

# LAW ON PROTECTING FAMILY AND PREVENTING VIOLENCE AGAINST WOMEN

**Law No. 6284**

**Date of Acceptance: 8/3/2012**

## PART ONE

### Purpose, Scope, Fundamental Principles and Definitions

#### Purpose, Scope and Fundamental Principles

**ARTICLE 1-** (1) The purpose of this law is to protect women, children, family members who are victim of violence or at the risk of being exposed to violence and the victims of stalking, and to regulate procedures and principles with regard to the measures to be taken in order to prevent violence against those people.

(2) The following fundamental principles are observed to enforce this law and provide necessary services:

a) Constitution of the Republic of Turkey, the international agreements to which Turkey is a party, especially the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, and other current regulations shall prevail.

b) A fair, effective and speedy method, which is based on basic human rights, sensitive to the equality of men and women, in conformity with the social state principle, shall be maintained in providing support and services to the victims of violence.

c) Injunctions granted for the victims and perpetrators of violence shall be implemented in a manner that respects human dignity and honor.

ç) The special measures taken within the scope of this law to prevent the gender-based violence against women and protect the women from gender-based violence shall not be interpreted as discrimination.

#### Definitions

**ARTICLE 2-** (1) Certain terms used in this law are defined as follows;

a) Ministry: Ministry of Family and Social Policies,

b) Domestic violence: Any physical, sexual, psychological and economic violence between the victim of violence and the perpetrator of violence and between the family members and the people who are considered as a family member whether they live or do not live in the same house.

c) Judge: The judge of family court,

ç) Violence against women: The gender- based discrimination directed against a woman just because she is a woman or that affects women disproportionately and any attitude and behavior violating the human rights of women and defined as violence in this Law.

d) Violence: The acts which results or will probably result in a person having physical, sexual, psychological and financial suffering or pain and any physical, sexual, psychological, verbal or economic attitude and behavior which include the threat, pressure and arbitrary violation of a person's freedom as well and conducted in social, public and private space.

e) Victim of violence: The person who is directly or indirectly subject to or at the risk of being exposed to attitudes and behaviors which are defined as violence in this Law and the people who are affected by violence or at the risk of being affected by violence.

f) Violence Prevention and Monitoring Centers: The centers which operate on a 7/24 basis and provide support and monitoring services in order to prevent violence and to carry out protective and preventive measures efficiently.

g) Perpetrator of violence: The people who display attitudes and behaviors defined as violence in this Law or run the risk of displaying them.

ğ) Injunction: The injunction granted with regard to victims and perpetrators of violence, ex officio or upon request, by the judge, law enforcement officers and administrative chiefs within the scope of this Law.

## **PART TWO**

### **Provisions on Protective and Preventive Measures**

#### **Protective injunctions to be granted by the civilian authority**

**ARTICLE 3-** (1) One of the following measures, several of them or similar measures deemed appropriate can be decided by the civilian authority with regard to the persons who are protected within the scope of this Law.

- a) To provide an appropriate shelter to the person and if necessary to the person's children in the vicinity or in some other location.
- b) To provide temporary financial aid to the person, without prejudice to other assistance provided within the scope of other laws.
- c) To provide psychological, professional, legal and social guidance and counseling services.
- ç) To provide temporary legal protection upon request of the relevant person or ex officio if there is a life-threatening situation for the person.

If deemed necessary; providing four months of day care, maximum two months for those who have a job to be covered by the relevant budget of the Ministry in order to promote the person`s integration into work life if they have children on condition that the amount is not to exceed half of the net minimum wage determined for those older than 16 years of age and documented (2) In cases where delay is considered to be inconvenient, the measures as contained in clauses A and Ç of paragraph one shall be taken by relevant law enforcement chiefs as well.

