of the concerned in accordance with the provisions of the Witness Protection Act No. 5726 dated 27/12/2007.

### **Preventive orders to be issued by the judge**

**ARTICLE 5 – (1)** One or several of the following preventive measures or similar measures to be deemed appropriate for the perpetrators of violence might be decided by the judge:

- a) Ensuring that the perpetrator does not engage in threats of violence and commit acts of insult, contempt or humiliation against the victim of violence.
- b) Prohibiting the perpetrator from entering the shared residence or restraining him from his current location immediately and allocating the shared residence for the protected person.





c) Restraining the perpetrator from approaching the protected person, their residence, school and workplace.

ç) If there is a previous order on a personal contact with the children, ensuring that this personal contact is made with an escort, restricting the personal contact or cancelling the contact completely.

d) Where necessary, prohibiting the perpetrator from contacting the relatives, witnesses and the children of the protected person even if she has not been exposed to violence without prejudice to the conditions regarding personal contact.

e) Ensuring that the perpetrator does not damage the belongings and household goods of the protected person.

f) Ensuring that the perpetrator does not disturb the protected person through communication tools or by another way.

g) Ensuring that the perpetrator delivers the guns that are legally allowed to be carried or owned to the law enforcement officers.

ğ) Ensuring that the perpetrator delivers the gun at his debit due to his official duty to his organization even though he is executing a public duty which requires carrying a gun.

h) Ensuring that the perpetrator does not use alcohol or drugs or stimulants at the location of the protected persons or prohibiting the perpetrator from approaching the protected persons and their locations when they are under the influence of alcohol, drugs or stimulants and providing examination and treatment including hospitalization if there is a case of addiction.

ı) Ensuring that the perpetrator goes to a health center for examination or treatment and providing treatment.

(2) In non-delayable cases, the measures in the subparagraphs (a), (b), (c) and (d) of the first paragraph might also be taken by the relevant law enforcement chiefs. The law enforcement chief shall submit the document for the approval of the judge within one working day following the decision date

at the latest. The measures which are not approved by the judge within twenty four hours shall be automatically cancelled.

(3) Along with the measures specified in this Law, the judge is authorized to decide on the protective and preventive measures in the Child Protection Law No. 5395 dated 3/7/2005 and in the matters of custody, guardian, alimony and personal contact in accordance with the provisions of the Law No. 4721.

(4) If the perpetrator of violence is the person who is making a living for the family or contributes to making a living, provided that an alimony order has not been ruled in accordance with the provisions of the Law No. 4721, the judge might rule on a temporary alimony considering the living standard of the victim whether or not on request.

### **The reserved provisions concerning the crimes**

**ARTICLE 6** – (1) If carrying a gun, using drugs or stimulants by the perpetrator constitutes a crime or any other acts constitutes a crime; the following provisions of the Law are reserved:

a) The protective measures or probation measures during investigation and judicial proceedings,

b) In case of conviction, the measures concerning the execution of punishment or security measures and possible probation measures to be taken within this context.

### **Reporting**

**ARTICLE 7** – (1) In case of any acts of violence or risk of being violated, any person shall report this situation to the official organizations or authorities. The public officials who are informed about such reporting are obliged to fulfill his/ her duties within the scope of this Law and inform the authorities about other necessary measures to be taken without delay.

### **Issuing protection orders, notification and confidentiality**

**ARTICLE 8** – (1) The protection order shall be issued on the request of the concerned and on application of the officials of the Ministry or law enforcement or public prosecutor. The protection orders might be requested



from the judge, administrative chief or law enforcement unit within the fastest and easiest reach.

(2) The protection order might be issued for maximum six months for the first time. However, in cases that the violence or risk of committing violence continues, changing the duration or form of the measures, revoking these measures or continuing them in the same way might be decided *ex officio*, on request of the protected person or the officials of the Ministry or law enforcement.

(3) Any evidence or document showing there is a case of violence shall not be needed to be searched in order to issue a protection order. The protection order shall be issued without delay. Issuing this order shall not be delayed in a manner to undermine fulfilling the objective of this Law.

(4) The protected person and the perpetrator of violence shall be notified or pronounced of the protection order. Only the protected person shall be notified of the decision on rejecting the request of protection. In non-delayable cases, the perpetrator shall be immediately notified of the protection order issued by the relevant law enforcement unit with a written report.

(5) In procedures about pronouncing and notification of protection order, a warning for forced imprisonment shall be given to the perpetrator in case of violation of protection order.

(6) Where necessary, the information which may disclose the ID or identity and addresses and other information which are important in terms of efficiency of the protection of the protected person and other family members with the protection order on request or *ex officio* shall be kept confidential at all official records. A different address shall be determined for the notifications. The relevant provisions of the Turkish Penal Code No. 5237 dated 26/9/2004 shall be applied for the persons who unlawfully give, disclose or explain these information to other persons.

(7) The delivery of the belongings or documents might be provided for the concerned on request with the help of law enforcement officials.

## Objection

**ARTICLE 9** – (1) The concerned party can object to the family court against the decisions taken in accordance with the provisions of this Law within two weeks following the date of pronouncement or notification.

(2) Upon objection to the protection orders issued by the judge, the file shall be sent without delay to the next office of the family court if there are more than one offices of the family court at that place, to the first office for the last numbered office, to the court of first instance if there is only one office of the family court at that place, to the nearest court of first instance if the judge of family court is the same judge of the court of first instance.

(3) The authority for objection shall rule within a week. The decisions made upon objection shall be conclusive.

## Notification and implementation of protection orders

**ARTICLE 10** – (1) The relevant provincial and district directorates of the Ministry and the office of the chief public prosecutor or the law enforcement unit according to the nature of the order shall be notified of the protection orders issued in accordance with this Law through fastest channels.

(2) The relevant provincial and district directorates of the Ministry shall be immediately notified of the applications made to the relevant authorities and the decisions about the approval or refusal of these applications by the authority to which application is made within the scope of this Law.

(3) The law enforcement unit located at the residence of the persons for whom a protection or preventive order has been issued or located at the places where these orders would be implemented shall be authorized and in charge of fulfilling the protection order issued for providing temporary protection of the protected person and the prevention order issued for the perpetrator.

(4) If the protection order is issued and implemented by the chief law enforcement or the protected person is at the law enforcement unit, the person shall be immediately transported by the law enforcement officers to the relevant provincial or district directorates of the Ministry. In cases when this is not possible, the person and the persons with her shall be provided with



a temporary shelter provided that the costs are covered from the budget of the Ministry.

(5) Not notifying or not pronouncing the concerned of the protection order shall not pose an obstacle for implementing the order.

(6) The persons for whom a decision to provide shelter has been made shall be settled at the places owned by the Ministry or under the supervision of the Ministry. If there are not enough shelters, the protected persons can be provided a temporary accommodation at the places such as social facilities, dormitories or similar places owned by the public institutions and agencies on request of administrative chief, or in urgent situations, of the law enforcement officials or Ministry.

(7) The protection order concerning the change of workplace shall be fulfilled by the competent authority or person in accordance with the provisions of the relevant legislation that the person is subject to.

### **Law-enforcement duties**

**ARTICLE 11** – (1) The law-enforcement duties at the central and provincial units of the law enforcement within the scope of the services specified in this Law shall be performed by sufficient number of staff determined by the relevant law enforcement units and trained in the field of human rights of children and women and equality of women and men.

### **Monitoring through technical methods**

**ARTICLE 12** – (1) Technical tools and methods can be used in implementing the protection orders issued in accordance with the provisions of this Law following the decision of the judge. However, by this means, it is not allowed to listen, watch and record the voices and videos of the persons.

(2) The procedures and principles regarding tracing through technical tools and methods shall be arranged by a regulation.

### **Violation of protection orders**

**ARTICLE 13** – (1) If the perpetrator violates the requirements of the protection orders issued in accordance with the provisions of this Law, the

perpetrator shall be subject to three to ten days of forced imprisonment by the decision of the judge according to the nature of the violated protection order or the degree of violation even if his act constitutes a crime.

(2) In case of each repeated violation of the requirements of the protection order, the duration of the forced imprisonment shall be extended from fifteen days to thirty days according to the nature of the violated protection order and the degree of violation. However, the total duration of forced imprisonment shall not exceed six months.

(3) The decisions on forced imprisonment shall be applied by the office of the chief public prosecutor. The relevant provincial and district directorates of the Ministry shall be notified of these decisions.

## CHAPTER THREE

### **Establishment of Centers, Support Services and Inter-Agency Coordination**

#### **Establishment of centers for prevention and monitoring of violence**

**ARTICLE 14** –(1) The Ministry shall establish the centers for prevention and monitoring of violence in which the appropriate expert personnel and preferably female personnel are employed, which provide support and monitoring services for preventing violence and for the effective implementation of protective and preventive measures, which provide service on a seven day / twenty four hour basis and whose working principles and procedures are specified in the by-law.

(2) The centers shall provide monitoring and support services for the prevention of violence and for the effective implementation of protective and preventive measures.

#### **Support Services**

**ARTICLE 15** – (1) The support services provided by the centers for prevention and monitoring of violence with a view to preventing violence and



monitoring the effective implementation of the protection orders under the scope of this Law are as follows:

a) Establishing a data bank by collecting data on the implementation of the orders on protective and preventive measures and the issue and implementation of barring orders, keep record of the protection orders.

b) Coordinating the sheltering services, temporary financial aid, health and legal aids and other services to the person under protection.

c) Applying for the issuance and implementation of protection measures if necessary.

ç) Preparing and implementing programs at individual and social scale in order to end the violence within the framework of this Law.

d) Extending the reach of the call center of the Ministry in accordance with the objective of this Law and monitoring the applications.

e) Collaborating with the related Non-Governmental Organizations working towards ending the violence within the framework of this Law.

(2) The support services provided by the centers for prevention and monitoring of violence for the persons under protection are as follows:

a) Providing guidance on such issues as the rights of the woman, support organizations, employment and similar topics and making arrangements towards participation in vocational courses.

b) Making suggestions and providing assistance with a view to realizing the goal of the protection order.

c) Monitoring the implementation of the protection orders and their effects on the persons.

ç) Providing assistance and guidance in resolving psychosocial and economic problems.

d) Preparing and submitting a detailed social research report on the history, family, education, personal, social, economic and psychological state of the person on request of the judge.

e) Preparing report on the implementation of the measures and their effects on the persons in question if requested by the related authority.

f) Providing guidance on the financial support procedures in accordance with the Law on Encouraging Social Assistance and Solidarity No: 3284 of 29/5/1986.

(3) The support services provided by the centers for prevention and monitoring of violence on the perpetrator are as follows:

a) Preparing and submitting a detailed research report on the history, family, education, personal, social, economic and psychological state of the person and on the risk the person poses against other persons and the society on request of the judge.

b) Preparing report on the implementation of the measures and their effects on the persons in question if requested by the related authority.

c) Carrying out encouraging, illuminative and guiding activities such as;

1) Participation in training and rehabilitation programs aiming at changing the attitude and behaviors of the person through anger management, overcoming stress and raising awareness to prevent violence,

2) In case the person has alcohol, drug, evaporative and stimulant substance addiction or with a mental disorder, examination or treatment in a healthcare organization,

3) Participation in vocational courses,

(4) Services aimed at victims of violence and perpetrators of violence are provided in different units except for obligatory cases.





### **Inter-agency coordination and training**

**ARTICLE 16** – (1) Inter-agency coordination for the realization of the provisions of this Law is ensured by the Ministry.

(2) Public institutions and agencies and other natural and legal entities are responsible for providing cooperation and support on issues under their mandate for the implementation of the law and rapidly implementing the orders issues. Natural and legal entities are encouraged to support the activities of the Ministry and to carry out cooperative works.

(3) Turkish Radio and Television Corporation and national, regional and local private television corporations and radios are obliged to broadcast the informative materials prepared by the Ministry on the woman participation in the work life, anti-violence mechanisms particularly focused on woman and children and similar policies for a duration of at least ninety minutes per month. These materials shall be broadcasted at 08.00-22.00, with a minimum of thirty minutes at 17.00-22.00 and the copies of the broadcasted material shall be delivered monthly to the Radio and Television Supreme Council. Broadcasts out of the specified periods shall not be added to the monthly ninety minute obligation. The durations of the broadcasts shall be monitored by the Radio and Television Supreme Council. The informative materials to be broadcasted on the television and radio shall be prepared by the units of the Ministry upon consultation with the universities, related professional organizations and non-governmental organizations.

(4) The personnel of the public institutions and agencies shall provide support to the personnel of the Ministry in performing the tasks envisaged by the Law.

(5) All public institutions and agencies and professional organizations with public institution status shall ensure that their personnel and members participate in the human rights of women and equality of woman and man which are prepared and coordinated by the Ministry for the efficient implementation of this Law.

(6) Courses on the human rights of women and equality of woman and man shall be added to the primary and secondary education curriculum

## CHAPTER FOUR

### Financial Provisions

#### Temporary financial aid

**ARTICLE 17** – (1) In case of a decision to provide temporary financial aid according to the provision of this Law, a daily payment at the rate of one thirtieth of the monthly minimum wage specified annually shall be made for the persons over sixteen years of age. However, the payment may never exceed one and a half time of the specified daily payment amount. If the person under protection receives sheltering service, the amounts specified in this paragraph shall be provided by decreasing at fifty per cent.

(2) These payments shall be met through the allocation of the budget for the temporary financial aids. The payments shall be recovered from the perpetrator within a month after the date of notification. The payments that cannot be collected as such are monitored and collected by the related tax office in accordance with the provisions of the Law on Collection of Procedure of Public Assets No: 6183 of 21/7/1953.

(3) In case of a misstatement by the person under protection, the financial aids shall be recovered in accordance with the provisions of the Law No: 6183.

#### Alimony

**ARTICLE 18** – (1) In case alimony is foreseen in accordance with the provisions of this Law, a copy of the order shall be sent ex officio to the bailiff's office of the creditor and maintainer.

(2) If the maintainer is affiliated to the Social Security Institution, the alimony shall be collected from the wage or payment of the relevant person by the bailiff's office. Postage expenses of the bailiff's office for the transactions on collecting the alimony shall be met by the Public Prosecutor's Office.

#### Health Expenses

**ARTICLE 19** – (1) The person under protection in accordance with the provisions of the Law who does not have a general health insurance and is not dependent on person with general health insurance or cannot benefit from



the general health insurance due to general health insurance premium debt or cannot benefit from treatment assistance in accordance with the provisions of other legislation shall be considered as having general health insurance without subjecting to income test pursuant to the sub-paragraph of clause (a) of paragraph (1) of Article 60 of the Law on Social Insurances and General Health Insurance No: 5510 of 31/5/2006.

(2) If the Law envisages the rehabilitation and treatment of the perpetrator, the expenses of the rehabilitation services which are not met by the general health insurance and the expenses of other health services under the scope of the rehabilitation services shall be met by the relevant allocations of the Ministry budget.

### **Exemption from fees, expenses and taxes and proceedings**

**ARTICLE 20** – (1) Any sort of costs such as legal costs, fees, postage fees, etc. shall not be incurred on the application and transactions for the enforcement and execution of the decisions within the scope of this Law. The payments effected as per Article 17 of the Law are exempt from income tax and inheritance and transfer tax and the documents prepared for the payments are exempt from the stamp duty.

(2) If deemed necessary, the Ministry may take part in all sorts of administrative, penal and legal proceedings and ex parte proceedings of violence or violence risk against women, children and family members.

## **CHAPTER FIVE**

### **Miscellaneous and Final Provisions**

#### **Personnel**

**ARTICLE 21** – (1) The personnel in the attached list has been prepared and added to the section of Ministry of Family and Social Policies of attachment (I) of the Decree on the General Personnel and Procedures No: 190 of 13/12/1983.

### **Regulation**

**ARTICLE 22** – (1) The principles and procedures on the implementation of this Law shall be regulated by the Ministry within six months upon consultation with the Justice, Internal Affairs, Finance, National Education and Health Ministries.

### **Provision and references annulled**

**ARTICLE 23** – (1) The Family Protection Law No: 4320 of 14/1/1998 has been annulled.

(2) References to the Law No: 4320 in the Legislation shall be considered as references to this Law.

(3) The implementation of the decisions in accordance with the Law No: 4320 which were taken before the enforcement of this Law shall remain in effect.

### **Commence of operations of the centers for prevention and monitoring of violence**

**PROVISIONAL ARTICLE 1** – (1) Centers for prevention and monitoring of violence envisaged in Article 14 of this Law shall be established by the Ministry in certain provinces as pilot schemes within two years of the enforcement of the Law. The Ministry shall determine the responsible units of the Ministry to carry out the duties of the centers until the completion of the establishment.

### **Enforcement**

**ARTICLE 24** – (1) This Law shall enter into force upon publication.

### **Execution**

**ARTICLE 25** – (1) The Council of Ministers shall execute the provisions of this Law.

19/3/2012



**LIST**

**ORGANIZATION: MINISTRY OF FAMILY AND SOCIAL POLICIES**

**STRUCTURE: RURAL**

**PERSONNEL CADRE**

CLASS	TITLE	DEGREE	NUMBER OF FREE CADRE	TOTAL
GĤH	Director	2	10	10
GĤH	Director	3	4	4
TH	Sociologist	3	10	10
TH	Sociologist	4	10	10
TH	Sociologist	5	5	5
TH	Sociologist	7	20	20
SH	Psychologist	3	20	20
SH	Psychologist	4	20	20
SH	Psychologist	5	20	20
SH	Psychologist	7	30	30
SH	Social Worker	3	10	10
SH	Social Worker	4	10	10
SH	Social Worker	5	10	10
SH	Social Worker	7	15	15
SH	Child Development Expert	4	5	5
SH	Child Development Expert	5	5	5
SH	Child Development Expert	7	10	10
SH	Child Development Expert	9	22	22
SH	Nurse	3	4	4
SH	Nurse	4	15	15
SH	Nurse	7	15	15
SH	Nurse	9	50	50
YH	Foster Mother	5	10	10
YH	Foster Mother	7	10	10
YH	Foster Mother	12	22	22
	TOTAL		362	362



THE  
IMPLEMENTING  
REGULATION OF  
THE LAW NR.6284  
ON PROTECTION  
OF FAMILY AND  
PREVENTION  
OF VIOLENCE  
AGAINST WOMEN



Republic of Turkey  
Ministry of Family and  
Social Policies

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THE GENERAL DIRECTORATE ON  
STATUS OF WOMAN

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# THE IMPLEMENTING REGULATION OF THE LAW NR.6284 ON PROTECTION OF FAMILY AND PREVENTION OF VIOLENCE AGAINST WOMEN

## CHAPTER ONE

### Object, Scope, Basis and Definitions

#### Object and scope

**ARTICLE 1** – (1) This Regulation covers the measures to be taken for protection of women, children and other family members subjected to or under the risk of violence and the victims of unilateral persistent stalking and for preventing violence against these persons and the measures to be taken for preventing perpetrators from committing violence and the procedures and principles of taking and implementing such measures.

