

# Immigration and Refugee Board of Canada

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## Responses to Information Requests

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28 May 2012

### TUR104074.E

Turkey: Domestic violence, including legislation, state protection and support services  
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

#### 1. General Situation

In its 2011 report on progress made by Turkey in preparing for EU membership, the European Commission (EC) states that stopping violence against women continues to be a "challenge" and domestic violence is still a "serious problem" (EU 12 Oct. 2011, 31,33). An article in *Today's Zaman*, an English-language newspaper in Turkey, notes that "Turkey continues to struggle with violence against women despite government and NGO efforts and initiatives" (19 Feb. 2012). The US *Country Reports on Human Rights Practices for 2010* says violence against women, including domestic violence, is a "serious" problem in both urban and rural areas of Turkey (US 8 Apr. 2011, Sec. 6).

#### 1.1 Statistics on Violence Against Women

In a May 2011 report on family violence in Turkey, Human Rights Watch cites a 2009 survey by the Turkish Hacettepe University that showed that 42 percent of women in Turkey, between the ages of 15 and 60, and 47 percent of women in rural areas, had "experienced physical and/or sexual violence by their husbands or partners at some point in their lives" (May 2011, 10). Similarly, an article in *Today's Zaman* says that "[m]ore than 40 percent of women in Turkey have suffered from violence at some point in their lives" (19 Feb. 2012). In addition, Roj Women's Association (Roj Women), a London-based "Kurdish and Turkish grassroots women's rights movement" (n.d.), notes that, in southeast Turkey, one out of two women are victims of violence; nationally, it is 39 percent (Mar. 2011, 5).

In a March 2012 report, the parliamentary Human Rights Commission noted that, since 2008, domestic violence, as well as violence against women, in Turkey had "doubled" (*Today's Zaman* 13 Mar. 2012). The report includes statistics from the police and the gendarmerie on the incidence of domestic abuse and violence against women: 48,264 cases in 2008, 62,587 in 2009, 72,257 in 2010, and 80,398 in 2011 (*ibid.*). *Hurriyet Daily News* reports similarly that, between 2008 and 2011, the number of cases of domestic violence recorded by law enforcement agencies increased by almost 70 percent, from 48,000 to 80,000 (5 May 2012). Bianet, a multi-media Turkish information site, reported that a study by the General Police Directorate revealed that, between February 2010 and August 2011, there were 78,488 registered incidents of domestic violence in Turkey (10 Nov. 2011).

The parliamentary Human Rights Commission report described the province of Istanbul as the "most dangerous" for women with respect to domestic and gender-based violence; in 2011, the province totalled 10,207 cases of violence against women (*Today's Zaman* 13 Mar. 2012). Police records, reports *Today's Zaman*, show that, between 2009 and February 2012, there were 2,754 incidents of "domestic assault" in the city of Istanbul (19 Feb. 2012).

The parliamentary Human Rights Commission also noted an apparent decrease in violence against women in some Anatolian provinces, known for high levels of gender-based violence, forced marriage, and honor killings (*ibid.* 13 Mar. 2012). For example, incidents in Batman decreased from 163 in 2008 to 51 in 2011 and incidents in Diyarbakir decreased from 581 in 2008 to 279 in 2011 (*ibid.*).

The EC progress report noted that, according to official statistics on violence against women, in 2008, 806 women were killed, and, in the first 7 months of 2009, there were 953 (EU 12 Oct. 2011, 32 note 37). Bianet reports that, based on data collected from national and local media, between January and October 2011, 226 women were killed by men and 93 were raped; most of the cases occurred in the Marmara region (northwestern Turkey) and the Aegean (west coast) (16 Dec. 2011). In the month of October of 2011, 20 women were killed by men, most of them by their husbands, in 16 Turkish provinces (bianet 16 Dec. 2011). Out of those, 12 were stabbed to death, 7 shot, 1 killed after she had left a shelter, and 4 after submitting a request for protection or a complaint to the office of the prosecutor (*ibid.*).