Law enforcement chief shall submit the report to the administrative chief for approval not later than the first workday after the decision is taken. The measures which are not approved by the administrative chief within forty-eight hours shall be abolished ipso facto

#### **Protective injunctions to be granted by the judge**

**ARTICLE 4-** (1) One of the following protective injunctions, several of them or similar measures deemed appropriate shall be decided by the judge with regard to the persons who are protected within the scope of this Law:

- a) To change the workplace.
- b) To decide a house settlement different from the shared one if the person is married.
- c) To put an annotation on the land registry as matrimonial home if the conditions are applicable as contained within the Turkish Civil Code no.4721 dated 22/11/2001 and upon request of the protected person.
- ç) To change the identification and other related information and documents based on the informed consent of the relevant person as per the provisions of the Witness Protection Law No. 5726 dated 27/12/2007 if it is determined that there is a life-threatening danger for the protected person and the measures taken to prevent this danger are inadequate.

#### **Preventive injunctions to be granted by the judge**

**ARTICLE 5-** (1) One of the following preventive measures, several of them or similar measures deemed appropriate shall be decided by the judge with regard to the perpetrators of violence:

- a) Not to exhibit an attitude and behaviors including the threats of violence, insult and humiliation against the victim of violence.
- b) To move from the shared dwelling or the vicinity immediately and to allocate the shared dwelling to the protected person.

- c) Not to approach to the protected persons and their residences, schools and workplaces.
- ç) If there is a previous decision to establish personal relationship with children, to make sure that such personal relationship is maintained in company with a companion, to restrict the personal relationship or to revoke it completely.
- d) Not to approach friends or relatives and children of the protected person even though they haven't been subject to violence, without prejudice to the circumstances regarding establishment of personal relationship with children.
- e) Not to damage the personal belongings and household goods of the protected person.
- f) Not to cause distress to the protected person by means of communication instruments or alternative means.
- g) To hand over the officially permitted and authorized weapons to the law enforcement officers.
- ğ) To hand over the weapon to the employing institution, even if the person performs a profession of public service that requires carrying a weapon.
- h) Not to use alcohol, drugs or stimulants in places where the protected people are present or not to approach the protected people and their whereabouts while under the influence of these substances and to ensure a medical examination and treatment including in-patient treatment in case of addiction.
- ı) To apply to the health center for examination or treatment and to ensure having a treatment.

(2) In cases where delay is considered to be inconvenient, the measures as contained in the clauses of (a), (b), (c) and (d) of paragraph one shall be taken by the relevant law enforcement chiefs as well. The law enforcement chief shall submit the report to the judge for approval no later than the first workday after the decision is made. The measures which are not approved within twenty- four hours by the judge shall be abolished ipso facto.

(3) With the measures identified within this Law, the judge shall be authorized to decide on protective and preventive measures as contained within the Child Protection Law No. 5395 dated 3/7/2005 and on the issues of custody, curatorship, alimony and personal relationship as per provisions of Law No.4721.

(4) If the perpetrator of violence is the person who at the same time is the provider of or contributor to the family's livelihood, the judge may decide on a temporary alimony by taking into consideration of the living standards of the victim even without request provided that no decision on maintenance was rendered priorly as per provisions of Law No. 4721. Reserved provisions as regards crimes.

**ARTICLE 6-** (1) Due to the fact that the person having possession of a weapon or use of

drug or stimulant constitutes a crime or results in another crime, provisions of law shall be reserved as regards the following;

- a) The protective measures or probation measures during investigation or prosecution,
- b) Execution of the sentence or security measures in case of conviction and probation measures to be implemented within this framework.

### **Reporting**

**ARTICLE 7-** (1) In case of violence or the risk thereof, everybody can report this situation to the official authorities and organs. Public officials who are notified shall be obliged to fulfill their duties without any delay and inform the authorities for the other measures needed to be taken.

### **Granting an injunction, its notification and confidentiality**

**ARTICLE 8-** (1) Injunction shall be granted either upon request of the relevant person or law enforcement officers or public prosecutor. Injunctions can be requested from the judge, administrative chief or law enforcement unit, that is in the nearest and easiest location.