#### Basis

**ARTICLE 2** – (1) This Regulation was prepared on the basis of Article 22 of the Law No: 6284 on Protection of Family and Prevention of Violence Against Women, dated 8/3/2012.

#### Definitions and abbreviations

**ARTICLE 3** – (1) The terms used herein the Regulation, shall have the following meanings;

a) Clarified consent: Clarified informing of the protected person regarding the reasons, phases and consequences of a possible protection order for her, and her written declaration to confirm she has understood and accepted all these issues by her free will,

b) Ministry: The Ministry of Family and Social Policies,

c) Non-delayable cases: Failure in preventing violence; risking the protection of life safety, rights and freedoms of the person; causing harm on the protected person; losing the marks, traces, evidences of the act of violence; escape or inability to determine the ID of the perpetrator; and lack

of sufficient time for a ruling from the administrative chief or the judge upon an ex-officio request or the concerned person's request, in the event that no immediate action is taken following the inquiry and risk evaluation by the law enforcement authority,

ç) Temporary protection: Uninterrupted protection of the victim of violence who has a life-threatening situation by the law enforcement, against possible dangers caused(?) by the perpetrator, on the basis of twenty four hours, with all types of technical devices and equipment,

d) General Directorate: General Directorate on the Status of Women,

e) Judge: Family court judge,

f) Life-threatening situation: The situation or the possibility of a situation, where a person is subjected to a life threatening act of violence,

g) Notice and complaint: Notice refers to third persons reporting the event to the relevant authorities in writing, in words or in another form; complaint refers to victim of violence or under threat of violence to apply to the relevant authorities,

ğ) Law: The Law no: 6284 on Protection of Family and Prevention of Violence Against Women, dated 8/3/2012,

h) Law enforcement: Police, gendarmerie and coast guard departments,

ı) Law Enforcement Authority: The authorized and commissioned law enforcement commander/chief appointed by the Gendarmerie General Command, Security General Directorate and Coast Guard Command, serving in the area where the person with injunction ruling resides or where the injunction rule shall be implemented,

ı) Shelter: Social service institutions with boarding, which serve under different names such as shelters, refuge for women, women's homes, affection homes, for protecting victims of physical, emotional, sexual, economic or verbal abuse or violence, solving and improving their psycho-social and



economic problems, where they and their children if any, can be temporarily sheltered,

j) Protected person: The victim of violence and her children, family members, and victim of unilateral persistent stalking, who is being protected under the injunction,

k) Protective order : The order to be issued by the authorities specified in the Law, for the protected person by considering the type of the event,

l) Directorate: Provincial or district directorate of Family and Social Policies,

m) Violence: All sorts of physical, sexual, psychological, verbal or economic acts that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to persons, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in social, public or private life,

n) Victim of violence: In accordance with the reciprocity principle, regardless of the nationality, the persons who are exposed, or under the risk of being exposed, directly or indirectly, to the acts defined as violence by this Law and those who are affected, or under the risk of being affected, by violence,

o) Center for Prevention and Monitoring of Violence (ŞÖNİM): The center which provides enhancing and supportive consultancy, guidance, referring and monitoring services to prevent violence and effective implementation of protective and preventive orders, serving with adequate and appropriate personnel, preferably female, on the basis of twenty four hours a day seven days a week,

ö) Perpetrator: The person who commits or would possibly commit acts and deeds defined as violence in the Law,

p) Preventive order : The order to be issued by the authorities specified in the Law, for the person who commits or would possibly commit acts and deeds defined as violence in the Law by considering the type of the event,

r) Complaint authorities: Law enforcement , administrative chief, public prosecutor's office, judge, relevant departments of the Ministry,

s) Injunction: Order to be issued by the judge, administrative chief or law enforcement on request, notification or ex officio, for the victim of violence or the perpetrator,

ş) Unilateral persistent stalking: Regardless of any family ties or relation, all types of actual, verbal or written acts or deeds or by means of communication devices by the person committing violence towards the victim of violence, which would lead to physical or psychological fear and desperation.

## CHAPTER TWO

### Notice and Complaint

#### Notice and complaint

**ARTICLE 4 – (1)** In case of any acts of violence or risk of being violated, anyone shall verbally, in written or by other means report this situation to the relevant authorities or institutions. Public institutions and organizations or vocational organizations with the same stature who become aware of the violence or risk of violence are obliged to inform the compliant authorities immediately.

(2) In case of being subjected to violence or under risk of violence, the victim of violence may report the situation verbally, in written or by other means to the complaint authorities.

(3) Complaint authorities are obliged to fulfil their duties within the scope of the Law immediately.

(4) Notices and complaints filed at the directorate or ŞÖNİM, shall immediately be referred to the law enforcement, civilian authority, public prosecutor's office or judge, depending on the nature of the event.

(5) Verbal complaints and notifications shall be immediately written to a minute.



### **Transactions to be held**

**ARTICLE 5** – (1) Following the notification or complaint, law enforcement shall perform the necessary actions, in line with the general provisions. In case of non-delayable cases, it shall submit the protective and preventive measures taken under the scope of the Law, to the administrative chief or judge to be approved, depending on the nature of the order.. For each event that comes to the attention of the law enforcement, it shall immediately inform ŞÖNİM by using fastest means.

(2) Following the notification or complaint, Public prosecutor's office shall immediately send a copy of the document to the judge or administrative chief, depending on the nature of the event, for a preventive or protective order.

(3) Following the notification or complaint filed at the administrative chief authority, one or more protective measures specified in Article 3 of the Law or other similar measures deemed appropriate may be ruled. In addition, depending on the nature of the event, administrative chief shall inform law enforcement or public prosecutor's office.

(4) judicial orders or orders of the administrative chief shall immediately be notified to ŞÖNİM.

## **CHAPTER THREE**

### **Injunctions**

#### **Protective orders to be issued by the administrative chief**

**ARTICLE 6** – (1) Following the request of the concerned person, applications filed by the Ministry, law enforcement, or ex-officio, and without any need for proof or document, the administrative chief may rule one or more of the measures specified below, or other measures deemed appropriate, regarding the person being protected under the scope of Law:

a) Providing an appropriate shelter for victimand their children if necessary heneccessary at their current residence or another place,

b) Providing temporary financial assistance without prejudice to the assistances to be provided pursuant to other laws,

c) Providing psychological, professional, legal and social guidance and counseling services,

ç) In case of a life-threatening situation, putting the victim under temporary protection on request of the victim or ex officio,

d) Where necessary, providing nursery services for four months to support the participation of the person in working life if the protected person has children or maximum two months for the children over sixteen if the protected person is working, provided that the amount does not exceed half of the annually determined monthly net minimum wage and with the condition to certify it and by covering it from the relevant scheme of the Ministry budget.

### **Providing shelter**

**ARTICLE 7 – (1)** The persons for whom a decision to provide shelter has been made shall be settled at the places owned by the Ministry or under the supervision of the Ministry. If there are not enough shelters, the protected persons can be provided a temporary accommodation at the places such as social facilities, dormitories or similar places owned by the public institutions and agencies on request of administrative chief, or in urgent situations, of the law enforcement officials or Ministry.

(2) Until the protected person and person's children are safely transferred by ŞÖNİM to shelters of Ministry or places under the supervision and monitoring of the Ministry, they shall be temporarily sheltered in social facilities, dormitory or similar places by paying the costs and providing their safety. Accommodation and subsistence shall be paid by ŞÖNİM. The data regarding the shelter shall be given to ŞÖNİM. ŞÖNİM shall consider the concerned person's request and determine an appropriate first step station or shelter and ensure that the protected person is transferred there.

(3) If the protected person and person's children are in a life-threatening situation, law enforcement officials shall accompany them while being taken to a shelter, first step station or other facilities. ŞÖNİM shall provide vehicle for short distance or long distance travel and the transport costs and necessary expenses of the protected person shall be met.



(4) If the protection order is issued and implemented by the law enforcement authority, or the protected person is at the law enforcement unit, the person shall be immediately transported to ŞÖNİM. If this is not possible, temporary accommodation shall be provided to the person and person with her as specified in clause 2, and the accommodation and subsistence costs shall be covered from the relevant fund of the Ministerial budget.

(5) The victim of violence transported to public institution and organization shelters upon the decision of the administrative chief or law enforcement authority shall be immediately accepted to the shelter, without looking for any other order or approval.

(6) If the person who has been ex-officio provided a shelter does not want to stay in the shelter, she shall be transported to where she wants to stay by ŞÖNİM, after taking her informed consent. If the person is under life-threatening situation, law enforcement protection shall be requested.

### **Providing temporary financial assistance**

**ARTICLE 8** – (1) Pursuant to Article 17 of the Law, temporary financial assistance shall be provided to the protected person.

(2) Protection order shall be pronounced and notified to the concerned person, and sent to ŞÖNİM for implementation.

(3) In case of a decision to provide temporary financial assistance, a daily payment at the rate of one thirtieth of the monthly minimum wage specified annually shall be made for the persons over sixteen years of age. However, the payment may never exceed one and a half time of the specified daily payment amount. If the person under protection receives sheltering service, the amounts specified in this clause shall be provided by decreasing at fifty per cent.

(4) Temporary financial assistance shall be paid by a payroll based on the protected person's ID number and bank account number, after the order is informed to ŞÖNİM. Payroll shall be issued on the fifteenth and thirtieth of each month and the due amount shall be lodged to the person's account. If more than one person is ruled to receive temporary financial assistance within

the same order, these people shall be shown on the same payroll and payments shall be lodged to the same bank account. A sample of the ruling shall be attached to the payment document. Payments regarding temporary financial assistance shall continue during the term of the order. If it is decided to remove or amend temporary financial assistance order, the amount shall be calculated over the validity date of the ruling. Protected person shall not be paid by hand.

(5) Payments made under temporary financial assistance shall be met from the funds, placed into the Ministerial budget for temporary financial assistances. Refund of payment under temporary financial assistance shall be based on the principles specified in Article 42.

(6) Assistances made under other laws are not an obstacle for order of temporary financial assistance.

(7) Payments made under this Article are exempted from income and inheritance and transfer tax, and documents issued for these payments are exempt from stamp duty.

### **Guidance and consultancy service**

**ARTICLE 9** – (1) The person under protection, by considering her psychological and psycho-economic situation, shall be provided necessary services in coordination with relevant institutions and organizations, to improve her chances of finding employment and similar matters, to offer her the information and skills to be able to make necessary comments, choices, decisions and make plans, and to provide psychological assistance, in a manner which would contain her rights, applicable institutions, and participation in vocational activities.

(2) In case the protected person needs legal guidance, necessary assistance and consultancy services shall be provided, which would also include intervention to cases regulated by Article 48.

(3) Coordination for the performance of these services shall be provided by  
ŞÖNİM.





### **Providing temporary protection**

**ARTICLE 10** – (1) In nondelayable cases the administrative chief or the law enforcement authority, shall consider the nature of the event, complaint and notice, and if the violence victim's life is in danger, temporary protection shall be ruled upon the request of the concerned, or ex-officio.

(2) Implementation of the temporary protection order is under the the responsibility of the law enforcement located at the residence of the protected person, or located where the order would be implemented. The protected person shall inform the law enforcement about where she is going twenty four hours before she arrives, or immediately in urgent cases. Law enforcement shall immediately inform the law enforcement in the arrival destination, and the protection order shall remain in force.

(3) By considering the type of protection for the protected person, the possible threat and risk towards the victim of violence, and evaluating the conditions of the victim and perpetrator , the physical protection measures stated in Regulation No: 27051 on Procedures and Principles Regarding Witness Protection Injunction Ruled by Public Prosecutor' Offices and Courts, dated 11/11/2008, shall be taken by the judge or administrative chief, or in non-delayable cases, by the law enforcement.

(4) Law enforcement shall declare the scope and content of temporary protection, available phone numbers to be called when subjected to violence or under risk of violence, responsibilities of law enforcement, the situations when to notify law enforcement, which law enforcement unit is responsible of temporary protection service and similar issues to the protected person.

### **Providing an opportunity for nursery services**

**ARTICLE 11** – (1) If the protected person with a dependent child is not employed, an order of nursery services shall be issued, for four months to assist participation in employment life, or two months, if the person is working, on condition that it is documented and does not exceed half the amount of monthly minimum wage for over six teens, from the relevant funds of the Ministerial budget.

(2) The protected person shall submit documents indicating the child is enrolled to a public or private crèche or he/she is attending crèche, along with the monthly cost of crèche to the Directorate. The Directorate shall perform the actions pursuant to clause one, and make the payment over the term of the service. If the child has availed of the opportunity for less than a month, payment shall be made over the number of days availed.

(3) If the amount to be paid to the crèche is lower than the amount specified in clause one, the amount stated on the document, and if the amount to be paid is higher, than the amount specified in clause one shall be paid. These payments shall be made directly to the crèche by the Directorate.

(4) If it is observed that the ruling on providing crèche opportunity is being misused, then the paid amount shall be collected from the protected person.

### **Protective orders to be issued by the Judge**

**ARTICLE 12** – (1) Regarding the person protected under the scope of the Law, judge may rule, upon the request of the concerned, or the application of the Ministry, or law enforcement officials, or public prosecutor or ex-officio, without looking for any proof or document regarding the violence, one or more of the following protective orders, and according to the nature of the event, similar measures deemed appropriate, including those measure ruled by the administrative chief:

- a) Changing the workplace.
- b) If the person is married, determining a separate residence, other than the shared residence.
- c) Putting a family residence annotation onto the title deed if the conditions of the Turkish Civil Code No. 4721 dated 22/11/2001 are applicable and on request of the protected person.
- ç) Changing identity and other relevant identification information and documents in case that the protected person has a life-threatening situation and the other measures that are taken to prevent this life-threatening situation are



not sufficient and based on informed consent of the concerned in accordance with the provisions of the Witness Protection Act No. 5726 dated 27/12/2007.

### **Changing the workplace**

**ARTICLE 13** – (1) Based on the protected person’s request, or by getting her consent, and in accordance with the relevant legislation provisions she is subjected to, the judge may rule for the workplace to be changed locally or away from her residential province.

(2) The ruling shall be notified by the judge to the workplace of the protected person, by considering the most ideal conditions for her.

(3) The ruling shall be implemented by the authorized institution or person.

### **Determining a separate residence**

**ARTICLE 14** – (1) Upon the request of the protected person, the judge may determine a separate residence, if she is married.

(2) Upon the application by the person ruled for a separate residence, necessary actions shall be taken by the registry office, in accordance with the request of the person.

### **Family residence annotation**

**ARTICLE 15** – (1) If the conditions specified in the Turkish Civil Code are met, and upon the request of the protected person, the judge may rule for family residence dwelling annotation on the land registry.

(2) The order shall be sent to the relevant land registry office by the judge, for immediate action.

### **Changing ID and other data and documents**

**ARTICLE 16** – (1) The order of changing the ID and other data and documents is a protective order, issued in case that the protected person has a life-threatening situation and the other measures that are taken to prevent this life-threatening situation are not sufficient, and based on the informed consent of the concerned, in accordance with the provisions of the Witness Protection Act.

(2) The order shall be sent to the public prosecutor's office by the judge, for necessary action to be taken by the Ministry of Interior.

(3) Public prosecutor's office shall send this order immediately to the Ministry of Interior. The result of the action taken upon the order shall be notified to the public prosecutor's office by the Ministry of Interior.

### **Preventive orders to be issued by the judge**

**ARTICLE 17** – (1) One or several of the following preventive measures or similar measures to be deemed appropriate for the perpetrators of violence might be decided by the judge:

a) Ensuring that the perpetrator does not engage in threats of violence and commit acts of insult, contempt or humiliation against the victim of violence.

b) Prohibiting the perpetrator from entering the shared residence or restraining him from his current location immediately and allocating the shared residence for the protected person.

c) Restraining the perpetrator from approaching the protected person, their residence, school and workplace.

ç) If there is a previous order on a personal contact with the children, ensuring that this personal contact is made with an escort, restricting the personal contact or cancelling the contact completely.

d) Where necessary, prohibiting the perpetrator from contacting the relatives, witnesses and the children of the protected person even if she has not been exposed to violence without prejudice to the conditions regarding personal contact.

e) Ensuring that the perpetrator does not damage the belongings and household goods of the protected person.

f) Ensuring that the perpetrator does not disturb the protected person through communication devices or by another way.



g) Ensuring that the perpetrator delivers the guns that are legally allowed to be carried or owned to the law enforcement officers.

ğ) Ensuring that the perpetrator delivers the gun at his debit due to his official duty to his organization even though he is executing a public duty which requires carrying a gun.

h) Ensuring that the perpetrator does not use alcohol or drugs or stimulants at the location of the protected persons or prohibiting the perpetrator from approaching the protected persons and their locations when they are under the influence of alcohol, drugs or stimulants and providing examination and treatment including hospitalization if there is a case of addiction.

ı) Ensuring that the perpetrator goes to a health center for examination or treatment and providing treatment.

(2) The judge is authorized to decide on the protective and preventive measures in the Child Protection Law No. 5395 dated 3/7/2005 and in the matters of custody, guardian, alimony and personal contact in accordance with the provisions of the Turkish Civil Code. (3) If the perpetrator of violence is the person who is making a living for the family or contributes to making a living, provided that an alimony order has not been ruled in accordance with the provisions of the Law No. 4721, the judge might rule on a temporary alimony considering the living standard of the victim whether or not on request. Matters relating to the collection of the temporary alimony shall be in accordance with the procedures and principles specified in Article 43.

### **Not threatening with violence or displaying humiliating acts or words**

**ARTICLE 18** – (1) The judge may rule to prevent the perpetrator from threatening, insulting, humiliating or similar behaviours against the victim.

### **Being prohibited from entering the shared residence and allocation of the shared residence to the protected person**

**ARTICLE 19** – (1) The judge may rule for the perpetrator to be suspended from the shared residence where he stays with the victim, and allocate the house for the protected person.