According to bianet, the media reported 22 cases of violence resulting in injury against women by men, the majority of them either a husband or a boyfriend, in the month of October, most of them occurring in Izmir (*ibid.*). The incidents were as follows: 13 women were beaten; 7 injured with a knife; 1 with a rifle; 1 fell from a fifth floor balcony while trying to escape her husband; and 1 was wounded by a husband who ignored a restraining order (*ibid.*).

Human Rights Watch notes that, according to a study by the Turkish Hacettepe University, only eight percent of women victims of sexual or physical violence turn for help to institutions, NGOs, or elsewhere (May 2011, 10).

## 2. Legislation

In November 2011, Turkey ratified the "Council of Europe (CoE) Convention on 'preventing and combating violence against women and domestic violence'," the first country to do so (*Today's Zaman* 25 Mar. 2012). The US *Country Reports 2010* notes that Turkish law "prohibits violence against women, including spousal abuse" (US 8 Apr. 2011, Sec. 6). A researcher at the Center for Social Studies of the International Strategic Research Organization (USAK), in an article in *Today's Zaman*, notes that Law No. 4320 on the Protection of the Family, which was adopted in 1998, contains a number of measures for the protection of women and children from domestic violence (25 Mar. 2012).

The US *Country Reports 2010* indicates that the Turkish government did not "effectively enforce" the law on violence against women (US 8 Apr. 2011, Sec. 6). A 2010 report on Turkey's Sixth Periodic Report to the Committee on the Elimination of Discrimination against Women (CEDAW), prepared jointly by the Executive Committee for NGO Forum on CEDAW-Turkey and the Women's Platform on the Turkish Penal Code, a group of 20 NGOs (CEDAW NGO working group) (July 2010, 1), commented that, even though the law had been in effect for ten years, "it is still not common practice and involves bureaucratic procedures that forestall efficient implementation" (July 2010, 23). The USAK researcher also noted that there were "major deficiencies" in Law No. 4320, such as providing protection exclusively for legally married women and an absence of "sanctions through which legal authorities could protect women" (*Today's Zaman* 25 Mar. 2012).

The report to CEDAW also notes that there is a lack of preventive and protective state policies and action plans, as well as lack of support mechanisms such as shelters, which "also diminish the deterrent force of the law" (CEDAW NGO working group July 2010, 23).

According to a retired judge interviewed by *Sunday's Zaman*, "since the law concerns 'Protection of the Family,' some courts do not interpret it to allow protection of women from their partners' violence if they are not married even though the law is open to interpretation" (*Today's Zaman* 17 July 2011).

### 2.2 New Law

On 8 March 2012, Turkey passed Law No. 6284 on Prevention of Violence against Women and the Protection of the Family, which "includes all women, regardless of marital status, and expands the rights of the victim;" in addition, "[p]unitive sanctions for perpetrators have been intensified" (*ibid.* 25 Mar. 2012). As part of the reforms, "family courts can classify shared houses as 'family houses' and inform the land registration office as well. In this case, the perpetrator will not be able to sell the property against the woman's will or to relocate her. Relocation is a decision left up to the woman" (*ibid.*). According to Law No. 6284, "perpetrators of domestic violence are to be removed from the home for one month" (*ibid.* 28 Mar. 2012). The new regulations also provide state assistance for victims of domestic violence including a new residence, financial aid, legal and psychological help, and police protection (*ibid.* 16 Apr. 2012).

### 2.3 Penal Code

Human Rights Watch notes that, even though the Penal Code of Turkey does not contain a specific article that regulates domestic violence, Article 96 stipulates that "anyone causing torment to their spouse or family members will be sentenced to three to eight years in prison. Article 232 of the Penal Code provides for the imprisonment of up to one year for the maltreatment of anyone living under the same roof" (May 2011, 20). Women for Women's Human Rights (WWHR) also notes that the Penal Code now states that marital rape is a crime and can be prosecuted once the victim submits a complaint (WWHR n.d.).