(2) The injunction is granted for a six-month period at most initially. However, if it is determined that there is a continued risk of violence, the measures shall be extended, modified, abolished or kept ex officio or upon request of the protected person or the officials of Ministry or law enforcement agencies,

(3) No evidence or report proving violence shall be required in order to grant protective injunction. Preventive injunction shall be granted without delay. This decision cannot be delayed in such a way as to endanger realization of the purpose of this law.

(4) The injunction shall be announced or notified to the protected person and perpetrator of violence. Only the protected person shall be notified of the decision regarding dismissal of the request for an injunction. In cases where delay is considered to be inconvenient, perpetrator of violence shall immediately be notified with an official report on the injunction granted by the relevant law enforcement unit.

(5) During announcement and notification procedures regarding injunction a notice shall be served as to the fact that in case of acting contrary to injunction, the perpetrator shall be subject to forced confinement.

(6), If deemed necessary, in addition to the injunction, identity information of the protected person or other family members or any information that might reveal their identity, their addresses and the other information important for efficiency of protection shall be kept confidential within records upon request or ex officio. A different address shall be identified for the notifications to be made. Any person who illegally gives, reveals and discloses this information to others shall be subject to relevant provisions of Turkish Penal Code No. 5237

dated 26/9/2004.

(7) If requested, delivery of personal belongings and documents to the relevant persons shall be ensured through law enforcement.

### **Objection**

**ARTICLE 9-** (1) Those concerned can raise an objection before family court about the decisions made as per provision of this Law within two weeks as of the date notification is received.

(2) Upon an objection raised about injunctions granted by the judge, if there is more than one chamber of family court in a given place, the file shall be transferred to the numerically succeeding chamber; if the court making the decision is numerically the last court, it shall be transferred to the first court; if there is only one chamber of family court in that area, it shall be transferred to the court of first instance; if the judge of family court and judge of the court of first instance are the same person, it shall be transferred to the nearest court of first instance without delay.

(3) The authority for complaints shall make the decision within a week. The decisions made by the authority about complaints shall be final.

### **Notification and enforcement of injunctions**

**ARTICLE 10-** (1) The related Provincial and District Directorates of the Ministry and, depending on the nature of decision, the public prosecutor and law enforcement officers shall be notified of injunctions granted as per provisions of this Law through the fastest channels.

(2) Relevant Provincial and District Directorates of the Ministry shall immediately be informed about the applications and decisions regarding acceptance or rejections of these applications by the authority to which applications are made

(3) The law enforcement unit located in the place of residence of the person for whom a protective or preventive injunction is granted or the unit that is to enforce the injunction shall be responsible for enforcement of protective injunction granted for a protected person and preventive injunction granted for perpetrator of violence.

(4) In the case that the injunction is granted and enforced by the law enforcement chief or when the protected person is in the police station, the person in question shall be taken off to the relevant Provincial or District Directorates of the Ministry urgently. If this is not possible, temporary shelter shall be provided to the person and their company by covering the expenses from the Ministry's relevant budget allocation.

(5) The fact that injunctions haven't been announced or notified to those concerned shall not constitute an impediment to implementing the decision.

(6) The persons, for whom a decision for providing a shelter has been made, shall be

placed in places belonging to the Ministry or under the supervision of the Ministry. In the case that the shelters are not adequate, the protected persons shall be sheltered in the social facilities, dormitories or similar lodgings of the state institutions and organizations upon request of civilian authority and, when urgent, upon request of the law enforcement officers or the Ministry.

(7) The injunction regarding changing the workplace shall be enforced by the competent authority or person in accordance with the related regulations the person is subjected to.

#### **Law enforcement duties**

**ARTICLE 11-** (1) The law enforcement duties, with regard to the services specified within this Law, shall be fulfilled by an adequate number of personnel who have a training on human rights for children and women and equality of men and women, and who are assigned by the relevant law enforcement units in central and provincial organization.