(2) Upon request, the administrative chief or the judge may rule for the belongings of the protected person, violence committer, or their close relatives or friends, to be given back to them through the law enforcement. Personal belongings or documents to be given back shall be indicated in the order..

(3) Implementation of this order shall not prevent the perpetrator from paying the rent, electricity, water, telephone, natural gas and similar bills of the house he has been suspended from. Judge may also rule the perpetrator not to annul the rental contract, not to request removal of the family residence allocation and other similar injunctions to continue with his obligations, during the term of protection.

(4) The preventive order regarding the rental contract shall be notified to the land lord, and the order regarding non-removal of the public dwelling allocation shall be notified to the public institution.

### **Being refrained from approaching the protected person**

**ARTICLE 20** – (1) Judge may rule to restrain the perpetrator from approaching the protected person, her residence, workplace, and similar places where she could be.

### **Restricting personal contact with the child**

**ARTICLE 21** – (1) If there is a previous order on personal contact with the child, it may then ruled for ensuring that this personal contact is made with an escort, restricting the personal contact or cancelling the contact completely, based on the nature of the situation.

### **Being prohibited from contacting the relatives, witnesses and the children**

**ARTICLE 22** – (1) If deemed necessary, even if they are not subjected to violence, the perpetrator may be prohibited from contacting protected person's friends and relatives, and witnesses of violence, and by reserving personal relations, from her children.

### **Not damaging personal belongings**

**ARTICLE 23** – (1) Judge may rule for the perpetrator not to harm the personal belongings and household goods of the protected person.



### **Not bothering through communicational devices**

**ARTICLE 24** – (1) To protect the victim of violence, the judge may rule for the perpetrator not to bother the protected person through visual, audio, written, internet and similar communicational devices or in similar ways.

### **Delivering the gun**

**ARTICLE 25** – (1) To protect the victim of violence, the judge may rule for the perpetrator to deliver his guns to the law enforcement, to be kept by them until the end of the injunction term.

### **Delivering the gun used for public duty**

**ARTICLE 26** – (1) The judge may rule for the perpetrator to deliver his gun to his institution, even if he is executing a public service requiring him to carry a gun.

(2) The chief of the institution receiving the gun shall continue implementing the preventive order issued in accordance with the provisions of clause one and shall not give back the gun under any circumstances, unless a new order is issued for the amendment or removal of the preventive order.

(3) Receiving and restitution of the gun shall be executed by a minute signed between the institution chief, perpetrator and a witness.

### **Not using alcohol or drugs or stimulants, and examination and treatment in case of addiction**

**ARTICLE 27** – (1) The judge may rule for the perpetrator not to use alcohol, drugs or stimulants in the proximity of the protected persons, or may rule for retraining him from approaching the protected persons, while under the influence of such substances, and in case of addiction, ensuring examination and treatment, including hospitalization.

(2) ŞÖNİM shall coordinate with the relevant institution or organization to ensure the examination and treatment of the person with an preventive order, in a health institution, and to monitor the results of the treatment as well as the effects of the order on the person. Depending on the nature of the

event, ŞÖNİM may ask for assistance from the law enforcement, during the implementation of this order.

(3) If the person with preventive order refuses examination at the health institution, the situation shall be written to a minute and the Public prosecutor's office and ŞÖNİM shall be immediately notified.

(4) The costs regarding the implementation of this order shall be met in accordance with the procedures and principles specified in the third clause of Article 44.

### **Examination and treatment in a health institution**

**ARTICLE 28** – (1) The judge, in order to prevent the acts by the perpetrator leading to inclination of violence, may rule for application to a health institution for examination and treatment.

(2) If the perpetrator is ruled to receive examination and treatment, it is obligatory to apply to provincial directorates of public health in provinces, and to community health centres in districts.

(3) The perpetrator, shall be referred to a public health institution, by the mental health department, if any, provincial directorates of public health in provinces, or by community health centres in districts. These units shall monitor the implementation of the treatment and notify ŞÖNİM regarding the results.

(4) If the person with preventive order refuses examination at the health institution, the situation shall be written to a minute and the Public prosecutor's office and ŞÖNİM shall be immediately notified.

(5) The costs regarding the implementation of this injunction shall be met in accordance with the procedures and principles specified in the third clause of Article 44.

### **Possible measures to be taken by the law enforcement authority**

**ARTICLE 29** – (1) Measures to be taken by the administrative chief, such as providing shelter and temporary protection, may also be taken by





the law enforcement authority, in non-delayable cases. The law enforcement authority shall submit the document to the approval of the administrative chief during the next working day following the order of the measure, at the latest. Measures not approved by the administrative chief within forty eight hours, shall be automatically removed.

(2) Preventive measures specified in Articles 18, 19, 20 and 22 which can be ruled by the judge, may also be taken by the law enforcement authority, in non-delayable cases. The law enforcement authority shall submit the document to the approval of the judge during the next working day following the ruling of the measure, at the latest. Measures not approved by the judge within twenty four hours, shall be automatically removed.

(3) Holidays are included to the duration. If the end of the duration is an official holiday or a weekend, it shall end in the next working day.

## CHAPTER FOUR

### **Injunction Rulings, Implementing Injunction Rulings, and Other Procedural Transactions**

#### **Issuing an injunction**

**ARTICLE 30** – (1) Injunction shall be issued upon the request of the concerned, or the application by the directorate, ŞÖNİM or law enforcement officials or public prosecutor. Injunction may be requested from the judge, administrative chief or law enforcement, who is located nearest.

(2) Injunction can be given for up to six months for the first time. However, in cases where it becomes clear that violence or threat of violence will continue, the duration or form of the injunction of the ex-officio protected person may be changed or continue as it is, upon the request of the directorate, ŞÖNİM or law enforcement officials.

(3) There is no need to produce evidence or document, for protective order to be issued. Protective order shall be issued without delay. The order cannot be delayed in a way which would endanger the purpose of the Law.

(4) When the threat of violence or risk of violence no more exist, the injunction may be removed by the authority who initially gave the ruling, upon the request of the directorate, ŞÖNİM or law enforcement officials, or the person ex-officio protected by the judge or administrative chief. In case it is ruled to remove the injunction, this decision shall also be notified to the protected person.

### **Notification of the injunction**

**ARTICLE 31** – (1) The injunction shall be pronounced and notified to the perpetrator and the protected person, by the authority issuing the order. This order shall be sent to the institution or organization who is commissioned to implement it.

(2) The decision concerning the refusal of the injunction request shall only be notified to the protected person.

(3) If the measures taken under the scope of clause one of Article 29 are not approved by the authorities within the specified periods, the removal of the injunction shall be notified to the protected person and the relevant law enforcement shall be informed.

(4) In case of non-delayable cases, the protective measure taken by the relevant law enforcement shall be immediately notified in writing to the perpetrator, and the matter shall be submitted to the attentions of ŞÖNİM and the court.

(5) The perpetrator shall be notified that he shall be sentenced for imprisonment in case of violation of preventive order.. In addition, this warning shall also be made during the pronouncing and notifying proceedings of the injunction .

### **Confidentiality**

**ARTICLE 32** – (1) With the injunction , if deemed necessary, the protected person and other family members' ID details or other details which could reveal the ID details, address and other information required to maintain efficiency of the protection shall be kept aconfidential in all official records. For anyone unlawfully providing such details to others, or revealing or



declaring, the relevant provisions of the Turkish Penal Code No: 5237 dated 26/9/2004, shall be applied.

(2) In legal proceedings, the confidentiality procedures concerning the victim of violence shall be carried out in accordance with the provisions of the Regulation on Principles and Procedures Concerning the Witness Protection Measures to be Taken by Public Prosecutor's Offices and Courts.

(3) Correspondence with the protected person shall be made over the address details of ŞÖNİM.

(4) Information regarding the protected person whose details are ruled to be kept confidential in accordance with the first clause provision, shall be kept confidential at the Ministry of National Education, Central Population Administration System, Social Security Institution, National Judiciary Informatics System, law enforcement, banks, health institutions and organizations and all similar records.

(5) In case of confidentiality ruling concerning the protected person, director of ŞÖNİM shall ensure the ruling is imprinted to the register records of the concerned, in the registry offices where the ruling shall be implemented. The privacy annotation shall include the name of the ruling authority, the date and number of the ruling. In this case, the protected person shall not be required to produce an address declaration during official applications and proceedings. Records with a confidentiality ruling shall only be kept in electronic environment.

(6) The confidentiality annotation attached to the registry record of the protected person shall be deleted from the MERNIS database on the fifteenth day following the end of the injunction. In case the injunction regarding confidentiality is changed or removed, the ruling shall be implemented immediately by the birth registry.

### **Appeals against the orders issued by the administrative chief**

**ARTICLE 33** – (1) An appeal can be made by the concerned people to the family court within two weeks of the pronouncing or notification date, against the protective order issued by the administrative chief, in accordance with the

provisions of the Law. In case there is no family court, the proceedings shall be held in accordance with the procedures specified in second clause of Article 34.

(2) Judge may rule for the removal of the injunction , or to change it with another order deemed appropriate or to continue with the order as it is.

(3) An order shall be issued on the appeal, without a hearing. However, if deemed necessary by the judge, the relevant people may be heard.. The order shall be ruled within a week. The ruling following the appeal is final.

### **Appealing against the injunctions and enforced imprisonment decisions issued by the judge**

**ARTICLE 34** – (1) An appeal can be made by the concerned people to the family court within two weeks of the pronouncing or notification date, against the protective or preventive order issued by the judge, in accordance with the provisions of the Law, or against the imprisonment ruling for violation of the injunction.

(2) Following an appeal, the file shall be immediately sent to the next department, if the local family court has more than one department; to the first department for the department with the last number; to the court of first instance if the local family court has a single department; and to the nearest court of first instance, if the family court judge and the court of first instance judge is the same judge.

(3) The authority reviewing the appeal made against the injunction may rule for the acceptance or refusal of the appeal, to remove the injunction ruling, or to change with another ruling deemed appropriate or to continue with the ruling as it is.

(4) A ruling shall be given on the appeal, without a hearing. However, if deemed necessary by the judge, the relevant people may be heard.

(5) An appeal can be made against the injunction ordered for the requested measures along with the principal case, by following the procedures specified in clause two.



(6) Appeals against forced imprisonment rulings shall also be made in accordance with the procedures specified in clause two.

(7) The order shall be ruled within a week. The ruling following the appeal is final.

**Submitting the injunction to the relevant authorities and implementing**

**ARTICLE 35** – (1) Injunction shall be submitted to the public prosecutor's office, law enforcement or directorate, depending on the nature of the injunction, without delay, by using the fastest means available.

(2) The applications made to the relevant authorities under the scope of the Law, and the decisions regarding the acceptance or refusal of these applications shall be immediately notified to ŞÖNİM by the authority.

(3) The injunction shall be immediately implemented by the relevant public institutions and organizations, in cooperation with ŞÖNİM. During the ruling and implementing of protective or preventive measures, no suggestion can be made for reconciliation or mediation between the perpetrator and the victim of violence.

(4) The law enforcement unit located at the residence of the persons for whom a protection or preventive order has been issued or located at the places where these orders would be implemented shall be authorized and in charge of fulfilling the protection order issued for providing temporary protection of the protected person and the prevention order issued for the perpetrator.

(5) Preventive order shall be immediately sent by the public prosecutor's office to the commissioned and authorized law enforcement, and the implementation shall be monitored through the law enforcement. Public prosecutor's office, when necessary, shall provide an opportunity for the protected person to submit the injunction to the law enforcement. The implementation of the preventive order shall be controlled by the law enforcement during the term of the injunction. This act of controlling shall be implemented by;

a) Visiting the residence of the protected person at least once a week,

- b) Contacting her relatives, including the second degree relatives,
- c) Getting information from the neighbours,
- ç) Getting information from the neighbourhood unit,
- d) Making surveillance in the proximity of the protected person's house.

In case violation of the injunction is observed, it shall be written to a minute and sent to the public prosecutor's office.

(6) The phases and results of the works and proceedings regarding the receiving and implementing of the injunction rulings shall be notified to ŞÖNİM until 16.00 hours on the same day, latest, by using the fastest available means.

(7) When the protected person must travel somewhere outside the proximity of her protection, she shall inform the law enforcement regarding her destination, and even then, the ruling will still be implemented. If the protected person does not follow the injunction, this shall be reported by the law enforcement authority.

(8) Failing to pronounce or notify the injunction to the relevant people, shall not prevent the ruling from being implemented.

### **Duties of the law enforcement**

**ARTICLE 36** – (1) Law enforcement duties shall be fulfilled in central and provincial organization, by sufficient number of staff.

(2) These staff shall be chosen from those who have been trained in the field of children's and women's human rights and on gender equality.

### **Monitoring through technical methods**

**ARTICLE 37** – (1) The judge may decide to use technical devices and methods for the implementation of the injunction . However, the voices or images of the persons cannot be recorded by using technical devices, they cannot be listened to and they cannot be followed.



## **Violation of injunctions**

**ARTICLE 38** – (1) When the law enforcement observes violation of the injunction, they shall report the situation to the public prosecutor's office. Public prosecutor's office shall send this report immediately to the family court. If the injunction violation is observed by the family court, an ex-officio imprisonment sentence may be given without the need for any other proceeding.

(2) In case the violation of the injunction takes place within the jurisdiction of the court ruling the injunction, enforced imprisonment shall be ruled by this court. However, when the violation of the injunction ruling takes place within the jurisdiction of another court, the court ruling the injunction shall be asked to provide information whether enforced imprisonment has been previously ruled or not, regarding the same injunction, so that repetition can be prevented. Depending on the information provide, the violation condition shall be evaluated and a ruling shall be given.

(3) For an enforced imprisonment ruling to be given, the injunction, containing the warning that forced imprisonment shall be implemented if he acts in violation to the injunction, must be pronounced or notified to the person committing the violence. .

(4) Rulings concerning forced imprisonment shall be issued without a hearing. However, if deemed necessary by the judge, the relevant people may be heard.

(5) Depending on the nature and severity of the violated injunction, even if it is an actual crime, the injunction ruled person who committed the crime, shall be sentenced for three to ten days of enforced imprisonment by the judge.

(6) In case of each repeated violation of the requirements of the injunction, the duration of the forced imprisonment shall be extended from fifteen days to thirty days according to the nature of the violated protection order and the degree of violation. However, the total duration of forced imprisonment shall not exceed six months.

(7) Forced imprisonment sentences cannot be a basis for repetition, provisions of release on probation shall not be implemented, and it will not be recorded into criminal records.

### **Establishment of violence prevention and monitoring centers**

**ARTICLE 39** – (1) The Ministry will establish ŞÖNİM, which provides enhancing and supportive consultancy, guidance, referring and monitoring services to effectively implement preventive orders for the victim of violence and effective implementation of preventive orders for the perpetrator, serving with adequate and appropriate personnel, preferably female, on the basis of twenty four hours a day seven days a week,

### **Inter-institutional coordination**

**ARTICLE 40** – (1) The coordination between institutions and non-governmental organizations while fulfilling the provisions of the Law will be ensured by the Ministry.

(2) Public institutions and agencies and other natural and legal entities are responsible for providing cooperation and support on issues under their mandate for the implementation of the law and rapidly implementing the orders issues. Natural and legal entities are encouraged to support the activities of the Ministry and to carry out cooperative works.

(3) The Ministry will prepare or get third parties to prepare informative materials on women's participation in work life, mechanisms on combating violence, especially concerning women and children, and on similar policies, by also taking the views of the universities, relevant vocational organizations and non-governmental organizations. These materials will be broadcast at least ninety minutes per month, on the Turkish Radio Television Corporation and private TV and radio stations broadcasting nationally, regionally and locally. These materials will be broadcast between 08.00-22.00 hours, with a minimum of thirty minutes between 17.00-22.00 hours, and copies of the broadcasts will be regularly submitted to the Radio and Television High Council each month. Broadcasts made outside of these hours will not be included to the monthly ninety minutes. These durations will be monitored by Radio and Television High Council.





(4) The personnel of the public institutions and agencies shall provide support to the personnel of the Ministry in performing the tasks envisaged by the Law.

### **Education**

**ARTICLE 41** – (1) All public institutions and agencies and professional organizations with public institution status shall ensure that their personnel and members participate in the human rights of women and equality of woman and man which are prepared and coordinated by the Ministry for the efficient implementation of this Law.

(2) Courses on the women's human rights and equality of women and men shall be included to the primary and secondary school curriculums. The content of such subjects included in the curriculum shall be prepared jointly by the relevant department of the Ministry of National Education and the General Directorate.

(3) Secondary school students and high school students shall be encouraged to prepare social responsibility projects and participate in existing projects, concerning matters which fall within the scope of duty of the Ministry. On the date of their graduation, a certificate, prepared by the Ministry or the Ministry of National Education or the Higher Education Institution, will be awarded to these students.

## **CHAPTER FIVE**

### **Financial Provisions and Other Provisions**

#### **Revocation in temporary financial assistances**

**ARTICLE 42** – (1) For the collection of the payments made under temporary financial assistances, the amount of payment, the venue of payment and the fact that it will have to be paid within a month of notification, shall be notified to the perpetrator. In case payment is not made on time, this amount will be tracked and collected by the relevant tax office, in accordance with the provisions of the Law No: 6183 on Collection of Procedure of Public, dated 21/7/1953.

(2) In case of a misstatement by the protected person is detected following a notice to the relevant directorate or during the monitoring of implementation of the order by the law enforcement or ŞÖNİM, this shall be reported and a social investigation report shall be issued. In this case, fulfilled payments shall be collected from the person who received the payment, in accordance with the provisions of Law No: 6183.

(3) In case of a misstatement by the protected person, the amount collected from the perpetrator shall be refunded in accordance with the provisions of clause one.

### **Alimony**

**ARTICLE 43** – (1) In case alimony is foreseen in accordance with the provisions of this Law, a copy of the order shall be sent ex officio to the bailiff's office of the creditor and maintainer.

(2) In case of confidentiality order, the data of the protected person shall not be revealed by the bailiff's office during the proceedings , in accordance with clause two of Article 32.

(3) In case the maintainer has a connection with the Social Security Institution, the alimony shall be collected from the wage or payment of the relevant person by the bailiff's office.

(4) Postage expenses of the bailiff's office for the transactions on collecting the alimony shall be met by the Public Prosecutor's Office.