## 3. State Protection

Human Rights Watch mentions that there are three "structural problems" in Turkey that cause problems related to domestic violence and protection, which are as follows: "first, lack of specialized staff and units at

police stations, even in larger cities and major regional centers; second, lack of adequate, ongoing, and thorough training of law enforcement officers, prosecutors, and judges who dealt with domestic violence cases; and third, lack of privacy in police stations or family courts when reporting family violence" (May 2011, 40).

### 3.1 Justice System

According to lawyers interviewed by Human Rights Watch, there are some areas in Turkey where "it is futile to pursue protection from anything other than physical violence since authorities have not responded to charges of other forms of abuse, such as psychological and economic violence, or even marital rape" (May 2011, 41).

A lawyer volunteering with the Mor Çatı Women's Shelter, an NGO working to stop domestic violence in Turkey (n.d.), noted that "[p]ublic officials and institutions tend to have a deep-seated sexist outlook on society ... which influences the way abused women are treated when they try to file a complaint or ask for protection at police station or public prosecutor's office" (Qtd. in *Today's Zaman* 1 Mar. 2012). Human Rights Watch notes that many Turkish law enforcement and judicial officials do not have the "expertise, and often the will" to deal with cases of violence against women and would rather preserve the "family unit" than protect the victim (May 2011, 15,50). Similarly, a researcher and women's rights activist is quoted in *Today's Zaman* as saying that law enforcement officers tell domestic violence victims to resolve the problem "'inside the family'" (17 July 2011).

Human Rights Watch notes that "'[m]istrust of the police is widespread in Turkey and constitutes a major obstacle for women wishing to report abuse" (May 2011, 28). According to Human Rights Watch, police and gendarmeries send women back to their husbands or promoted reconciliation, even after multiple reports of abuse (May 2011, 31). Similarly, the EC progress report indicates that women were being sent home by police officers instead of being issued protection (EU 12 Oct. 2011, 32). Furthermore, according to activists, reports *Today's Zaman*, women victims of domestic violence are "too often" not made aware of their rights when they first report to the police; this includes the fact that they can have access to free legal assistance if they cannot afford it (17 July 2011).

It is also often the case that prosecutors or judges send victims back to the abusive situation, recommend reconciliation, require medical records, or delay the process (Human Rights Watch May 2011, 25). The EC report, as well, notes that prosecutors and judges were "slow to act" in issuing protection, including requesting unnecessary evidence (EU 12 Oct. 2011, 32). According to the lawyer volunteering with Mor Çatı, "'[w]omen who are forced to return to their violent environments are in danger of being killed'" (*Today's Zaman* 1 Mar. 2012).

Human Rights Watch identified several other obstacles to women obtaining protection in different parts of Turkey, including staff shortage in family courts and limited working hours of judges, which can result in waiting periods of days for an application to be processed (May 2011, 30). Similarly, the EC progress report also indicates that family courts have "insufficient capacity" and there have been instances where they were unable to help victims (EU 12 Oct. 2011, 32).

### 3.2 Protection Orders

In its May 2011 report, Human Rights Watch notes that their research found several cases in which women needed protection but did not receive it because "officials handling their cases took a narrow view of the law" (May 2011, 17). In cases where lawyers try to use international law, such as the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), some judges dismiss them, citing reasons such as that it is not national law or that it does not apply to Turkish "traditions," while other judges have used international law to grant protection (Human Rights Watch May 2011, 19). Human Rights Watch also notes that Article 90 of the Turkish Constitution states that "national law cannot override international agreements that pass into law" (*ibid.*).

A lawyer and human rights activists said that, in a 2009 investigation of 2,019 petitions to family courts by the Legal Support Center for Women (KAHDEM), it was found that restraining orders are "usually given after the violent act has occurred" (*Today's Zaman* 17 July 2011). The lawyer added that there is variation in the speed with which prosecutors forward complaints to family courts, with some requiring a medical report as proof of injury, which "delays the process" (*ibid.*).

The police and gendarmerie are responsible for informing the respondent once a protection order is issued; they are also "obligated to conduct regular checks of the home" (Human Rights Watch May 2011, 37, 38). However, Human Rights Watch notes that "police monitoring often falls short" (*ibid.*, 25). The *US Country Reports 2010* also remarks that police "rarely enforce" restraining orders (US 8 Apr. 2011, Sec. 6).