#### **Follow-up through technical methods**

**ARTICLE 12-** (1) While enforcing the injunctions granted as per provisions of this Law, technical means and methods can be used through decision of the judge. However, the audiovisuals of the persons cannot be monitored and recorded in this way.

(2) The procedures and principles regarding follow-up through technical means and methods shall be stipulated by regulation.

#### **Acting Contrary to Injunctions**

**ARTICLE 13-** (1) In the case that the perpetrator of violence for whom an injunction is granted as per provisions of this Law acts contrary to the requirements of this decision, they shall be subject to forced confinement from 3 to 10 days through decision of the judge depending on the nature and severity of the violated measure even if the actual act constitutes a crime in and of itself.

(2) In each recurring action contrary to the requirements of the injunction, the period of the forced confinement shall be from fifteen to thirty days through decision of the judge. But total duration of forced confinement cannot be more than six months.

(3) Decisions regarding forced confinement shall be implemented by the Office of chief public prosecutor. The relevant Provincial and District directorates shall be notified of these decisions.

### **PART THREE**

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

#### **Establishment of Violence Prevention and Monitoring Centers**

**ARTICLE 14-** (1) The Ministry shall establish Violence Prevention and Monitoring

Centers, where necessary qualified personnel especially t women are employed, and where support and monitoring services are provided to in order to prevent violence and efficiently implement protective and preventive measures which operate on a basis of seven days and twenty four hours, procedures and principles of which are determined by regulation.

(2) Monitoring work is conducted and support services are provided to in these centers in order to prevent violence and efficiently implement protective and preventive measures.

### **Support Services**

**ARTICLE 15-** (1) The following support services to be provided by violence prevention and monitoring centers with regard to preventing violence and monitoring efficient enforcement of injunctions within the scope of this Law:

a) To build a data bank by collecting data regarding protective and preventive injunctions, sentences of forced confinement and implementation of these decisions, and to keep a log of injunctions.

b) To coordinate services of sheltering, temporary financial aid, medical, judicial assistance and other services provided to the protected person.

c) When deemed necessary, to file an application for cautionary decisions to be granted and enforced.

ç) To prepare and implement the programs on an individual and collective scale with regard to preventing violence within the scope of this Law.

d) To disseminate the call centers established within the Ministry in line with the objective of this Law and to make sure that the applications are monitored.

e) To cooperate with the non-governmental organizations working to end violence within the scope of this Law.

(2) Support services to be provided to the protected persons by Violence Prevention and Monitoring Centers are as follows;

a) To guide the persons about their rights, the institutions where they can receive support, employment and similar issues and to conduct activities to ensure their participation in vocational courses.

b) To make suggestions and to give assistance in order to achieve the purpose through injunction granted.

c) To monitor the results of enforcement of injunctions and their effects on persons.

ç) To assist and counsel in resolving psychosocial and economic problems.

d) Upon request of the Judge; to prepare and present a detailed social research report on the person's background, family, social environment, education, personal, social, economic



and psychological status.

e) Upon request of the competent authority, to prepare a report on the results of enforcement of cautionary decisions and their effects on relevant persons.

f) To provide necessary guidance to the persons so that they receive the financial aid as per provisions of the Encouragement of Social Assistance and Solidarity Law No.3294 dated 29/5/1986.

(3) Support services to be provided to perpetrator of violence by violence prevention and monitoring centers are as follows:

a) Upon request of the Judge; to prepare and present a detailed research report on the person's background, family, social environment, education, personal, social, economic and psychological status and the risks posed to the society.

b) Upon request of the competent authority, to prepare a report on the results of enforcement of injunctions and their effects on relevant persons.

c) To conduct encouraging, enlightening and guiding activities to make sure that the person does the following;

1) Participating in anger management, stress management, training and rehabilitation programs which purpose to change attitude and behavior by raising awareness to prevent violence,

2) Having medical examination and receiving treatment in a health center in case of addiction to alcohol, volatile substance or stimulants or psychological disorder.