### **Health expenses**

**ARTICLE 44** – (1) The health expenses of the protected person shall be covered within the scope of general health insurance. However, in case the person under protection in accordance with the provisions of the Law who does not have a general health insurance and is not dependent on person with general health insurance or cannot benefit from the general health insurance due to general health insurance premium debt or cannot benefit from treatment assistance in accordance with the provisions of other legislation shall be considered as having general health insurance without subjecting to income test



pursuant to sub-paragraph of clause (a) of paragraph (1) of Article 60 of the Law on Social Insurances and General Health Insurance No: 5510 of 31/5/2006.

(2) In case of confidentiality order concerning the ID and address details of the protected person, it is necessary that person's application is kept confidential, prioritized, and the proceedings are completed without delay while receiving health services.

(3) ) If the Law envisages the rehabilitation and treatment of the perpetrator, the expenses of the rehabilitation services which are not met by the general health insurance and the expenses of other health services under the scope of the rehabilitation services shall be met by the relevant allocations of the Ministry budget.

#### **Exemption from charges, expenses and taxes**

**ARTICLE 45** – (1) Any sort of costs such as legal costs, fees, postage fees, etc. shall not be incurred on the application and transactions for the enforcement and execution of the decisions within the scope of this Law.

(2) The payments effected as per Article 17 of the Law are exempt from income tax and inheritance and transfer tax and the documents prepared for the payments are exempt from the stamp duty.

#### **To intervene to the case**

**ARTICLE 46** – (1) If deemed necessary, the Ministry may take part in all sorts of administrative, penal, legal and ex parte proceedings, which have been filed for violence committed against woman, child or family members, or risk of violence, regardless of how the Ministry became aware of the proceedings.

#### **Enforcement**

**ARTICLE 47** – (1) This Regulation shall enter into force upon publication.

#### **Execution**

**ARTICLE 48** – (1) The provisions of this Regulation shall be executed by the Minister of Family and Social Policies.





Republic of Turkey  
Ministry of Family and  
Social Policies

# THE REGULATION ON VIOLENCE PREVENTION AND MONITORING CENTERS

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THE GENERAL DIRECTORATE ON  
STATUS OF WOMAN

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## REGULATION

By the Ministry of Family and Social Policies:

# THE REGULATION ON VIOLENCE PREVENTION AND MONITORING CENTERS

## FIRST PART

### General Provisions

#### FIRST CHAPTER

#### Purpose, Scope, Basis, Definitions, and Basic Principles

##### Purpose and Scope

**ARTICLE 1 – (1)** This Regulation aims to determine the principles and procedures of the establishment and functioning of the Violence Prevention and Monitoring Centers (VPMC) and duties, authorities and responsibilities of the personnel who will work in VPMCs.

##### Basis

**ARTICLE 2 – (1)** This Regulation was issued based on the Articles 14 and 15 of the Law numbered 6284 and dated 8<sup>th</sup> March 2012 on Protection of Family and Violence against Women and the Articles 9 and 22 of the Decree on Law numbered 633 and dated 3<sup>rd</sup> June 2011 on the Organization and Duties of the Ministry of Family and Social Policies.

##### Definitions and abbreviations

**ARTICLE 3 – (1)** The definitions used in the Regulation shall refer to the following;

- a) Alo 183: Social Service Hotline for Family, Women, Children, the Disabled and the Elderly,
- b) Ministry: Ministry of Family and Social Policies,
- c) The General Directorate: The General Directorate on the Status of Women,
- ç) Judge: The family court judges,
- d) Provincial Directorate: Provincial Directorate of Family and Social Policies,
- e) Provincial Director: Provincial Director of Family and Social Policies,
- f) Law: Law No.6284,
- g) Law Enforcement: The police, gendarmerie and coastal guard units,
- ğ) Women's shelter: Boarding social service agencies that are or will be opened under the names of guest houses, shelters, women's shelters, women houses, affection house and similar others, where women who are exposed to physical, emotional, sexual, economic and verbal abuse or violence are protected from violence, their psychosocial and economic problems are solved, they are strengthened, and their requirements are met, and where they can stay for a temporary period of time together with their children, if any,
- h) Commission: Provincial Coordination, Monitoring and Evaluation Commission for Combating Violence against Women,
  - 1) Member of profession: Members of profession, who graduate from social service, psychology, child development, psychological consultancy and guidance and sociology departments of universities,
  - i) Intervention plan: Plan that demonstrates the stages of individual recognition and identification, data collection, situation analysis, evaluation and conclusion in order to determine the steps towards overcoming the challenges encountered by the victims of violence,





- j) Director: Director of the Violence Prevention and Monitoring Center,
- k) System: Electronic data system where the credentials of victims of violence and their children and perpetrators of violence, injunction orders as well as the reports on the results of their and the stages of other services and their effects, and capacity and occupancy rates of women`s shelters are recorded, and exchange of data is enabled among the cooperating institutions and organizations,
- l) Non-Governmental Organization: Legal entities of private law such as non-profit making associations and foundations established for purposes other than sharing gains,
- m) Social examination report: Report issued by a member of profession where the background of the problem; social, economic and health status of the people involved and their physical, mental, psychological characteristics and their environment, family and cultural structures are evaluated and the intervention methods to be applied in solving the problem with the social services to be offered are determined after an interview with and observation of the victims of violence, their children or perpetrators of violence.
- n) Violence: Actions that could or do result in physical, sexual, economic or psychological harm to a person or cause him/her to suffer, and all kinds of physical, sexual, economic or psychological or verbal attitudes and behaviors that include related threats, oppression or arbitrary prevention of freedom and occur in public or private areas.
- o) Victim of violence: A person who is directly or indirectly exposed or under risk of being exposed to the attitudes and behaviors defined as violence in the law or a person who is affected by or has the potential to be affected by violence,
- ö) Violence Prevention and Monitoring Center (VPMC): Centers where strengthening and supportive counseling, guidance, referral and monitoring services are provided for the effective implementation of protective and preventive measures relating to violence prevention,

the sufficient and necessary staff members, preferably female employees, are employed and the activities are carried out on a seven day/twenty-four hours basis,

- p) Perpetrator of violence: A person who displays or is inclined to display attitudes and behaviors legally defined as violence,
- r) Injunction: Decision to be taken by a judge, civilian or law enforcement authority against the victims or perpetrators of violence upon request or denouncement or ex officio,
- s) Implementing Regulation: refers to Implementing Regulations No. 6284 on Protection of Family and Prevention of Violence against Women published in the Official Gazette No.28532 on 18th January 2013.

### **Basic principles and rules of procedure**

**ARTICLE 4 – (1)** The services to be provided shall be conducted based on the following basic principles and rules of procedure:

- a) A service concept based on fundamental human rights, responsive to the equality between women and men and in compliance with the principle of social state shall prevail.
- b) An approach towards the protection of the right to life without violence and prevention of violence is essential.
- c) The services are provided safeguarding human dignity.
- ç) Attention is paid to provision of services in a way that ensures victims of violence and their children feel themselves safe.
- d) It is essential to ensure the safety of victims of violence and their children primarily and support and strengthen them in economic, legal, social and psychological aspects.
- e) The best interests and well-being of children are considered in the proceedings for children.
- f) No discrimination may be made among people in service provision.



- g) VPMCs are established by evaluating the current conditions and budget of a province, in the city centers where all the victims can have an easy access and in the independent service buildings or the current service buildings upon the approval of the Ministry.
- ğ) Reconciliation or mediation in legal disputes between the victims of violence and perpetrators of violence may not be recommended under the Criminal Law while protective or preventive measures are taken and implemented. However, counseling and guidance may be provided for the conflict resolution methods.
- h) Without prejudice to the legal provisions, personal information of the victims of violence and their children are kept confidential.
- ı) It is essential that applicants are informed about the procedures to be taken for them.
- ı) Declarations by the applicant shall prevail in the procedures. Actions are taken in line with the general provisions for those who are understood to provide inaccurate declarations.
- j) Services could be run in cooperation with public institutions and organizations, professional organizations qualifying as public institutions, universities, local governments, non-governmental organizations, and the private sector, volunteers of real and legal persons.
- k) The services for the victims and perpetrators of violence are carried out in different units under coordination of VPMCs.

## **SECOND CHAPTER**

### **Opening and Closing Procedures, Services Available, and Provincial Commission of Coordination, Monitoring and Evaluation on Combating Violence against Women,**

#### **Opening and Closing Procedures**

**ARTICLE 5 – (1)** The following documents are sent by the Provincial Directorate to the General Directorate in two copies so that the VPMCs to be established in independent service buildings can be put into service:

- a) Occupancy permit
- b) Copy of deed or lease agreements,
- c) The report to be taken from the fire authority for fire safety,
- ç) A report to be drafted by the Provincial Directorate about the physical conditions, capacity of service departments, staff capacity and service suitability of the Organization.

(2) For the establishment of VPMCs in the current service buildings, a report to be drafted to declare that the related buildings have the physical structure and hardware, staff and service suitability for the services mentioned in Article 7 is sent to the General Directorate in two copies.

(3) VPMCs to be established within the independent service buildings and existing service buildings are activated upon approval of the Ministry.

(4) The relocation and closing operations of VPMCs are carried out in line with a reasoned report prepared by the Provincial Directorate and upon the approval of the Ministry.

### **Physical properties**

**ARTICLE 6** – (1) VPMCs to be established within the independent service buildings and existing service buildings should have the physical properties and hardware that allow for the provision of the services stated in Article 7.

(2) If physical conditions are appropriate in VPMCs to be established within the independent service buildings and existing service buildings, the administration creates departments of individual interview, police liaison, health, children’s playground, legal assistance, psychosocial support, education, employment and career counseling, security, archiving, and consultation-guidance, within budgetary bounds.

(3) Accessibility arrangements are made in indoor and outdoor areas of buildings for people with disabilities and reduced mobility in accordance with TS 9111 standards and other standards.



### Services available

**ARTICLE 7** – (1) Activities and operations are conducted in coordination with the women`s shelters of the Provincial Directorate.

(2) The services provided are as follows:

- a) Coordination service: Establishing inter-agency cooperation for receiving the applications and issue of injunction orders and entering all the information in its field of activity in the system and evaluating and monitoring them,
- b) Psychosocial support service: Interviews with the victims of violence and their children, preparation of reports, execution of guidance services on the solution of the problems through provision of the services deemed appropriate in coordination with the related public institutions and organizations and monitoring of results,
- c) Legal support services: Provision of necessary legal support to the victims of violence and their children as per the Law or follow-up of the cases in which they are involved, by forwarding them to the relevant units of the bar association,
- ç) Training and occupational support services: Providing guidance to victims of violence and directing them to the relevant authority,
- d) Health support services: Providing the necessary support and guidance to meet the needs of victims of violence and their children who need simple health interventions,
- e) Economic support services: Making financial assistance payments under the relevant legislation for economic empowerment of victims of violence and their children and follow-up of those payments and supporting their employment and providing crèche services for the their children,
- f) Intervention and referral service: Receiving the applications via the call lines and VPMCs, referring them to the related institutions and organizations based on the needs and requests,

- g) Preventive service: Carrying out public awareness activities related to the prevention of violence.

(3) All administrative, financial and technical tasks and operations related to the services are carried out.

### **Provincial Commission of Coordination, Monitoring and Evaluation on Combating Violence against Women**

**ARTICLE 8** – (1) The Provincial Commission of Coordination, Monitoring, and Evaluation on Combating Violence against Women shall be formed under the chairmanship of the governor or a deputy governor appointed by her/him and with the participation of representatives from the related public institutions and organizations, civil society organizations and professional associations, in order to ensure effective delivery of the services available to combat violence so that the challenges encountered in the implementation are eliminated, .

- (2) The secretariat of Commission is administered by VPMC.

### **Members of the Commission**

**ARTICLE 9** – (1) Commission is comprised of the following members under the chairmanship of the governor, or deputy governor:

- a) Mayor, secretary-general or head of the department responsible for social services in the provinces with a metropolitan status; the mayor or deputy mayor in other provinces,
- b) Provincial Commander of Gendarmerie,
- c) Provincial Director of Security,
- c) Provincial Director of Family and Social Policies,
- d) Provincial Director of National Education,
- e) Provincial Director of Health,
- f) Provincial Director of Migration Management,



- g) Provincial Director of Civil Registration and Nationality,
- ğ) Provincial Director of Social Assistance and Solidarity Foundation,
- h) VPMC and Shelter Directors.

(2) In case the members referred to in the second paragraph cannot participate, the people they will authorize can participate in their stead.

(3) The Commission may seek the opinions of the Office of the Chief Public Prosecutor, other public institutions and organizations and representatives of universities and NGOs by inviting them where necessary.

### **The Duties of the Commission**

**ARTICLE 10** – (1) The Commission shall perform the following tasks:

- a) Ensuring coordination of the services provided by VPMCs and other institutions and organizations, in pursuant to the law,
- b) Making efforts to prevent violence in the province by evaluating all the data collected by all the institutions working in the field of violence,
- c) Making recommendations to eliminate the problems arising in practice and improve effectiveness of the intervention,
- ç) Evaluating the solutions proposed by VPMCs and other institutions,
- d) Monitoring the decisions taken by the Commission and following them.

(2) The results of the Commission meetings are reported and sent by VPMCs to the General Directorate and members of the Commission.

### **The working principles and procedures of the Commission**

**ARTICLE 11** – (1) The Commission convenes every six months upon invitation of its chair person. However, the Commission may as well convene

upon the request of a member of the Commission or the call of the chair, when necessary.

(2) Place, date and agenda of the meeting are announced to members. The issues requested to be put on the agenda can be raised by the members before the meetings.

(3) The Commission convenes by absolute majority. Decisions are taken by majority vote of those attending the meeting.

(4) In case of emergency, the process can be carried out upon the Governor's decision.

## THIRD CHAPTER

### Service Beneficiaries and Application

#### Service Beneficiaries

**ARTICLE 12** - (1) The women, children, family members who are exposed to domestic violence or under risk of violence and the victims of stalking shall benefit from the services to be provided. The services for the perpetrators of violence are carried out by institutions and organizations under coordination of VPMCs.

(2) Among the victims of violence, those who are observed to have severe psychological and mental problems or severe psychiatric disorders, diagnosed to have a psychiatric disorder, physically and mentally handicapped to be incapable of self-care, older than sixty years and in need of nursery care are referred to the organizations affiliated to the Directorate General of Services for the Elderly and Disabled. The follow-up of the injunction orders taken for these people under the Law is undertaken by VPMCs.

(3) Victims of violence younger than eighteen years of age or those who have given birth or are pregnant are referred to the organizations that are affiliated to the General Directorate of Child Services. The follow-up of the injunction orders taken for these people as per the Law is undertaken by VPMCs.





### **Application**

**ARTICLE 13** – (1) The methods of application to VPMCs are given below:

- a) Protective and preventive injunction orders issued by the competent authorities,
- b) Personal application or complaint of people, who benefit from the services,
- c) The complaint of the person reached upon the notification of third parties,
- ç) Notifications by the Office of Chief Public Prosecutor, public institutions and organizations, vocational agencies, real and legal persons and non-governmental organizations,
- d) Applications made to Alo 183 hotline.

### **Initial procedures**

**ARTICLE 14** – (1) An interview is made with the people who will benefit from this service and the first interview form is filled in.

(2) A file is opened upon receipt of the application, and the information of individual receiving services is entered in the system in accordance with Article 18.

(3) An appropriate injunction order is taken in line with the reports drafted considering the needs and demands of people who will benefit from this service, and an application is made by VPMCs to the relevant authorities.

(4) Victims of violence are provided with medical care where necessary. A medical report stating that they do not have an infectious disease requiring continuous medical care, their mental health is good, they are not alcohol or drug addicted is issued for the victims of violence who have a sheltering injunction order. Accompaniment of the law enforcement authorities is requested for those with a life-threatening situation.

(5) The victims of sexual violence are accompanied by a nurse or a medical officer during the medical treatment process, while they are accompanied by a female member of the profession in the law enforcement and judiciary procedures.

(6) Those who are found to have a search, arrest and forced appear warrant ruled against them by judicial authorities for any crimes are immediately reported to the law enforcement authorities, and actions are taken against them in accordance with the general provisions of the law.

(7) All the children accompanying/not accompanying the victims of violence are provided with necessary referral and intervention services.

## SECOND PART

### Injunction orders and Support Services

#### FIRST CHAPTER

#### Request, Enforcement and Follow-up of Injunction orders

##### Request for injunction orders

**ARTICLE 15 – 1)** Injunction orders can be requested individually or ex officio where necessary after the victims of violence are informed by VPMCs.

- a) Injunction orders are requested from the judges, civil authorities who can be easily and most rapidly reached or from law enforcement authorities in the cases where it may lead to problems if late.
- b) Considering the needs of the victims of violence, the period or form of injunction order can be requested to be changed or stay the same if it is understood that the violence or the risk of exposure to violence will continue.
- c) In case the violence or risk of exposure to violence is eliminated, the injunction order may be requested to be abolished from the authority that has ruled the injunction order.



- c) The injunction order ruled by the civil authority or the judge of the family court can be appealed during the related period.

### **Fulfilling Injunction orders**

**ARTICLE 16** – (1) The services to be carried out in line with injunction orders are started as of the date of the injunction order, the service continues during the injunction order or until the injunction order is abolished.

(2) In the event that injunction orders are required to be carried out in coordination with other institutions and organizations, the related institutions and organizations and people are informed of the services to be provided. The related institutions and organizations inform VPMCs about the results of their services.

(3) Any sentence of coercive imprisonment ruled in case of violation of the injunction orders is notified to the relevant law enforcement agencies by VPMCs.

(4) In the non-delayable cases within the scope of the law, the injunction orders taken and implemented by the law enforcement authority shall be abolished automatically if they are not approved by the relevant authorities; however, injunction orders are implemented

- a) From the date when the injunction order is taken to the date it stays unapproved,
- b) For the period until it is decided either to accept or reject the objection in case of an objection to the non-approval decision. The relevant expenses of board and lodging are covered by the VPMCs. In the event that the decision is not approved, law enforcement provides the VPMCs with information as to the disapproval, the period and place of the injunction implemented, together with other information and documents.

(5) In case those who are the victims of violence or under risk of exposure to violence and who are delivered to a VPMC and women's shelter as a result

of the decision taken by the competent authority leave, the law enforcement authority and the court are informed by VPMCs.

