

Question 11

Presidential Decree on Supporting Victims of Crime No. 63;

1- Article 6 titled "Services intended for certain victims" governs that;

"(1) The victims of the intentional murder or attempt of this crime, aggravated injury due to its consequences, minor victims of sexual abuse, victims of qualified sexual abuse and aggravated torture due to its consequences shall be provided the services as follows:

a) The measures to prevent the contact of the victim with the suspect or accused person shall be taken in the places of investigation or prosecution proceedings except the cases entailed by the criminal procedure.

b) The information concerning the release or escape of the detainee or convict from the prison shall be notified by the prison administration to the law enforcement unit where the victim is present. As a result of the evaluation conducted by the law enforcement, the protective and preventive measures shall be taken, and the cases which might pose a threat to the victim shall be notified to the victim.

c) The vocational courses might be organized for the victims by the Ministry of National Education or in collaboration of the Ministry of National Education with the public institutions and organizations, municipalities or non-governmental organizations and the victims shall be granted priority in the participation to available courses.

ç) Victims shall benefit with priority from the economic and social supports of the public institutions and organizations.

d) Because of experienced victimhood:

1) Upon the request of the victims who have been forced to change the settlement, their place of assignment shall be changed taking into account the cadre, position and establishment of the public institutions where they or their family members residing with them work.

2) In the event of the request of the victims who have been forced to change the settlement and are subject to the provisions of private law, it might be ensured that they or their family members residing with them work in another workplace of the same employer.

3) In the event of the request of the victims who have been forced to change the settlement or school, it shall be ensured with priority, according to the related institution, by the Ministry of National Education, Higher Education Council or higher education institutions that they or their dependants or the descendants residing with them continue their education at the schools providing the same type of education. Moreover, where it is needed in the new education institution, the victim shall be provided guidance service. The procedures and principles in relation to this shall be set out by the Bylaws issued jointly by the Ministry of National Education and the Higher Education Council."

2- Article 7 titled "Services provided to the vulnerable groups" provides for that;

"(1) Where the minors who are included in the judicial system and the victims of sexual inviolability or domestic violence, terrorism and human trafficking apply, the judicial support official working at the Directorate shall evaluate in order to provide the services laid down in this article.

(2) Where the victims, primarily female, elderly and disabled victims, are revealed to have been affected more from the crime and to be in need of protection as a result of the pre-evaluation

conducted by taking into account personal characteristics of the victim, the nature and seriousness of the crime, and the conditions of the crime, they shall also be evaluated under paragraph one.

(3) The victims who are detected to be in the vulnerable group as a result of the individual evaluation shall be provided the following services through the judicial support official:

a) Explaining the current environment, related persons and the procedure, upon the request of the victim, Public Prosecutor or the judge, in order to decrease the level of anxiety before the victim is heard.

b) Suggesting the Public Prosecutor or judge to take the necessary measures to allow the victim to express herself/himself freely, and accompanying the victim during the hearing.

c) Drawing up social examination report upon the request of the Public Prosecutor or judge,

ç) Suggesting the Public Prosecutor or judge to take the statement and declaration procedure in the legal interview room.

d) Referring the victims who need treatment or rehabilitation.

e) Implementing case management in the services intended for the victims who are considered to be in need of efficient support during the legal process.

(4) The victims who are still in need of support following the conclusion of the investigation or prosecution process shall be referred to the related institution.

(5) The minor, female, elderly and disabled victims who have applied to the Directorate and are in need of protection shall be notified to the provincial directorate or the social services centers of the Ministry of Family, Labor and Social Services.

(6) The required measures in relation to the victims about whom no protective or supportive injunction could be ruled shall be taken by the local authority ex officio or upon the notification of the law enforcement or the Chief Public Prosecutor's Office.

(7) Where deemed necessary, the services under this article shall be provided to the persons suffered from the crime.”

Directorates for Judicial Support and Victim Services:

“Directorate of Judicial Support and Victim Services” was established at the court houses as a result of the works conducted to provide information, guiding and psycho-social support services to the victims of crime and to establish an efficient, sustainable and accessible victim support system, within the framework of the principles of restorative justice and social state of law, intended for all victims within the judicial process, especially the victims belonging to the vulnerable groups.