3) Conducting activities to ensure participation in Vocational courses,

(4) Services for the victim and perpetrator of violence are rendered in different units with the exception of force majeure.

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

**ARTICLE 16-** (1) The ministry is charge of interagency coordination in applying provisions of this Law.

(2) Public institutions and organizations and other natural and legal persons shall be obliged to enforce injunctions without delay and cooperate and assist one another about issues related to their agencies with regard to enforcing this Law. Natural and legal persons shall be encouraged to support work of the Ministry and conduct joint work within the scope of this Law.

(3) Along with Turkish Radio and Television Corporation, private radios and television channels broadcasting on a national, regional and local scale shall be obliged to broadcast informative materials, at least for 90 minutes each month on integration of women into work life, the mechanisms and policies to fight against the violence especially related with children

and women which are all prepared by the ministry or prepared by other agencies with the consent of the ministry. These materials shall be broadcast between 08.00 and 22.00, minimum 30 minutes of which must be broadcast between 17.00 and 22.00 and copies of these broadcasts shall be submitted monthly to Supreme Council of Radio and Television. Any broadcast before or after these hours shall not be included within monthly 90-minute timeframe. These hours shall be supervised by the Supreme Council of Radio and Television. Informative materials to

be broadcast on TVs and radios are prepared by the units of the Ministry by taking opinions of universities, relevant vocational organizations and NGOs.

(4) While fulfilling the duties specified in this Law, staff members of public institutions and organizations shall assist the Ministry personnel.

(5) In order to apply this Law effectively, the public institutions and organizations and professional organizations with public institution status shall make sure that their personnel and members participate in educational courses prepared and coordinated by the Ministry on human rights for women and equality of women and men.

(6) Educational courses on the human rights for women and equality of women and men shall be integrated into primary and secondary education curriculum.

## **PART FOUR**

### **Financial Provisions**

#### **Temporary financial aid**

**ARTICLE 17 – (1)** In case of deciding on temporary financial aid as per provisions of this Law, daily payment of one thirtieth of minimum wage identified on a yearly basis shall be made for those over sixteen years of age. In the case where there are multiple protected people, an additional sum of twenty percent of this amount shall be paid to every additional individual. However, the amount to be paid shall not exceed one and a half times of the daily payment. If the protected persons are provided with shelter, the amounts stated in these provisions shall be reduced by fifty percent.

(2) These payments shall be made out of budget of the Ministry allocated for temporary financial aids. All payments shall be collected from the perpetrator of violence within one month after notification is received. Other sum that cannot be collected by this way shall be tracked and collected by tax offices as per provisions of Procedures of Collection of Public Receivables Law No. 6189 dated 21/07/1953.

(3) In the case that the protected person is found to have given false statement, the total amount of aid shall be retrieved from the person as per provisions of Law No. 6183.

#### **Alimony**

**ARTICLE 18 – (1)** In the case that alimony decision is made as per provisions of this Law, a

copy of the decision shall be sent ex officio to directorate of debt collection where the alimony recipient or debtor resides.

(2) In the case that person obliged to pay alimony has any ties to Social Security Institution, the alimony shall be collected from the payer`s salary, wage or earnings by directorate of debt collection without seeking for alimony recipient`s application. The relevant mailing expenses of

directorate of debt collection on alimony collection shall be covered by reimbursement pool of the Office of from Chief Public Prosecutor.

### **Health expenses**

**ARTICLE 19 – (1)** As per provisions of this law, those for whom protective injunction is granted but who do not have general health insurance, who cannot benefit from a dependent insurance or who cannot benefit from general health insurance as a result of due payments and those who cannot benefit from treatment assistance for other provisional reasons shall be regarded as having general health insurance without an income test within the scope of article 60, paragraph 1, clause C and subclause 1 of the Social Security and General Health Insurance Law No. 5510 dated 31/05/2006.