### **Monitoring the implementation of injunction orders**

**ARTICLE 17** – (1) Monitoring the implementation of protective and preventive injunction orders starts with the notification of the injunction order to VPMCs and to the related institutions based on the nature of the injunction order and is performed via correspondence with the related authorities.

(2) Injunction orders for the women who benefit from VPMC and shelter services and the monitoring activities for the women who leave women shelters include interviews and information collection from the people for whom an injunction order is ruled based on the characteristics of the case and other forms deemed appropriate.

(3) Monitoring activities for the preventive injunction orders are carried out in accordance with the related provisions of the Implementing Regulation, and the results of the actions taken by the related institutions are notified to VPMCs.

(4) At the end of the monitoring, protective and preventive injunction orders may be requested to continue, be amended or abolished.

### **System Registration**

**ARTICLE 18** – (1) Injunction orders ruled under the law, forced arrest decisions and all the data regarding the tasks and procedures carried out by VPMCs are registered in the system.

(2) The capacity of the women's shelters, the number of people actually staying there, transfers and placement procedures and other registrations of the people provided with services are conducted and tracked over the system.

(3) In scope of the protective and preventive injunction orders, the information received on the procedures fulfilled by the related institutions and the actions taken by VPMCs and their results are registered in the system.



### **Design of individual or community scale programs**

**ARTICLE 19** – (1) In reference to the applications made to VPMCs by the victims of violence who do not have a life-threatening situation and sheltering needs or to the injunction order notified, an intervention plan is determined considering the needs of the victim of the violence and their children within the framework of a social service model by a member of profession.

(2) Community scale programs are drafted and implemented in cooperation with relevant institutions and organizations in order to prevent domestic violence.

## **SECOND CHAPTER**

### **Support Services for the Victims of Violence**

#### **Services for Victims of Violence**

**ARTICLE 20** – (1) Services to be provided to victims of violence are:

- a) In accordance with the injunction order, coordination among institutions is established for personal rights, legal, psychosocial, economic and health support services and the services that are not available in VPMCs and guidance and counseling services are provided on employment and similar issues.
- b) Guidance is offered by providing financial assistance under the Social Assistance and Solidarity Law No. 3294 and dated 29th May 1986 considering the socio-economic status of victims of violence if deemed necessary.
- c) Upon the request of the judge; a detailed social investigation report is drafted about the person's background, family, environment, education, personal, social, economic and psychological status and risks for other people and the community.
- ç) Psycho-social support and guidance services are offered for the children who are the victims of violence and witnesses of violence

(2) In accordance with the injunction order, a report including the information on the services provided to the victims of violence if requested by the related authority and the actions taken on the implementation of injunction orders and their results is issued.

(3) Victims of violence are informed of the results and risks of the request for the removal of the injunction order about themselves and a written statement that the victims understand and accept the results of the request is received.

### **Temporary financial assistance**

**ARTICLE 21** – (1) Providing temporary financial assistance and revocation procedures are fulfilled and followed in accordance with the provisions of the Implementing Regulation under the law.

(2) If the time and amount are not stated in the injunction order, in accordance with Article 17 of the Law, the amount and time to be included in the examination report to be drafted immediately by VPMC are submitted to the approval of the decision-making authority, and a payment is made.

### **Access to crèche services**

**ARTICLE 22** – (1) The decision on providing access to crèche services to the child accompanying the person under temporary protection is implemented and monitored in accordance with the provisions of the related legislation.

(2) In the event that the injunction order is found to be misused by the victim of violence due to the fact that the child is not going to the crèche without any valid reason as far as crèche does not cause any inconvenience, and the free crèche services are not benefited deliberately, this is reported and amendment or abolition of the injunction order is requested from the related authority. The situation is reported to the Provincial Directorate and an amount of payment is made to the crèche for the period of actual use by the person under temporary protection.

(3) In the event that the injunction order cannot be implemented due to the reasons arising from the crèche, this is reported to the Provincial

Directorate, and no payment is made for the crèche and the return of the payments, if any, is requested in accordance with the general provisions. The necessary procedures for the children to be provided with service by another crèche are completed immediately.

### **Those with a life-threatening situation**

**ARTICLE 23** – (1) As a result of the risk assessment made by the law enforcement authorities, the victims of violence and their children who are detected to have a life threatening situation and require sheltering are brought to VPMCs with a Domestic Violence and Violence Against Women Incident Registration Form after their procedures are completed. If a medical report is issued during the procedures run in accordance with the general provisions, a copy of the report is submitted to the relevant VPMC.

(2) In the absence of any injunction order for the victims of violence and their children who are detected to have a life threatening situation and apply to VPMC directly, an application is made to a judge, civil or law enforcement authority that can be reached most easily and readily to take a preventive and protective injunction order. In the procedures about those with a life-threatening situation, accompaniment is requested from the law enforcement authorities.

(3) In order to determine the protective injunction orders to be taken for the victims of violence and their children, possible sources of threat and risk are examined, and cooperation is made with the law enforcement authorities in implementing the injunction order plan drafted by the law enforcement authorities.

(4) In the event that the person under temporary protection leaves the temporary protection address without any notification, this is reported to the law enforcement authorities immediately, and if found out by the law enforcement authorities, they report it to the VPMC. It is ensured that the injunction order is implemented in the new address.

### **Judicial Support Services**

**ARTICLE 24** – (1) Legal counseling, judicial assistance, and other legal support services are provided to the victims of violence and their children.

Cooperation is made with bar associations for the services not provided by the Ministry.

(2) The Ministry may be asked to participate as a party in all kinds of criminal and judicial proceedings filed due to violence or the threat of violence and contentious jurisdiction.

### **Confidentiality decisions**

**ARTICLE 25** – (1) In case the credentials or information that may disclose the identity and address of the person under temporary protection and other family members are decided to be kept confidential by an injunction order upon request or ex officio, action is taken in accordance with the Article 32 of the Implementing Regulation.

(2) The decision is notified to the Ministry of Justice, Ministry of Interior, Ministry of Education, Ministry of Health, Social Security Agency, the Banks Association of Turkey and law enforcement authorities and other units that are needed so that the records about the people under temporary protection and their children are kept confidential.

(3) In the correspondence about the people under temporary protection and their children whose information have been decided to be kept confidential, codes are used instead of names and the records are kept only in electronic media.

(4) In the notifications to be sent to the victims of violence and their children for whom a sheltering injunction order is taken or whose identity information and address are kept confidential in the official records, the VPMC address information is used.

(5) A face to face interview is organized with the law enforcement authorities so that the tasks and procedures about the victims of violence for whom a decision on the change of their identity and other related information and documents and whose address is determined to be VPMC and whose communication address is VPMC's address can be carried out immediately.





## THIRD CHAPTER

### Support Services for the Victims of Violence

#### Education, rehabilitation, and consultancy

**ARTICLE 26** – (1) The following services provided to perpetrators of violence under the preventive injunction orders are given under the coordination of VPMCs in various departments.

- a) Referring to the relevant institutions and organizations in order to ensure participation in the training and rehabilitation programs that aim to change attitude and behavior by raising awareness about anger management, stress management, and violence prevention and following it up in coordination with the Ministry of Health,
- b) Providing consultancy for an examination or treatment in a health center for those who have alcohol, drug, stimulants and volatile substance addiction and mental disorder or referring these people to health centers,
- c) Referring the victims of violence to the Provincial Directorates of Labor, public education centers and other similar institutions and organizations.

(2) In case the perpetrators of violence do not maintain or reject the treatment without a valid reason, the stages and result of the treatment are notified to the Office of Public Prosecution and VPMC immediately.

(3) The services referred to in the first paragraph can also be given upon the request of perpetrators of violence without any preventive injunction order.

#### Examination and treatment in a health center

**ARTICLE 27** – (1) In accordance with the decisions to be taken in the examination or treatment in a health center for those perpetrators of violence with an alcohol, drug, stimulants and volatile substance addiction and mental disorder; they are referred to the Provincial Public Health Centers in provinces, to public health centers in counties or to public health organizations by these

centers so that they could receive treatment or examination services including hospitalization.

(2) The expenses on the implementation of the injunction order are paid over the nature and time of the service provided via a payroll to be issued monthly in accordance with the procedures and principles stated in the paragraph 3 of the Article 44 of the Implementing Regulation.

(3) In case the perpetrators of violence do not maintain or reject the treatment without a valid reason, the stages and result of the treatment are notified to the Office of Public Prosecution and VPMCs immediately.

### **Meeting the costs of rehabilitation services**

**ARTICLE 28** – (1) In case that a decision stating that the person for whom a preventive injunction order is ruled under the law requires rehabilitation or treatment services at the same time, the costs of the rehabilitation services that cannot be met under the general health insurance and the costs of the other health services required to be provided under the rehabilitation services are met from the budget of the Ministry.

## **FOURTH CHAPTER**

### **Other Services and Operation**

#### **Other services to be provided and tasks**

**ARTICLE 29** – (1) The list of the social facilities, dormitories and similar places of the institutions and organizations located in the province is drafted and used in the temporary sheltering of victims of violence and their children, where necessary. Sheltering and obligatory expenses spent at this stage are paid by VPMCs from the appropriation included in the budget of the Ministry.

#### **Work planning**

**ARTICLE 30** – (1) Work planning is done by a director based on the twenty-four hour/seven days basis taking the quality and continuity of service into account.



## THIRD PART

### Provisions about Staff Members

#### FIRST CHAPTER

##### Common Provisions

##### Employment and Qualifications of Staff

**ARTICLE 31** – (1) Members of profession who graduate from psychology, psychological counseling and guidance, sociology and social work departments of universities and lawyers, nurses/health officers, data preparation and control operators/computer operators/officers, security guards, drivers and other staff are employed in sufficient number and qualifications for the service provision at the departments of VPMCs.

(2) In VPMCs, it is essential that staff is employed in accordance with Civil Servants Law No.657

(3) Assigning police officers for the organization in coordination with the Provincial Directorate of Security, and labor and profession consultants in coordination with the Provincial Directorate of Labor are required within the framework of the principles stated in the Additional Article 8 of the Civil Servants Law No.657.

(4) If deemed necessary, staff members who have the required qualifications can be assigned via an appointment from the cooperating universities, related institutions and organizations and civil society organizations. These staffs fulfill their duties under the related legislation and the legislation of their institutions. Thus, the principles and procedures of the work and procedures to be performed by the staff are determined by the cooperation protocols between relevant institutions and the Ministry.

(5) The director is appointed from amongst the members of the profession or the people who have an undergraduate degree and have worked at least three years in the field of violence against women or women studies.

### **Training of staff**

**ARTICLE 32** – (1) In the training of the staff, the following issues are considered:

- a) Training is provided to the staff on the issues related to their fields of expertise and required to improve their professional skills.
- b) The necessary measures are taken to avoid the problems of the staff that may arise from the working conditions and guidance, consultancy and psychological support are provided to the staff on a regular basis.

## **SECOND CHAPTER**

### **Duties, Authorities, and Responsibilities of Staff**

#### **Director**

**ARTICLE 33** – (1) The duties and authorities of the VPMC Director are as follows:

- a) To conduct all the administrative, financial and technical work of the organization in accordance with the relevant legislation and ensure them to be conducted,
- b) To prepare the necessary plans and programs for the services to be carried out, to make the distribution of tasks among employees, to ensure cooperation and coordination, to carry out auditing,
- c) To keep and maintain personal files of employees, and to ensure timely execution of any transactions relating to them,
- ç) To identify budget needs and ensure proper spending of the appropriation,
- d) To ensure the development and implementation of a training program for employees and those who benefit from the services,
- e) To ensure coordination with public institutions and organizations, local governments, universities and non-governmental organizations at the service delivery stage,



- f) To determine the risks that impact the organization's security and to take the necessary measures,
- g) To carry out the similar tasks assigned by the Provincial Director.

### **Members of profession**

**ARTICLE 34** – (1) Members of profession perform the following tasks:

- a) To determine how to support the victims of violence and to provide counseling and guidance services for the resolution of problems in job and profession acquisition, and sheltering, psychosocial, health, economic and legal issues and communication with relevant institutions and organizations,
- b) To evaluate the situation of the victims of violence and their children for whom a sheltering injunction order is ruled or of those who would like to benefit from sheltering services and have them placed in appropriate shelters,
- c) If required by a judge, to issue a social evaluation report on family, environment, education and personal, social, economic and psychological situation of the victims and perpetrators of violence and the impacts of the implementation of injunction orders on such people,
- ç) To carry out necessary proceedings to issue, maintain, amend or revoke injunction orders for the victims of violence, and to follow up their implementation,
- d) To prepare an intervention plan for those who receive services from VPMCs and to ensure its implementation,
- e) To make the necessary referrals in cooperation with the relevant organizations and institutions in line with the injunction orders ruled for perpetrators of violence,
- f) To express an opinion on issue and implementation of injunction orders for perpetrators of violence and to monitor the implementation of injunction orders ruled by law enforcement authorities,

- g) To keep the records required for the victims of violence in line with the confidentiality principle, to issue reports and files regarding the professional activities taken and to ensure their entry into the system,
- ğ) To take an action about the applications to Alo 183 hotline in pursuant to the legislation, to contact with law enforcement authorities, health organizations and related agencies in case of emergency situations for the victims of violence and to ensure the initiation of the necessary proceedings,
- h) To support the injunctive plan activities,
- ı) To prepare the training programs for the employees and to take part in their implementation,
- ı) To take part in the projects and activities to be conducted in cooperation with the relevant institutions and organizations,
- j) To carry out the similar tasks assigned by the Director.

### **Social Worker**

**ARTICLE 35** – (1) Besides the duties and authorities specified in the Article 34, other duties of Social Workers include:

- a) To identify problems and needs of victims of violence, to perform professional practice and to issue professional reports regarding them,
- b) In the absence of a psychologist, to be next to the victims of sexual violence during information collection,
- c) To carry out the similar tasks assigned by the Director.

### **Psychologist**

**ARTICLE 36** – (1) Besides the duties and authorities specified in the Article 34, other duties of Psychologists include:



- a) To evaluate the victims of violence their children who refer to VPMC and need psychological support and to draft reports by providing support as necessary,
- b) To use psychological measurement, analysis techniques, and observation methods to provide women and their children with support from relevant institutions and organizations for their psychological state and guide them duly,
- c) To refer the victims of violence who need psychological support to the related health care centers and to follow up the treatment process,
- ç) To accompany the victims of sexual violence as they are interviewed,
- d) To carry out the similar tasks assigned by the Director.

### **Counselor**

**ARTICLE 37** – (1) Besides the duties and authorities specified in the Article 34, other duties of Counselors include:

- a) To provide guidance and counseling for solution of the problems of women victims of violence and their children, to refer them to appropriate institutions or organizations where necessary and to follow up the process,
- b) To apply and evaluate the psychological measurement tools in accordance with standards, and to provide the necessary guidance services as a result,
- c) To carry out the similar tasks assigned by the Director.

### **Sociologist**

**ARTICLE 38** – (1) Besides the duties and authorities specified in the Article 34, other duties of Sociologists include:

- a) To analyze the data on the victims of violence and their children and on protective and preventive injunction orders and to draft a report,

- b) To determine the situation in cities by conducting field studies and to analyze the data obtained and draft a report on the priorities and qualifications of the services to be provided considering the social and cultural structure,
- c) To collect scientific data on the social problems that cause violence and domestic violence against women and to evaluate them and draft reports at regular intervals,
- ç) To carry out the similar tasks assigned by the Director.

### **Nurse/health officer**

**ARTICLE 39** – (1) The duties and authorities of the nurse/health officer are as follows:

- a) To contact with health officers or health centers in order to meet the urgent needs of the victims of violence and their children who need health support,
- b) To refer the person suspected of having an infectious disease to a health center immediately and to inform the Director about the situation,
- c) To monitor the implementation of injunction orders issued for the perpetrators of violence, as per the sub-clauses (h) and (i) of the first paragraph of Article 5 of the Law,
- ç) To take the necessary measures to avoid the loss of evidence before the victims of sexual violence receive their reports, to accompany victims of violence in the initial interventions in health centers and where necessary,
- d) To carry out the similar tasks assigned by the Director.

### **Data preparation and control operator/computer operator/officer**

**ARTICLE 40** – (1) Duties and authorities of data preparation and control operator/computer operator/officer include:





- a) To collect, control and arrange all the information to be entered into the system and to enter data,
- b) To carry out correspondence, to file and archive them,
- c) To carry out the similar tasks assigned by the Director.

### **Call support personnel**

**ARTICLE 41** – (1) The duties and authorities of the Call support service staff are as follows:

- a) To make referrals to the related organizations and institutions in order to settle all kinds of applications, notifications and complaints received via the Alo 183 hotline and other communication channels,
- b) To contact with law enforcement authorities about the victims of violence who have a life-threatening situation and victims of sexual violence and to ensure that they are reach and have access to the services, by being picked up from where they are, in company with law enforcement authorities where necessary,
- c) To record data on calls and to inform the Director of the monthly and annual statistical reports,
- ç) To carry out the similar tasks assigned by the Director.

### **Police Liaison Officers**

**ARTICLE 42** – (1) Police officers working in VPMCs represent the department they are affiliated to, and they are assigned among those who are trained on gender equality and violence against women.

(2) The duties and tasks to be performed by police officers are as follows:

- a) They collect information on the incidents of violence, parties, witnesses and evidences in line with the orders and instructions of the Public Prosecutor and facilitate exchange of information and contact between the law enforcement officers and VPMCs. They implement their activities in cooperation with the staff of VPMCs.

b) In the training programs applicable in VPMCs, they offer their support on the issues related to their fields.

(3) They carry out the duties envisaged within the framework of inter-agency cooperation.

### **Business and professional consultant**

**ARTICLE 43** – (1) The tasks and proceedings that the business and professional consultants will be responsible for are as follows:

- a) To guide the victims or perpetrators of violence to vocational education in line with their needs and to follow up the results, to provide them with consultancy to find a job,
- b) To contribute to the cooperation activities to be conducted with trade associations, non-governmental organizations or private sector,
- c) To provide support to the activities performed within the limits of their authority.

(2) To perform the duties envisaged within the framework of interagency cooperation.

### **Security personnel**

**ARTICLE 44** – (1) The duties and authorities of the security personnel working within and outside of VPMCs are as follows:

- a) To take in consignment all the firearms and sharp tools that would put security in danger while people enter and leave the VPMC premises,
- b) To take necessary precautions against theft and sabotage,
- c) To report suspicious activities to the administration and law enforcement authorities, if necessary,
- ç) To carry out the control proceedings stated in Article 21 of the Regulation on Judicial and Preventive Searches published in the Official Gazette No.25832 on 1st June 2005, where necessary and



- d) To carry out the similar tasks assigned by the Director.