### 3.3 Protection Under the New Law

*Today's Zaman* reports that the new law for the protection of women against domestic violence "gives greater authority to district governors to provide protection to women without waiting for a court decision" (16 Apr. 2012). As an example, the article reports that, in a 28-day period in March and April 2012, district governors in three Istanbul districts issued protection orders for 48 women, with most of the decisions being made within 24 hours (*Today's Zaman* 16 Apr. 2012).

The USAK researcher notes that, according to the new law, if a protection order is violated, the perpetrator is jailed for three days; the order can also be issued by a police officer immediately, especially if a prosecutor or a family court is not available to do it (*ibid.* 25 Mar. 2012). In cases of domestic violence, the perpetrator "will be kept out of the shared home" (*ibid.*).

In 2012, in Istanbul, a man was sentenced to ten years of prison for "severely injuring his wife" (*ibid.* 30 Mar. 2012). At the end of March 2012, in its first action in accordance with Law No. 6284, the Balıkesir Gendarmerie Command removed a man accused of domestic violence from his home for a month (*ibid.* 28 Mar. 2012). The Istanbul Family Court removed a man from his home for six months after his wife filed a complaint against him for beating her (*ibid.* 30 Mar. 2012).

After the new law was passed, between March and April 2012, 15 men and 500 women applied for police protection, increasing the number of women "receiving police protection after applying to the offices of governors and district governors" from 2,200 to 2,700 (*ibid.* 11 Apr. 2012). The Interior Ministry reported that, as of April 2012, 11,000 people, victims of or threatened by domestic violence, were under police protection (*ibid.*).

According to *Today's Zaman*, once an application for protection is made, "law enforcement personnel immediately determine whether the person seeking protection is in danger. If so, the individual is immediately taken under protection under the scope of the Protection Services Regulation" (*ibid.*). Eligible individuals can also receive personal bodyguards (*ibid.*). According to the 11 April 2012 article, there are 2,700 people under personal or home protection, which is surveillance for 24 hours a day, and 8,300 under temporary police protection (*ibid.*).

### 3.3.1 Istanbul Police

*Today's Zaman* reports that, in Istanbul, the police have created a special team with the main goal of "protecting women against gender-based violence" (*Today's Zaman* 19 Feb. 2012). The team is composed of 100 officers, half of them female, and all of them are trained on "gender relations, inequality and how to properly and sensitively handle cases of gender-based violence" (*ibid.*). At least two of these officers are assigned to every district in Istanbul (*ibid.*).

### 3.4 Training on Domestic Violence

According to Human Rights Watch, the United Nations Population Fund and the Turkish Directorate General on the Status of Women trained 270 high ranking officials on domestic violence in 2009 and 2010; these officials have in turn trained 40,000 police officers, 20 of whom were selected for "more extensive" training (May 2011, 41). In a November 2010 interview with Human Rights Watch, the Deputy Director of the Directorate General on the Status of Women indicated that the police have started to ask the Directorate for advice (May 2011, 22).

Roj Women's shadow report states that, even though training programs are supposed to be in place, there is evidence that it is either not being applied or not actually happening (Mar. 2011, 11). Similarly, the EC progress report notes that more training on domestic violence is needed for law enforcement officers, the judiciary, and health workers (EU 12 Oct. 2011, 32). An NGO in Diyarbakir told Human Rights Watch that the training given to police officers is not being applied in their city (May 2011, 41).

A General Police Directorate study, which surveyed police directorates in all of Turkey's 81 provinces, showed that "registration forms related to cases of domestic violence were filled out carelessly by the police units" and that only 7,078 out of the 78,488 incidents related to domestic violence were registered with a "Domestic Violence Incident Registration Form" (bianet 10 Nov. 2011).