The establishment of Judicial Support Directorates has enabled the provision of the information and guiding services, which are quite significant for the victims during the judicial process, to the victims of crime in a systematic and efficient manner, and thus the victims can easily access the right information on their rights and obligations during the judicial process.

The information, guiding and psycho-social support services are provided to the victims and those in need of judicial support through the offices established under the body of the directorates. Judicial Support Directorates consist of information and guiding office, support office for vulnerable

groups, criminal proceedings support office, civil proceedings support office, judicial support services office and office for the return of child and maintaining a personal relation with child.

This new structuring focusing on the victims aims that the victims receive psycho-social support during the judicial process and their secondary traumas are prevented by minimising the effect of crime during the judicial process. In this scope, the works have been carried out to establish the mentioned directorates in all court houses in need of these directorates, especially in the court houses with justice commissions of the first instance courts of civil and criminal jurisdictions; and as a result, directorates of judicial support and victim services have been established in 167 court houses.

When necessary, victims/their relatives are referred to the relevant units of the Ministry of Health for treatment services and to the relevant units of the Ministry of Family and Social Services for psycho-social support by the Directorates of Judicial Support and Victim Services.

Child Monitoring Centers:

Child Monitoring Centers are state institutions where, in cases of abuse, statements are taken by the experts from children who have been exposed to sexual abuse and harassment, by protecting them from the effects of the traumas they have experienced and from a secondary abuse; likewise, the children are examined in the presence of the experts in the field; a roadmap is created for the health and development of the children by having interviews with their families; and equipment and necessary personnel are provided to collect and report all findings. The child who has been brought to the center is welcomed by a judicial interviewer, taken into the waiting room, and the registration procedures are completed. The child is taken into a preliminary interview room appropriate for his/her age, and a preliminary interview is held. In this manner, it is ensured that the child gets accustomed to the environment and distanced from the trauma. Thereafter, the child is taken into the judicial interview room, and his/her statement is taken under the supervision of the Public Prosecutor and with the participation of the persons concerned. It is mandatory to take video and audio recordings while the child's statement is being taken. A statement record is prepared and undersigned right after the judicial interview. A copy of the recordings will be submitted along with the minutes immediately after the interview has taken place. After the statement of the child is taken, in line with the instructions of the Public Prosecutor, under Article 76 of the Criminal Procedure Code no. dated 04/12/2004 and numbered 5271, the physical examination and/or sampling of the child shall be carried out at the center by a forensic medicine expert or other relevant specialist physicians. Consultation is requested from the relevant specialist physicians for the physical and psychological examination and assessment of the child. Consultations are held at the center. Where follow-up and treatment are required at the end of the examination, the relevant clinic/polyclinic provides the follow-up and the treatment. In the family interview room is held an interview with the family with the exception of those who are alleged to have committed a sexual offence against the child. The findings obtained during the interview, including the neglect of the child, are evaluated, a report on the family interview is drawn up, and a copy of the report is conveyed to the Public Prosecutor's Office. All these procedures are conducted under a single roof, and multidisciplinary cooperation is made in order to prevent the child from getting further affected.

Pursuant to the "Circular No. 2012/20 of the Prime Ministry published in the Official Gazette No. 28431 and dated 4 October 2012", child monitoring centers have been established within hospitals or institutions affiliated to the Ministry of Health in order to ensure that all judicial and medical procedures of children who have been sexually abused are carried out under one roof by experts in this field. Currently, the number of CMCs in our country has reached a total of 64 in 61 provinces. In

line with the joint efforts and positive feedback received, it is planned to expand CMCs throughout the country, primarily in provincial centers and then in high criminal centers.

The objectives of establishing child monitoring centers may be enumerated as follows:

Preventing the increase in the sufferings of the children who are victims of abuse by carrying out procedures such as examination, law enforcement procedures, legal and judicial system procedures and treatment of the child under a single roof

Reducing the impact of trauma upon the children through child-friendly physical structures created in the centers

Preventing secondary abuse of children while taking their statements.

Meeting the shelter, nutrition, health and safety needs of those children who need to be taken under protection until the place where they will stay in safety is determined.

Taking measures to reduce the trauma also experienced by the family by having interviews with the family.