### **Driver**

**ARTICLE 45** – (1) The duties of drivers are as follows:

- a) To have the routine maintenance and inspection of the vehicles embezzled to them,
- b) To provide transportation services to the victims of violence and their children, as necessary and
- c) To carry out the similar tasks assigned by the Director.

## **THIRD CHAPTER**

### **Miscellaneous and Final Provisions**

#### **Food and Other Needs**

**ARTICLE 46** – (1) For the victims of violence and the children in their company, the number of people and meals is determined based on the average of monthly applications. For those who apply for food outside of meal times, food packages and food needed for children are provided.

(2) Lunch is provided to the staff at mealtimes during the working hours on duty and on shifts, in pursuant to the related legislation.

(3) Food is determined on monthly boards.

(4) Food samples are kept for 72 hours and the date and time when the samples are taken are written on them.

(5) Medical materials are provided for health support services along with diapers, feeding bottles, baby food, and similar materials to meet the urgent needs.

#### **Cooperation**

**ARTICLE 47** – (1) Services are provided with the cooperation and support of the Ministry of Justice, Ministry of Interior, Ministry of Education,

Ministry of Health, Turkish Employment Agency (İŞKUR), the Social Security Institution (SGK), local governments, universities, professional organizations, non-governmental organizations and other people and organizations.

(2) Protocols may be signed among the Ministry or Provincial Directorates and the relevant organizations and institutions and civil society organizations for the provision of services or implementation of the injunction orders taken, in the cases where necessary and subject to the opinion of the Ministry. The protocols signed are notified to the General Directorate.

### **Transition Period**

**PROVISIONAL ARTICLE 1** – (1) The duties assigned to VPMCs within the scope of this Regulation, are carried out by Provincial Directorates in provinces until their organization is completed.

### **Validity**

**ARTICLE 48** – (1) This Regulation shall enter into force on the date of issue.

### **Enforcement**

**ARTICLE 49** – (1) The provisions of this Regulation shall be enforced by the Minister of Family and Social Policies.



Republic of Turkey  
Ministry of Family and  
Social Policies

# THE REGULATION ON OPENING AND OPERATION OF WOMEN'S SHELTERS

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THE GENERAL DIRECTORATE ON  
STATUS OF WOMAN

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# THE REGULATION ON OPENING AND OPERATION OF WOMEN'S SHELTERS

## SECTION ONE

### General Provisions

#### PARTONE

#### Purpose, Scope, Basis and Definitions

##### Purpose and Scope

ARTICLE 1- (1) The purpose of this Regulation is to determine the methods and principles related to the opening of women shelters belonging to the Ministry of Family and Social Policies, municipalities, special provincial administrations and nongovernmental organizations, the operation of women shelters, the type and quality of the services that are offered, the inspection and to determine the procedures and principles regarding the duty and responsibilities of the employees through the cooperation of the institutions.

##### Base

ARTICLE 2 - (1) This regulation has been prepared based on the 6th Article of the Special Provincial Administration Law dated 22.02.2005 and numbered 5302, 14th Article of the Law for Municipalities dated 3/7/2005 and numbered 5393, the 22nd Article of The Law about the Protection of the Family and preventing Violence Against Women dated 8/3/2012 and numbered 6284 and the (ç) subparagraph of the first paragraph of the 2nd Article of the Statutory decree regarding the Organization and the Duties of the Ministry of Family and Social Policies, dated 03/06/2011 and numbered 633.

##### Definitions and Abbreviations

ARTICLE 3-(1) The terms that can be found in this Regulation are explained as follows;

- a) Emergency plan refers to the plan in which the actions to be taken can be found in the case of the death and serious injury of the employees of the shelters or the beneficiaries of the services of the shelters, disruption, reducing the credibility in the eyes of the society as a result any involuntary and undesired events which occur such as fire, earthquake, flood, hazardous material, social events, attacks, sabotage and explosion.
- b) Ministry refers to The Ministry of Family and Social Policies,
- c) The employees refer to those who perform a duty during the delivery of services of the Shelter,
- ç) Evaluation committee refers to the committee that has been established in order to ensure the functioning of the Shelters, determining the services that will be offered to women and children and to ensure that these services are provided on a regular basis.
- d) General Directorate refers to General Directorate on the Status of Women.
- e) The Provincial Directorate refers to Provincial Directorate of Family and Social Policies,
- f) First step station refers to the unit where the provisional admission of the women and their accompanying children to ŞÖNİM- Violence Prevention, and Monitoring Center and the first observations of medical examinations and treatments is provided and where the psychosocial and economic status are examined and where they are entitled to stay for up to two weeks.
- g) Woman refers to women benefiting from the services of the Shelters.
- ğ) Law refers to the Law regarding the Protection of the Family and preventing Violence Against Women dated 8/3/2012 and numbered 6284.





- h) Coded Identification card: refers to the document (ID-card) issued by ŞÖNİM Violence Prevention, and Monitoring Center after the registry has been carried out to the data base and which is issued by means of codification, which can be used as a substitute to a document stating that the women are staying in the shelters at the transactions with public organizations and institutions, if required the institution which is carrying out the transaction can check the data regarding the women by ŞÖNİM- Violence Prevention, and Monitoring Center, which cannot be used as an ID and which shall be taken back after the injunction to an end, shall be given to the women who are the sufferers of violence and on whom there is an injunction regarding to keep the ID information and information and addresses and other information that is important in terms of the efficiency of the injunction along with the sheltering injunction according to the law as confidential in all official records.
- i) Law enforcement refers to the police or the gendarmerie unit situated at the area of responsibility of the shelter.
- i) Shelters refer to the boarding social services establishment where women who have been physically, emotionally, sexually and verbally abused or be subjected to violence are protected from violence, where their psycho-social and economic issues are resolved and strengthened and where the women can stay temporarily with their children if any, during this period where their needs are met. These shelter refer to boarding social services establishment which are called under the names 'Women's shelter', 'Women's Shelter', 'Women's Refuge', 'Women's House' and 'Compassion House'.
- j) Response plan refers to a plan whereby one can see the phases in which the problem and the person is acknowledged and described in order to be able to identify the steps to be followed for the solution of the problems faced by women, data collection, case detection, evaluation and finalization of the case.

- k) Director refers to the person who is responsible for the management of the shelters which were opened within the scope of the Regulation on opening shelters,
- 1) Nongovernmental organization refers to a nonprofit association, foundation, private and legal entity established for other purposes than sharing profit,
- m) Social inquiry (analysis) report refers to a report in which the social, economic and health status, physical, mental and psycho-social characteristics, family and cultural structures of the women and any accompanying children are evaluated after the interview performed and the observation. Furthermore the report is prepared in order to determine the format and the quality of the social services to be offered and the methods of intervention to be applied to the problem solving stage:
- n) Violence refers to all kinds of attitude and behavior, resulting in a person's physical, sexual, economic or psychological harm or suffering or behavior, likely to result in this area, any physical, sexual, economic, psychological or verbal attitude and behavior including threatening aimed at such kind of behavior and oppression or the prevention of freedom arbitrarily occurring in social, public or private areas.
- o) Violence Prevention, and Monitoring Center (ŞÖNİM): Refers to the centers where strengthening and supportive counseling, guidance, direction and monitoring services are offered, where adequate and appropriate staff serve and preferably female staff are employed aimed at the prevention of violence and the efficient implementation of protective and preventive measures and where the operation is carried out on the basis of twenty-four hours a day and seven days a week.



## PART TWO

### The working principles of the shelters, its opening and Physical Properties

#### The working principles of the shelters and Basic Principles

**ARTICLE 4 -** (1) The Ministry shall open shelters in the provinces and the districts that are found appropriate according to the need and socio cultural structure of the area. The metropolitan municipalities and the municipalities the population of which is exceeding one hundred thousand shall open shelters in numbers and qualities which will respond to the needs. Special provincial administrations and the nongovernmental organizations can also open shelters. Real persons cannot open a shelter.

(2) The regulation of the opening of the shelters, its inspection, transfer, the cancellation of the shelters opening permit are all under the authority of the Ministry.

(3) The following matters should be complied with regarding the support and services provided within the scope of the functioning of the shelters under this Regulation:

- a) it is based on human rights and worthy to human dignity, sensitive to the social gender equality (gender mainstreaming) and compliance with the principle of a social state.
- b) it is based on the principles of respect for others and being beneficial to others.
- c) A women-oriented approach is essential at the studies that are carried out.
- ç) During the transactions that are carried out at the shelters, the statement of the women is taken as principal, the women are not required to show an evidence.
- d) The employees of the shelters cannot apply any limitations on the fundamental rights and freedom of woman, on the grounds to

protect the woman outside the conditions set out in this Regulation and cannot take any decisions on behalf of the woman.

- e) It is essential that the women are informed about the transactions concerning them. The women who are staying in the shelters are responsible for the decisions that they have taken and the consequences of these decisions either positive or negative.
- f) The main objective is the economic, social, and psychological empowerment of the women.
- g) The shelters are run based on the understanding of the protection of the right to live in a non violent environment.
- ğ) No reconciliation offer is to be made by the employees of the shelters regarding the people who have committed violence against women or have the possibility to carry out violence and no peacemaking is allowed.
- h) Without prejudice to the legal provisions, the address of the shelters, telephone number and the women's, children's and the shelters employees' personal information shall be kept confidential. All interested parties are responsible for maintaining this confidentiality.
- ı) The participation at the activities of the shelters is on a voluntary basis.
- ii) By conducting the services, support is taken from public agencies and institutions, professional organizations that have the characteristics of a public institution, universities, local authorities, foundations, associations and other civil society organizations, voluntary real persons and legal entities and the private sector.

### **Application for Opening**

**ARTICLE 5 - (1)** Those who desire to open a shelter should determine a representative for the transactions to be carried out regarding the opening and



a director who will be responsible for the operation of the shelters and apply in writing to the provincial directorate.

### **Documents required for permission and the required conditions**

**ARTICLE 6 - (1)** The municipalities, special provincial administrations and non-governmental organizations desiring to open shelters shall appoint a director who will prepare an application file in three copies in which the documents showing that the conditions mentioned in the second and third paragraphs are met and other documents are included,

(2) The following qualities are being sought at the manager and the staff

- a) To be a Turkish citizen.
- b) To be eligible to exercise civil rights.
- c) Having no criminal record
- ç) Document showing the Identification number, location and a statement of criminal records status and document showing the education status.

(3) The following documents are required for the building of the shelter:

- a) An occupancy permit taken from the concerned administration.
- b) A fire report showing that the necessary precautions against fire are being taken
- c) A copy of the deed of the building.
- ç) A copy of the tenancy agreement.
- d) A report prepared by the provincial directorate regarding the physical conditions of the shelters, service parts, furnishing, capacity, personnel status and its general suitability for service.

### **Transactions to be carried out for the opening permission**

**ARTICLE 7 - (1)** The file will be examined by the provincial directorate

(2) within a period of one month, if a deficiency is detected as a result of the examination, the concerned will have a period of three months in order to complete these deficiencies. in the case of these deficiencies being completed, the file will be sent to the Ministry in order to get an approval and otherwise returned to the concerned. The return of the file to the concerned shall not prevent him/her from placing a new application.

(3) The opening permit certificate to be issued for the application file that is approved by the Ministry will be sent immediately to the provincial directorate.

(4) The shelter will be opened after an opening permit certificate has been issued by the Ministry.

### **Physical properties of the shelters**

**ARTICLE 8-** (1) Special attention shall be paid to the matter that the transport from the shelters building has easy access to the official institutions and near the law enforcement agencies and that the external security can be provided effectively, and the exterior of the building does not attract any attention at the location of the property.

(2) For the safety of women and the children, a private building which has a sheltered courtyard or a walled garden is preferred. The shelters to be opened can also be obtained per lease.

(3) The shelter shall be established to have a capacity to accommodate at least twenty people, or maximum forty people.

(4) The shelters shall have the following attributes in terms of the physical features:

- a) The number, size and furnishing of the administrative departments and offices have to meet the requirements of the employees.
- b) The case worker shall have at least one individual interview room where they can carry out their professional work with women



and their accompanying children. Attention shall be paid that the Interview rooms are bright and spacious.

- c) For each woman, there shall be one room available where they can stay with their children if any. A room can be shared by maximum two women. Care shall be taken regarding the fact that women with babies stay in a single room and not to use a bunk bed system in the rooms for the women.
  - c) in buildings where no bathroom and toilet is available inside the rooms, the number of women sharing the bathroom and toilet shall not exceed three. An independent toilet and bath rooms is ensured in the shelters to be opened from the date this Regulation enters into force.
  - d) The shelters shall have a lounge, a living room, a dining room and a function room available for the women the number and roominess of which are appropriate to the capacity of the shelters.
  - e) There shall be a creche, education, and rehabilitation area, play and activities rooms and study rooms for the children.
  - f) Besides, there shall be a kitchen, a cellar, a storage room, laundry, drying room, ironing room and other rooms that may be needed.
  - g) The building is heated and cooled taking into account its physical conditions and the climate of its location.
- (5) The shelters shall be furnished in a manner creating a warm and comfortable atmosphere and far from formality, fulfilling the needs of women and the children.
- (6) Women and children are informed about the use of the appliances in the shelters, the appliances and devices in the room are delivered to the woman via a signed protocol. It shall be ensured that the state of the room upon departure of the woman is the same when the appliances and the room were handed over initially.

(7) There shall be a car available allocated for service in order to be used by the shelters, if necessary, a vehicle with a driver can be rented through the purchase of service.

(8) The shelter building facilities shall be accessible to people with disabilities.

## **PART THREE**

### **Inspection and the Cancellation of the Opening Permission**

#### **Inspection**

**ARTICLE 9** - (1) The shelter and the first step stations shall be inspected by the authority they are registered under and the Inspection Services Department of the Ministry at the latest once every two years. The Provincial Directorate can always request inspection from the Ministry regarding the first step stations and the shelters.

(2) The inspection of women shelters belonging to the Municipalities, special provincial administrations and non-governmental organizations is carried out within the framework of the relevant legislation using the form set out in Annex 4. A copy of the inspection report shall be sent to the Provincial Directorate and to the General Directorate.

#### **Cancellation of the Opening Permission of the shelters**

**ARTICLE 10** - (1) The shelters opening permit can be cancelled by the Ministry upon the proposal of the Provincial Directorates in the following cases:

- a) Admission of women to the shelters without getting permission.
- b) If the non-compliances and deficiencies determined during the inspections cannot be removed within the time periods set by the provisions of the Ministry of Family and Social Policies Inspection Services Regulation dated 14.09.2012 published in the Official Gazette No.28411.





- c) If a situation related to the abuse and neglect of the women or their children is identified.
- ç) If a situation related to a behavior contrary to the working principles and fundamental principles set out in Article 4 is determined.
- d) If it is determined that the shelters do not possess the opening conditions.
- e) If there was any out of purpose activities.

(2) The Ministry takes the necessary measures for the closure of the shelter the opening permission of which have been cancelled. The women and children who were staying at the shelter at that time will be transferred to another shelter that is appropriate for their situation, ensuring their security.

## **SECTION TWO**

### **The Functioning of the Shelter**

#### **PART ONE**

#### **Application, Admission and Users of the Service**

##### **Application to the Shelter**

**ARTICLE 11-(1)** Women who are looking for admission into the shelter can apply to the Provincial directorate, ŞÖNİM- Violence Prevention, and Monitoring Centre, to the related defective units of the public institutions and Organizations engaged in similar tasks or to the police departments.

(2) Notices of third parties who are aware of the violence shall be accepted as a denouncement.

(3) The application of the women directly to the shelter cannot be accepted. Individual applications to the shelters shall be directed to ŞÖNİM- Violence Prevention and Monitoring Centre.

(4) At the admission to the shelters, no document is required from the women. The management of the shelter will assist women who do not possess an official identity card, during the obtaining of proof of identity transactions.

### **Admission to the Shelters**

**ARTICLE 12** - (1) The woman is admitted to the first step stations of the shelters by ŞÖNİM-Violence Prevention and Monitoring Center on the decision of the Civilian authority, the Judge of the family court or the head of the law enforcement in situations where delay is unfavorable.

(2) At the applications made to ŞÖNİM- Violence Prevention, and Monitoring Center the written request of the woman is taken and after the evaluation carried out, those who require accommodation (housing) are directed to the first step station. However, the women accompanied by their children, the admission of which have been found appropriate by ŞÖNİM -Violence Prevention, and Monitoring Center, can be admitted to the shelters in necessity, the necessary information and documents for admission is to be completed later and sent directly to the shelters.

(3) The following information and documents are required for the temporary admission of the women to the first step station :

- a) Application form.
- b) Pre-interview form.
- c) Letter of consent stating that the woman will abide by the rules in the shelters.
- ç) Declaration of Identity Card information.

(4) The women and their accompanying children who have been admitted directly by ŞÖNİM- Violence Prevention, and Monitoring Center to the shelters or those the transfer of which have been found appropriate by ŞÖNİM- Violence Prevention, and Monitoring Center from the First step station into the shelters are being admitted into the shelters belonging to the Ministry, municipality, special provincial administration or non-governmental



organizations. The women, who have been housed by this means, cannot be removed by the shelters within the scope of the discretionary power without the knowledge of ŞÖNİM Violence Prevention, and Monitoring Center.

(5) The following documents are required from the women and their accompanying children during their admission to the shelters, who have been admitted via the temporary admission by ŞÖNİM- Violence Prevention, and Monitoring Center to the first step station:

- a) Social investigation report.
- b) According to the result of the social investigation report or when deemed necessary by ŞÖNİM- Violence Prevention, and Monitoring Center, a medical report stating that the woman does not have an infectious disease or a disease which requires constant care, that her mental status is stable and whether she has alcohol or substance abuse.
- c) Reports regarding the professional studies that are carried out and an intervention plan.
- c) Correspondence carried out aimed at the resolution of the problems of the woman with the necessary form, signed proceedings and other documents.
- d) Reports regarding the professional studies carried out with the children who have been admitted to the shelters with their mothers.
- e) If deemed necessary, risk assessment reports stating whether there is any vital danger prepared by the law enforcement agencies.