(2) As per provisions of this law, if it is decided that the person for whom preventive injunction is granted also needs rehabilitation or treatment, the rehabilitation expenses which are not covered by general health insurance and the cost of other health expenses required by rehabilitation services shall be covered by the relevant budget of the Ministry.

### **Exemption from fees, expenses and taxes and participation in the proceedings**

**ARTICLE 20 – (1)** No court expenses, fees, mailing expenses and etc. shall be required for applications and execution and enforcement of decisions within the scope of this Law. As per article 17 of this law, payments shall be exempt from income tax, estate duty and transfer duty; also, receipts of these payments shall be exempt from stamp duty.

(2) **When necessary**, the ministry can participate in administrative, criminal and civil proceedings or ex parte proceeding initiated due to violence or violence threat against women, children and family members.

## **PART FIVE**

### **Miscellaneous and Final Provisions**

#### **Personnel Cadre<sup>1</sup>**

**ARTICLE 21** – (1) The personnel cadre listed in the annex shall be created and added to table 1 of “Ministry of Family and Social Policies” part of Decree Law on General Personnel and Procedure No. 190 dated 13/12/1983.

#### **Regulation**

**ARTICLE 22** – (1) The methods and principles on application of this Law shall be stipulated by regulations prepared by the Ministry by taking opinions of the Ministries of Justice, Interior, Economy, National Education and Health within the six months.

#### **Abolished provisions and references**

**ARTICLE 23** – (1) The Family Protection Law No.4320 dated 14/1/1998 has been abolished.

(2) The references made to Law No.4320 shall be considered as references made to this Law in the legislation.

(3) The decisions made before this law was put into effect as per provisions of Law No.4320 shall continue to be applied.

#### **Violence Prevention and Monitoring Centers becoming operational**

**PROVISIONAL ARTICLE 1-** (1) Violence Prevention and Monitoring Centers proposed to be established within the scope of article 14 of this Law, shall be established for a pilot scheme in cities to be determined by the Ministry within two years after the law is put into effect.

#### **Effective Date**

**ARTICLE 24** – (1) This law takes effect on its publication date.

#### **Execution**

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

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<sup>1</sup> Please see the Official Gazette No. 28239 and dated 20/3/2012 for personnel cadre featuring in this article.

**LIST**

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

**ORGANIZATION: PROVINCIAL**

**LIST OF CREATED POSITIONS**

<b><u>Grade</u></b>	<b><u>Title</u></b>	<b><u>Degree</u></b>	<b><u>Number of Free Staff List</u></b>	<b><u>Total</u></b>
<b>GIH</b>	<b>Institution Manager</b>	<b>2</b>	<b>10</b>	<b>10</b>
<b>GIH</b>	<b>Institution Manager</b>	<b>3</b>	<b>4</b>	<b>4</b>
<b>TH</b>	<b>Sociologist</b>	<b>3</b>	<b>10</b>	<b>10</b>
<b>TH</b>	<b>Sociologist</b>	<b>4</b>	<b>10</b>	<b>10</b>
<b>TH</b>	<b>Sociologist</b>	<b>5</b>	<b>5</b>	<b>5</b>
<b>TH</b>	<b>Sociologist</b>	<b>7</b>	<b>20</b>	<b>20</b>
<b>SH</b>	<b>Psychologist</b>	<b>3</b>	<b>20</b>	<b>20</b>
<b>SH</b>	<b>Psychologist</b>	<b>4</b>	<b>20</b>	<b>20</b>
<b>SH</b>	<b>Psychologist</b>	<b>5</b>	<b>20</b>	<b>20</b>
<b>SH</b>	<b>Psychologist</b>	<b>7</b>	<b>30</b>	<b>30</b>
<b>SH</b>	<b>Social Worker</b>	<b>3</b>	<b>10</b>	<b>10</b>
<b>SH</b>	<b>Social Worker</b>	<b>4</b>	<b>10</b>	<b>10</b>

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**

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362

362