(6) The registration of those who are staying in the shelters is being kept on a regular basis and is processed into the data base.

(7) A coded identity card is prepared by ŞÖNİM- Violence Prevention, and Monitoring Center and given to the women who are admitted to the shelters with a decree of confidentiality. On their departure this identity card shall be taken back. On the Identity Card, the ID number of the person concerned,

the code of the city she is in, the code of the shelters, the number that the woman will receive by the shelters and the date of entry into the shelters are specified and this data is processed into the data base. On applications in different locations of the same woman, the code belonging to the woman is kept fixed and the woman continues to use it.

### **Beneficiaries of the Shelter Services**

**ARTICLE 13** - (1) All women and their accompanying children who have been subject to violence or there is a danger of being subjected to violence are being admitted to the shelters without any discrimination. However;

- a) Victims of violence who are children under the age of eighteen, if deemed appropriate by the social worker and the child development specialist, will be placed to a suitable Social Services establishment by the Provincial Directorate, notifying the General Directorate for Children's Services.
- b) Girls under the age of eighteen girls can make use of the shelters services along with their mothers.
- c) Regarding the women who have sons over the age of twelve and women with disabled children, provided that they do not have a risk of life safety, on their request or with respect to the social investigation report stating that it is necessary, if deemed appropriate by ŞÖNİM- VIOLENCE PREVENTION AND MONITORING CENTER, the housing is provided via renting an independent house the rent and expenses of which are met. The documents which are partaking in the third paragraph of the 6th Article are sought at the homes to be rented. The rent for the homes being rented, deposit and other current expenditures will be paid from the related item of the shelters budget. The women and their accompanying children will benefit from the shelters services in this house. Care should be taken regarding the point that the houses are in the immediate surroundings of the shelters, preferably furnished and at least twenty square meters of living space for each person in the house, and that the rent price of the house is compatible with the market price of



the province it is located in. in districts where there are no shelters, according to need, the option of renting a house, the conditions of which have been regulated within the scope of this paragraph can be sought.

- c) Women who have been observed in the first step station as persons in need of psychiatric support are admitted to the shelters in accordance with the psychiatrist report “regarding the ability to stay in multi dwelling places”.
- d) Treatment is provided for women who are found to have an infectious disease or a severe disease that requires continuous medical treatment, within the framework of the relevant legislation if they agree to receive treatment. If they do not accept treatment, action shall be taken in accordance with the subparagraph of the first paragraph of the 29th Article.
- e) Women victims of violence who are over the age of sixty and the women who are observed that their sanity and mental health are not stable are to be placed into the appropriate Social services establishment and notifying this placement process to the General Directorate for the Disabled and the Elderly Services.
- f) Women who are alcoholics and are drug addicted shall be admitted to the shelters on condition that they start and continue treatment regarding their addiction.
- g) Women who are in need of different service models during rehabilitation and strengthening process shall be placed by the Ministry in specialized shelters to be established for this service and where appropriately trained personnel will be employed.
- ğ) Women who cannot carry out their self-care and maintenance on their own will be placed in the related institutions.

- h) Support shall be received from the related public establishment and public organizations or non-governmental organizations concerning the physically or mentally disabled women.
- i) If it is understood that women for who there is a search or arrest warrant for any offense and a decree to be brought by force or an escape warrant is issued by the judicial authorities the law enforcement agencies shall be notified immediately and action shall be taken within the framework of the general provisions.

## PART TWO

### Duration of Stay, Entry and Exit Hours

#### Duration of Stay

**ARTICLE 14 -** (1) the duration of stay in the shelters is six months starting from the date when she was admitted to the First step station.

(2) The duration of stay can be extended in accordance with the evaluation of the strengthening process of the woman if necessary. The period of extension shall be determined by the evaluation committee after the opinion of the social worker and the child development specialist if the women have a child, is taken.

(3) The women on whom there is an injunction decreed by the Civilian Authority or the judge of the Family court, she shall benefit from the services of the shelters according to the injunction duration that is specified in the Decree.

(4) Depending on the nature of the situation, the change of the duration or the form of the injunction decree can be requested from the related authority with the determination of the evaluation committee and the request of the Provincial Directorate.

#### Entry and Exit Hours

**ARTICLE 15 -** (1) The entry and exit hours of the shelters is determined in order to ensure security and by taking into account the regional conditions



and the status of woman via the principal's proposal and the approval of ŞÖNİM Violence Prevention, and Monitoring Center. The woman who is benefiting from the services of the shelters can stay somewhere else on the condition of giving written notice for a period of maximum fifteen days. This period shall be deducted from the period of benefiting from the services of the shelters.

### SECTION THREE

#### Safety Precautions, Departure, Commission for Services and Evaluation

##### PART ONE

#### Security Measures and Precaution Plan

##### Security Measures

**ARTICLE 16 - 1)** For the security of the shelters, the following technical equipment shall be provided:

- a) Wide-angled cameras and monitor that record the outdoor space, cameras and monitors that record the inner areas such as the hallways, kitchen and the living room.
- b) Bars for the windows to ensure security.
- c) An alarm system to be used in case of emergency to place a call to the law enforcement agencies.
- ç) Fire alarms and fire extinguisher tubes.
- d) At least two telephone lines, the number of which is unseen and open for long distance calls.
- e) Safe deposit box
- f) Document shredder

(2) For the security of the shelters The following measures apply:

- a) No picture of the exterior of the shelters, the employees and the beneficiaries of the shelters can be placed on any document and material; no pictures can be displayed in the written or the visual media and broadcasted on the internet.
- b) No public official can request any personal information regarding the women who are staying in the shelters with the exception of the exercise of judicial power.
- c) No public official can do a direct referral to the shelters.
- ç) No visitors shall be accepted in to the shelters.
- d) The shelter address shall be kept confidential and ŞÖNİM's-Violence Prevention and Monitoring Center address is used for correspondence.
- e) The Public establishments and institutions shall act in a confidential manner when carrying out any kind of official correspondence and use of information, communication and the media regarding the women who are staying in the shelters and their accompanying children. Without delay they shall take the necessary measures in order to prevent the violation of privacy in their own units.
- f) For women, who are staying in the shelters and whose life safety is under threat, the precaution plan, prescribed in Article 18 shall be applied.
- g) The employees of the shelters and the law enforcement employees shall carry out an emergency plan related to the safety of the shelters. in order to ensure the cooperation and the coordination in the implementation of this plan, the Management of the shelters carries out periodical meetings with the management of the law





enforcement. All necessary information about the plan shall be made to all the employees and the residents of the shelters.

- ğ) A proceeding shall be carried out towards the women who attempt to harm the woman, children and the employees in the shelters intentionally or deliberately violate the rules, within the scope of Article 29.
- h) A letter of commitment shall be requested from the institutions from which service is purchased, or the person in charge in situations that require maintenance or from companies stating that they will comply with the privacy policy.
- ı) The Emergency situations instructions in situations of an attack, fire, and an earthquake shall be formed by the Provincial directorate. The woman and children shall be informed about this situation by the employees.
- ı) No weapons and other similar materials that can be used for malignant purposes are to be admitted to the shelter.
- j) No recording shall be carried out by a camera, voice recorder or a video camera inside the shelters.
- k) Measures shall be taken to prevent the monitoring of the interior of the shelters.

(3) The women and their accompanying children who are entitled for admittance to the shelters and whose life are in danger as a result of the evaluation, shall be transferred immediately to the nearest shelters safely, under the supervision of the law enforcement.

### **Privacy Policy**

**ARTICLE 17 - (1)** At the opening of the shelters, the privacy policy shall be complied with. The address, phone number of the shelters shall be kept

confidential. No signboard that identifies the shelters is to be hanged and no opening ceremony or groundbreaking ceremony shall be arranged.

(2) While carrying out correspondence, the names of the women, children and the names of the employees shall not be specified, if necessary, if necessary codes that have been agreed upon shall be used.

(3) The identity information, addresses and other important information of the women, children and the 3rd parties deemed necessary shall be kept confidential in all official records. To those who violate the rule of privacy, the relevant provisions of the Turkish Penal Code with the number 5237 from the date 26.9.2004 shall be applied.

(4) The notifications made to women and their accompanying children who are staying in the shelters shall be made to ŞÖNİM- Violence Prevention, and Monitoring Center, in accordance with the 18th Article of the Notification Law dated 11/2/1959 and numbered

### **Precaution Plan**

**ARTICLE 18** - (1) The Precaution Plan shall be prepared for one year in cooperation with ŞÖNİM- Violence Prevention, and Monitoring Center and if required with the shelters and the coordination of the Law Enforcement, for the purpose of forming a base to the transactions that are carried out within the scope of the Regulation regarding the Methods and Principles related to the Witness Protection measures to be taken by the courts and the Chief Public Prosecutor's Office which has been published in the 27051 numbered Official Gazette on the 11/11/2008 on the purpose of to protect the victim of the violence and the accompanying children whose life are under danger, and who have a temporary injunction decree.

(2) Depending on the nature of the situation this period can be extended for one more year. it shall be applied by ŞÖNİM- Violence Prevention, and Monitoring Center or the shelters. During the precaution plan, the law enforcement agencies shall inform ŞÖNİM- Violence Prevention, and Monitoring Center about the work and transactions that are carried out within the scope of the plan.



## SECOND PART

### Offering of Services in the shelters, Help and Removal

#### Services to be offered at the Shelter

**ARTICLE 19** - (1) The shelters provides support in the following areas, to woman and children, either directly or through the referral of ŞÖNİM-Violence Prevention, and Monitoring Center, to the relevant institutions:

- a) Security.
- b) Consulting.
- c) Routing.
- ç) Psychological support.
- d) Legal support.
- e) Medical support.
- f) Temporary financial assistance.
- g) Support in finding a job.
- ğ) Creche.
- h) Vocational education course.
- ı) Group activities.
- i) Scholarships for the children.
- j) Social, artistic and sport activities.

#### Watch and guard duty

**ARTICLE 20** - (1) in order to ensure the continuity of service in the shelters the watch and guard duty system shall be arranged by the director

according to the characteristics of the service and on a twenty four hours a day, seven days a week basis.

(2) The employees of the shelters perform their duties at night as well, in accordance with the watch list that will be prepared.

### **Nutrition**

**ARTICLE 21** - (1) The women and children in the shelters shall receive the three main meals, children shall further receive two snacks and refreshments in-between the meals.

(2) Women and children who are recommended to have a special diet by the doctor shall receive food prepared according to that special diet. The allowance of those who were absent from the shelters for more than one day due to vacation, illness and other reasons, shall be removed from the signboard regarding these days.

(3) The food needs of the shelters can be met by way of purchase of finished food.

### **Children**

**ARTICLE 22**-(1) The child who is benefiting from the services of the shelters shall be enrolled to the nearest school around the area of the Shelter, pursuant to the coded Identification card given by ŞÖNİM- Violence Prevention, and Monitoring Center, and complying with the privacy principles. In the absence of a contrary provision, the address of ŞÖNİM- Violence Prevention, and Monitoring Center shall be presented as the residential address of the child.

(2) The development and education of the pre-school children shall be monitored by the shelters in cooperation with the school administration.

### **Allowance and Aid**

**ARTICLE 23** -(1) The allowance shall be paid to women and children who are benefiting from the services of the shelters and the first step station and who do not have any income, with the proposal of the Director, based on the social investigation reports and the approval of ŞÖNİM- Violence Prevention, and Monitoring Center according to the rate that is specified in the 17th



Article of the Law, in the case of temporary financial aid not being finalized within the scope of the Law, to the principal basis of social investigation reports ŞÖNİM Violence Prevention, and Monitoring Center with the approval of the proposal and shall be paid at the rate specified in Article 17 of the Law.

(2) The pocket money /allowance shall be paid according to the payroll prepared by the shelters, payable on the first day of each month against signature in cash. The women and children who were admitted to the shelters until the 10th day of the month will receive full payment, The ones who were admitted to the shelters later than that, the number of days will be calculated and they will receive their payment accordingly. The women, who find a job outside, will keep receiving payment from the shelters until they receive their wages from their employer.

(3) An advance payment shall be made to the shelters Administration, the amount of the payment shall be calculated according to the monthly average of the women and accompanying children admitted to the first step station or to the shelters. The due payments are made through this advance payment.

(4) The children of the women in the shelters who are studying and the children who have discontinued education for various reasons and are not working in a paid job, shall receive allowance in the same rate as the children who are staying in children' homes and orphanages who are subordinated to the Ministry without any deductions being made.

(5) The allowances paid to the women and their accompanying children who are staying in the shelters which are subordinated to the municipalities, special provincial administrations and non-governmental organizations, women and their accompanying children are paid as follows;

- a) in the Shelters belonging to the Ministry, from the budget of the Ministry b) in the Shelters belonging to the Municipality, from the budget of the Municipality,
- c) in the Shelters belonging to the Special Provincial Administration, from the budget of the Special Provincial Administration,

- c) in the Shelters belonging to the Non-governmental organizations, from the budget of the Ministry

(6) Clothing allowance / payment is made as clothes contribution. The amount and the type of clothing goods given to the women and their accompanying children who will benefit from this allowance have been shown in the lists shown in Annex 1 and Annex 2. The color and shape of the garment shall be determined by the related shelters and shall be purchased according to standard body size, the season, the age and the gender of the child and handed over to the women with a written report. Care should be taken when purchasing the clothes to be given according to need, that they are not in the same color and. The clothing that is given and aid in kind shall be recorded.

(7) Documents in relation to the type, number, quantity and the allowance that is given to the women who are transferred to another shelters on a justified reason and when conclusion is reached that this transfer will be effective in resolving their problems, are added to the transmission file.

(8) The due payments are exempt from the Law on Income tax and the Inheritance and Succession tax in accordance with the first paragraph of the 20th Article of the Law and the papers issued for these payments are exempt from stamp duty.

### **Treatment and Treatment Support**

**ARTICLE 24-** (1) The treatment of the women who requires treatment shall be carried out within the framework of the related legislation

(2) in the event that there is a precautionary action decree regarding the women who are staying in the shelters, the women shall benefit from medical examination and treatment assistance in accordance with the 19th Article of the Law. These women shall have privilege and right of priority during the procedure of treatment and when receiving their health report.

### **Education Expenses**

**ARTICLE 25-** (1) The required education expenses that are necessary for the support of the women, participating in the working life and promoting



them to pursue a career according to their ability, shall be met from the budget of the Ministry allocated to the shelters.

### **Consignment**

**ARTICLE 26** - (1) Every shelter shall have a safety deposit box under the responsibility of the Director or under the responsibility of an employee deemed appropriate by the Director.

(2) The precious items of the woman who is admitted to the shelters are accepted against a detailed depository report, The precious items shall be delivered to the woman, on her request and during her transfer or departure from the shelters against a recorded report. A copy of that recorded report shall also be given to the woman who is admitted to the shelters.

### **Letter of Consent**

**ARTICLE 27** - (1) The women admitted to the shelters shall sign a Letter of Consent in Appendix 3 which contains the rules that need to be complied with during the period they are benefiting from the services of the shelters. A copy of the Letter of Consent shall be given to the woman.

### **Departure from the shelters**

**ARTICLE 28** - (1) The women and any children accompanying them shall depart the shelters in the following cases:

- a) On their own request.
- b) The expiration of their residence time in the shelters.
- c) In the case of the women wanting to depart from the shelters before the expiry of the housing injunction that is stated in the decision, she can apply to the relevant authority according to the Law for the removal of this decision.
  - ç) If it is found that her referral or her transfer is appropriate to other shelters in the same province or to shelters outside that province for security or any other reasons.

(2) The women who have departed from the shelters provided that there is no risk to her life safety, she can receive services for six months pursuant to

the social investigation report and in accordance of the subparagraph (c) of the first paragraph of the 13th Article if found appropriate by ŞÖNİM- Violence Prevention, and Monitoring Center.

(3) A report containing the reason related to the leaving of the woman shall be prepared and archived.

(4) A woman who has departed from the shelters can be admitted to the shelters more than one time in case of need and if deemed appropriate.

### **Removal**

**ARTICLE 29** - (1) The women who are admitted to the Shelter and their accompanying children shall be removed from the shelters in the following cases with the decision of the Evaluation Committee and the approval of ŞÖNİM Violence Prevention, and Monitoring Center:

- a) If the woman does not comply with the rules of the shelters that have been specified in the Regulation.
- b) If it is determined that the woman does not meet the conditions required for the admission into the shelters.
- c) If the woman does not accept treatment in accordance with the subparagraph (d) of the first paragraph of the 13th Article.

(2) in order to be able to remove the women according to the subparagraph (a) of the first paragraph, a social investigation report shall be prepared regarding these women, stating that they have been warned previously as they did not comply with the rules that are specified within the framework of the Regulation and did not correct their negative attitude and behavior despite this warning. If the committed action is in the nature of a crime, the transaction carried out against this crime shall be within the framework of the general provisions of the Act.

(3) The removal process from the shelters shall be notified to the General Directorate through the Provincial directorate by ŞÖNİM- Violence Prevention, and Monitoring Center. The benefiting of the women from the





services of the shelters is subject to the permission and approval of the General Directorate.

(4) The decision of the General Directorate regarding the removal from the shelters can be appealed to within one week.

### **Establishing the electronic shelter system**

**ARTICLE 30** - (1) An electronic shelter system shall be established regarding the beneficiaries of the services of the shelters in order to ensure the connection of all the shelters within the body of the General Directorate with each other, the monitoring of the occupancy rate of the shelters, the fastening of the referral between the shelters and enabling up to date analysis related to the shelters, to be able to produce policies and a data base and İnternet network shall be established.

### **The functioning of the electronic shelter system**

**ARTICLE 31-** (1) it is obligatory to report to ŞÖNİM- Violence Prevention, and Monitoring Center in the current province about each change of the information, capacity information and the information regarding the figures about the women who are staying in the shelters run by the Ministry, municipalities, special provincial administrations and non governmental organizations.

(2) Within this scope any information and data base that is requested from the shelter is provided without delay by the General Directorate in accordance with the procedure.

(3) The information about the shelters that are entered electronically in the electronic shelters system shall be stored by the General Directorate in a central database.

(4) The data entry into the electronic shelters system shall be carried out by the shelters, for tracking and monitoring purposes of the transactions, personnel shall be authorized by the General Directorate that are assigned by ŞÖNİM Violence Prevention, and Monitoring Center in the province that the shelters is located in and the Provincial Directorate.

## FOURTH SECTION

### Provisions regarding the Employees

#### FIRTPART

#### Common Provisions

##### Recruitment of the Employees

**ARTICLE 32** - (1) it is essential that the employees who will be working in the shelters that have been opened dependent to the Ministry are recruited from among the civil servants who are employed within the scope of the paragraph (A) or the contracted personnel who are employed within the scope of the paragraph (B) of the 4th Article of the 657 numbered Public Servants Law dated 14.07.1965, the employees who will be working in the shelters that have been opened dependent to the metropolitan municipalities, municipalities and the Provincial Special Administrations are recruited from among the civil servants who are employed within the scope of the 657 numbered Public Servants Law or personnel who are employed within the scope of the 49th Article of the 5393 numbered Municipal Law and within the framework of other legislation.

(2) The employees who will be working in the shelters which will be opened by non-governmental organizations, shall be in conformity with the legislation they are subject to, shall possess the qualifications that the services require mentioned under this Regulation

(3) The process of rehabilitation and empowerment for women in need of different service models according to the needs shelters established by way of purchase of a full or part-time service as a psychiatrist, educator, special education teacher or other professional staff may be employed are needed.

##### The quality of the employees

**ARTICLE 33** -(1) The employees in the shelters shall be sufficient in number and possess a qualification for the delivery of services, preferably female social workers who are graduates of institutions that provide education in areas such as psychology, child development, teaching and social services,



nurses, child educators, civil servants, cook and maintenance staff. Depending on the nature of work a male employee may be employed as the external security staff and a driver.

(2) The Director of the shelters to be appointed shall be graduated from institutions that provide education the duration of which is minimum 4 years undergraduate education in the areas of social workers and the related departments of the faculties which are mentioned in the first paragraph. Those who have participated in women studies shall be prepared.

(3) According to the need in the shelters that will be established for women, a psychiatrist, educator, special education teacher or other staff required from a different professional area may be employed either full or part time for women who require a different service model during the rehabilitation and strengthening process.

### **The education of the employees**

**ARTICLE 34 -** (1) The following rules shall be complied with during the training aimed at the employees:

- a) The employees shall receive training on social gender equality and violence against women and other issues as needed at regular intervals which might be repeated, organized by the General Directorate, before and after they start work.
- b) The employees participation at the training courses that are aimed to improve their professional skills and participation in awareness raising group activities shall be encouraged
- c) The employees shall be provided with short-term internships at the shelters operating in the country and abroad, under the provisions of the relevant legislation.
- ç) A co-operation shall be carried out with related parties during the preparation of the training programs.

- d) The total duration of the training program that is provided to the employees shall not be less than ten days within a year.
- e) As well as the training activities, provided for the employees of the shelters, the necessary measures shall be taken and psychological support shall be given to them on a regular basis in order to avoid the burn out syndrome that the employees face.

## **SECOND PART**

### **The duties of the employees of the shelters**

#### **Director of the shelters**

**ARTICLE 35** - (1) The duties and powers of the Director are as follows:

- a) To carry out the all the administrative, financial and technical work of the shelters in accordance with the relevant legislation.
- b) To prepare the plans and programs that are necessary to carry out the services of the shelters in the best manner and to ensure cooperation and coordination between the employees, carrying out inspections.
- c) To ensure that the employee's personal files are kept, stored, and to carry out all the transactions regarding them in a timely manner.
- ç) To monitor the desired attitude, behavior, costume, outfit and similar attributes of the employees in accordance with legislation and their supervision.
- d) To ensure that the shelters complies with the cleaning rules and to supervise it.
- e) To make the annual budget of the shelters, taking into account the needs and characteristics of the shelters and the principles related to the topic and the commercial occupations, to ensure that the subsidies are spent in accordance with the purpose or to inform the related units in order to provide the spending of the subsidies within the context of its purpose.



- f) To ensure that the warehouse, goods, warehouse inventory and the transfer transactions and the correspondence are carried out within the framework the general provisions.
- g) To prepare a report including the required records that are kept, filling in the forms and arranging the statistical information and problems that are encountered at the end of each year when providing the needs of the shelters and delivering its services and sending it to ŞÖNİM- Violence Prevention, and Monitoring Center.
- ğ) To prepare and implement education programs in order to regulate the relationship between the staff working in the shelters and the women who are benefiting from the services of the shelters.
- h) To take safety precautions in the shelters, to contact the relevant organization in case of a situation that threatens the safety, to participate in the precaution plan activities regarding a woman whose life is under threat.
- ı) To cooperate with the law enforcement agencies about the safety of the shelters and to share the obtained information with the law enforcement agencies on a regular basis.
- İ) The security personnel shall identify the risks that affect the safety of the shelters on a regular basis and ensure that necessary measures are taken.
- j) To carry out data entry into the electronic shelter system, during the admission of the women or to authorize the personnel to make data entry to the system.
- k) To preside to the evaluation committee.

(2) in the absence of the director, the employee appointed according to the general provisions, shall carry out the duties of the Director.

### **Social worker**

**ARTICLE 36** - (1) The psychologists, child development specialists and teachers who work in the shelters as social workers shall perform the following tasks:

- a) To assist the women and their accompanying children who are admitted to the shelters by interviewing them, informing them about the purpose and functioning of the shelters, assisting them in getting to know the shelters with appropriate methods and helping them to learn the rules and also helping them to adapt.
- b) To prepare a social investigation report on the children of the women who have been admitted with their children, with their approval, if deemed appropriate by the provisions of the 5395 numbered Child Protection Law and the other legislation in order to take measures and to submit the report to the Director.
- c) To prepare a report regarding the women who need financial assistance in order to support the women acquiring a profession and a job, to support them communicate with the health and other relevant institutions and organizations in order to overcome their health and legal issues and ensuring that they receive the necessary services and to submit the report to the Director.
- ç) in accordance with the Privacy principle, to keep records of the studies that are carried out, to arrange reports and files about the vocational studies, and to store them.
- d) To arrange group activities for women and their accompanying children.
- e) To offer guidance and counseling services regarding the solving of the problems of women and their accompanying children.
- f) To organize social activities aimed at women and children.



- g) The participation of the employees in the preparation and implementation of the in-service training programs.
- ğ) To transmit the report about the trainings and meetings they have participated in to the employees of the shelters
- h) To ensure that the women and children take care of the hygiene of their beds, their clothes, and their personal hygiene and care.
- ı) To identify the needs of the women and their accompanying children and to announce it to the principal.
- İ) To execute their duties, in cooperation with the other member of profession under the supervision of the director.
- j) To carry out other tasks and duties included in their job description that are determined with the memorandum and Directions and the tasks and duties given by the Director.

### **Social worker**

**ARTICLE 37** -(1) Other duties and powers of the Social worker, along with the ones mentioned in the 36th Article are as follows:

- a) To implement professional practices within the framework of the problems and requirements of the women and any accompanying children, to prepare a report regarding this and to send it to ŞÖNİM- Violence Prevention, and Monitoring Center.
- b) To prepare a report regarding the women who are staying at the shelter and who have a decree of protection on them, the continuation of the protection decree if necessary, changing the duration or the form of the protection decree or the removal of the protection decree and to send it to ŞÖNİM- Violence Prevention, and Monitoring Center.
- c) To issue a report regarding the removal of the woman and their accompanying children who are staying at the shelter and to send the report to ŞÖNİM- Violence Prevention and Monitoring Center.

### **Psychologist**

**ARTICLE 38** - (1) Other functions and powers of the psychologist, as well as the functions and powers specified in the 36th Article are as follows:

- a) To carry out psychological assessments and provide support during the adaptation process for women and their accompanying children who are found eligible to be admitted to the shelters.
- b) To prepare and ensure the implementation of a response plan for the women in the shelters along with the relevant professional staff.
- c) To use psychological assessment techniques and methods of observation to determine the interests and abilities of women, to ensure to organize appropriate activities or to direct it to relevant institutions.
- ç) To direct the women and children who need psychiatric support to health institutions where they can receive treatment and to follow up the treatment process.
- d) To make case evaluations with the related member of professions, and to transmit and share any beneficial information that is obtained during the psychological support work with women and children, carried out in these meetings.

### **Child development specialist**

**ARTICLE 39** - (1) Other functions and powers of the child development specialist along with the ones that are specified in the 36th Article are as follows:

- a) To monitor and determine the health, development and education level of the children, to carry out vocational work and guidance for the solution of the problems.
- b) To organize and implement informative activities regarding the development and education of the children and the relationship





between the mother and the child aimed at the mothers staying at the shelter.

- c) To organize social, cultural, artistic and sport activities and programs aimed at children in the shelters.
  - ç) To prepare and implement appropriate training and development programs, games, stories and activities for traumatized children.
- (1) the teacher, as well as other duties specified in Article 36 are as follows:
- a) Shelters and illiterate women to read and write the remaining records and followup courses to help carry out the activities and the work of reading and writing.
  - b) in accordance with their interests and abilities of women receive vocational training to make the necessary guidance and counseling, and related cooperation with institutions and organizations.

### **Teacher**

**ARTICLE 40** - (1) Other tasks of the teacher along with the ones that are specified in the 36th Article are as follows:

- a) To carry out the enrollment and follow up transactions of the illiterate women who are staying at the shelter into the literacy course and support the illiterate women during the reading and writing efforts.
- b) To carry out the necessary guidance and counseling for the women who receive vocational training in accordance with their interests and abilities and to cooperate with relevant organizations and institutions.
- c) To organize activities aimed at women which are skill improving, recreational and educational.
- ç) To carry out enrollment in school for children who are in school age.
- d) To ensure that the children attend school and monitor school attendance, to bring in programmed work habits, to solve school related problems.

- e) To carry out activities in order to ensure that the children do their homework and course work properly within the framework of a specific plan and program thus enabling children to improve their school performance.

### **Nurse**

**ARTICLE 41** - (1) The duties and powers of the nurse are as follows:

- a) To monitor the health status of women and children, to carry out all necessary transactions for the women and children required for their treatment either in the shelters or the hospital, if necessary to accompany them to the hospital and to keep their records.
- b) To inform the director about the diseases that is modifiable.
- c) To inform the women regarding family planning methods and about its necessity and the benefits.
- ç) To carry out education work for the expectant mothers regarding nutrition, preparing for the birth and baby care.
- d) To ensure that all the parts of the shelters are compatible with healthy living conditions, clean, well-maintained and tidy and to carry out inspections.
- e) To ensure that the kitchen staff comply with hygiene rules and to ensure the training of the kitchen staff and to carry out inspections.
- f) To carry out other tasks and duties that have been notified by Circulars and instructions and to perform other duties as provided in the terms of reference.

### **Child trainer**

**ARTICLE 42** - (1) The tasks of the child trainer is as follows:

- a) To support the activities carried out by the Child development specialist.



- b) To inform the mothers and the Child development specialist about the skills of the child.
- c) To inform mothers about child care.
- ç) To implement social, cultural, artistic and sports activities and programs for children.
- d) To support the care of infants and young children whose mother is working?
- f) To carry out other tasks and duties notified in the Circulars and instructions, as provided in the terms of reference.

### **Civil Servant**

**ARTICLE 43** - (1) The duties of the employees who are civil servants or who have been hired to perform the duties of the civil servant are as follows:

- a) To carry out the work that is within the scope of their services, given to them and to inform the director about the result.
- b) To prepare all kinds of writing, to file and archive them.
- c) To perform similar duties assigned by the Director.

### **Cook**

**ARTICLE 44** - (1) in shelters where there is no finished product purchase a cook shall be employed in order to perform the following tasks:

- a) To ensure the kitchen is used in a clean and an orderly manner.
- b) To prepare the meals and the snacks in between according to the program that is established.
- c) Notify the principal regarding the needs in the kitchen and do grocery shopping.
- ç) To perform similar duties assigned by the Director.

### **Cleaning Staff Member**

**ARTICLE 45 -** (1) The duties of the cleaning staff are as follows:

- a) To notify the Director about the defects caused and conditions that require repair in the shelters.
- b) To ensure that the bathroom, laundry and cleaning services are carried out regularly.
- c) To carry out the cleaning of work areas and public spaces. ç) To perform similar duties assigned by the Director.

### **Maintenance Staff**

**ARTICLE 46 -** (1) The duties of the maintenance staff are as follows:

- a) To accompany the women who are in the shelters, ŞÖNİM- Violence Prevention, and Monitoring Center and the first step station to the hospital, to the court house and other public institutions to while they carry out their transaction.
- b) To help women in order to meet their requirements who not carry out their self-care and maintenance on their own.
- c) To carry out other tasks and duties notified in the Circulars and instructions, as provided in the terms of reference.

### **Security personnel**

**ARTICLE 47 -** (1) The Security personnel carry out their duties inside and outside of the shelters. The duties and powers of the security personnel are as follows:

- a) To ensure the safety of those who stay in the shelters.
- b) To carry out body search, depositor transactions of mobile phones, cameras, recording devices, scissors, knives and similar weapons when the residents are entering the shelters or when leaving the shelters, according to the provisions of the Judicial and Prevention



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- c) To be careful to any theft, sabotage, preventing foreign persons entering the building.
- ç) To report suspicious circumstances to the Director and where appropriate to the law enforcement.
- d) To perform similar duties assigned by the Director.

### **Driver**

**ARTICLE 48** - (1) The duties to be carried out by the driver is as follows:

(2) The driver is subject to the provisions mentioned above in the case of the usage of a rented vehicle with a driver through the purchase of services in order to be used for the requirements of the shelters.

- a) To carry out the routine maintenance and inspection of the vehicle he is in charge of (embezzlement).
- b) To provide transport for women and their accompanying children and the members of the staff where necessary.
- c) To perform similar duties assigned by the Director.

## **THIRD PART**

### **Evaluation Commission**

#### **The structure of the Evaluation Commission**

**ARTICLE 49**-(1) There shall be an evaluating committee in each shelters in order to realize the services delivered to the women and their accompanying children who are staying in the shelters and professional activities, in order to ensure the coordination between the other institutions and organizations and the nongovernmental organizations and in order to make a decision regarding the women in the shelters whose attitude and behavior complicate

the functioning and executing the services of the shelters as set forth in the Regulation and which hinder the emergency response plan.

(2) The Evaluation Committee consists of social workers, psychologists, teachers, child development specialist and nurse in the chairmanship of the Director. The work shall be executed under the chairmanship of the Director or his designee.

### **Operating procedure of the Evaluation Committee**

**ARTICLE 50 - (1)** The evaluation committee shall have regular meetings organized on a regular basis the first week of each month and also if the need arises. The meeting quorum for the evaluation committee is three. The decisions shall be taken by simple majority. In the event of equality one should act in accordance with the opinion of the Director. Appeal against the decision of the Commission shall be made to ŞÖNİM- Violence Prevention, and Monitoring Center.

(2) in order to ensure the participation of the women who are staying in the shelter in the decision-making process, the evaluation committee shall request them to determine their problems and needs and submit it to the Evaluation Committee before the meeting.

### **Tasks of the Evaluation committee**

**ARTICLE 51 - (1)** The Evaluation committee shall perform the following tasks:

- a) To make an evaluation regarding the stay of the women in the shelters, the duration of their stay, the extension of their stay and departure or removal and any injunction decree that could be obtained about the women.
- b) To carry out programs in order to ensure that the services delivered by the shelters is executed in a coordinated manner with the public institutions, public establishment and non-governmental organizations.



- c) To prepare, implement and evaluate training programs in order to regulate the relationship between the employees and the women.
- ç) To make evaluations about the activities and studies carried out regarding the education, development, health and other issues of the children who have been admitted to the shelters with their mothers.
- d) To prepare the annual activity report and the programs of the shelters and to evaluate the results from the application.
- e) To evaluate the situation of the women who do not abide by the rules in the shelters, who display an attitude and behavior that hinders the functioning of the response plan and who cause damage to the goods and materials of the other women and children and if necessary to warn them.
- f) To submit the study and evaluation reports to ŞÖNİM- Violence Prevention, and Monitoring Center.

## **FIFTH SECTION**

### **Other Provisions, Various and Final Provisions**

#### **FIRSTPART**

#### **Other Provisions**

##### **Goods, Storeroom and Storage services**

**ARTICLE 52** - (1) it includes goods, storeroom and storage services, To purchase the necessary consumer goods, food, fuel, cleaning, and other medical and sanitary materials, fixtures, furniture and equipment for the shelter, inspection and taking the delivery, storage, consumption supplies, and all kinds of jobs repairs and other financial affairs carried out in accordance with the provisions of the relevant legislation.

##### **Expenses of the shelters**

**ARTICLE 53** - (1) All expenses related to the operation of the shelters shall be covered by the budget of the institution or organization the shelters is affiliated to.

### **Cooperation**

**ARTICLE 54** - (1) Service; shall be carried out with the cooperation and support of The Ministry of Justice, The Ministry of Interior, The Ministry of Education, The Ministry of Health, provincial special administrations, municipalities, non-governmental organizations and other individuals and institutions.

### **First step station**

**ARTICLE 55** - (1) The opening, operation and the service delivery of the first step stations shall be carried out within the framework of the Regulation on condition that the matters that are within the scope of their assigned position are confidential.

## **SECOND PART**

### **Various and Final Provisions**

#### **Abolished Regulations**

**ARTICLE 56** - (1) The Women's Shelters Regulation which is bound to the Social Services and Society of the Protection of Children published in the 23400 numbered Official Gazette dated from 12/7/1998 Private Law Juristic Persons and the Women shelters Regulation which are opened by public organizations and institutions published in the 24396 numbered Official Gazette on 8/5/2001 have been abolished.

#### **The capacity of the shelters**

**PROVISIONAL ARTICLE 1** -(1) The shelters which have been opened with over-capacity before this Regulation came into force and who are still delivering services shall make sure that their capacity is in conformity with the third paragraph of the 8th Article within two years.

#### **The authority of the Provincial Directorate**

**PROVISIONAL ARTICLE 2** - (1) Until the completion of the organization of ŞÖNİM- Violence Prevention, and Monitoring Center, within the provinces, their duties assigned to them within the scope of this Regulation shall be carried out by the Provincial Directorates.





### **Enforcement**

**ARTICLE 57-** (1) This Regulation shall enter into force on the date of its publication.

### **Execution**

**ARTICLE 58 -** (1) The provisions of this Regulation is to be executed by the Minister of Family and Social Policies.



Republic of Turkey  
Ministry of Family and  
Social Policies

## THE GENERAL DIRECTORATE ON STATUS OF WOMEN

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