## 4. Support Services

According to a report by the Mor Çatı Women's Shelter Association, the government does not provide "sufficient support" for women victims of violence (*Today's Zaman* 1 Mar. 2012). The 2012 Mor Çatı report, explains a lawyer volunteer with Mor Çatı, showed that "abused women in Turkey do not receive adequate legal, social or health support from the government" (*ibid.*). The EC progress report similarly notes that support mechanisms, as well as local services for female victims, need to be "strengthened" (EU 12 Oct. 2011, 32).

The new law, however, offers "abused women ... an allowance or, if they work, two months of child care" and the Ministry of Family and Social Policy has been provided with a special budget for further reform (*Today's Zaman* 25 Mar. 2012).

The head of the Ankara Bar Association, speaking at a conference on violence against women, noted that, because most victims of gender violence prefer to contact civil society organizations instead of authorities, in April 2011 the Poppy Project was created (*ibid.* 19 Feb. 2012). The project offers a hotline that victims can call to obtain legal advice on what to do after an attack (*ibid.*). Between April 2011 and February 2012, the hotline received 9,500 calls (*Today's Zaman* 19 Feb. 2012). The *US Country Reports 2010* mentions that there is a government hotline, which received 19,377 calls between January and October 2010, 8,704 of them from women (US 8 Apr. 2011, Sec. 6).

Human Rights Watch points out that, in cases of domestic violence, women are often unable or hesitant to look for help because often the woman's family or husband exercises extensive control over the woman, either physically, psychologically or economically (May 2011, 25). For example, many women are economically dependent on their abusers and have no other way of supporting themselves (Human Rights Watch May 2011, 27). Another reason a woman might not seek help is because their experience or that of an acquaintance has caused them to believe that the police will not help them (ibid., 25).

After conducting research on domestic violence in Turkey, Human Rights Watch concluded that the state has failed to

effectively address the barriers that deter women and girls from reporting abuse and accessing protection; to better prevent abuse in the first place; and to change discriminatory attitudes (ibid., 50).

#### 4.1 Shelters

Article 14 of the Municipal Law states that "municipalities having a population of more than 50,000 people shall open houses for women and children welfare" (Turkey 2005).

The Head of Department of Directorate General for Regional Authorities told Roj Women that the penalty for a qualifying municipality failing to build shelters according to the law is a "warning" (Mar. 2011, 8). The EC progress report also indicated that there are no sanctions if a municipality does not comply with the law (EU 12 Oct. 2011, 32).

The Ministry of Family and Social Policies indicates on its website that it provides services, such as psychological support, legal guidance, and employment assistance, to women that are subject to or at risk of violence, through shelters and guest houses, for a "determined period" (Turkey n.d.). The number of shelters for victims of domestic violence varies, depending on the source:

- According to Human Rights Watch, the Directorate General on the Status of Women said that there are 37 SHÇEK (Ministry of Family and Social Policies) shelters in Turkey, and 25 run by governorships, local authorities and NGOs, but NGOs said that there are only 52 shelters in Turkey (May 2011, 43).
- The US *Country Reports 2010* says that, according to the government, there were 54 shelters run by provincial and municipal governments, and NGOs (US 8 Apr. 2011, Sec. 6)
- Roj Women reports that, as of October 2010, there were 62 women's shelters, with 11 of them having opened that year (Mar. 2011, 8).
- In July 2011, *Today's Zaman* indicated that there were 70 shelters in all of Turkey (17 July 2011).

The EC progress report and Roj Women both state that there is no "effective oversight" of shelters or municipalities (EU 12 Oct. 2011, 32; Roj Women Mar. 2011, 8), with the EC adding that there is no "follow-up" after a woman leaves a shelter (EU 12 Oct. 2011, 32).

Shelter directors in Ankara and Istanbul say that, because there is limited space, they only pick the "very worst cases" (Human Rights Watch May 2011, 44). Mor Çatı had to close its second shelter after losing government funding, and said that it could not meet the demands for shelter (ibid.). However, there are also government regulations that can cause the exclusion of a woman from a shelter (ibid., 45). For example, those with an infectious disease, psychological problems, and a drug or alcohol addiction are excluded; trafficked women and sex workers are also not permitted in shelters, even though they are legally allowed (ibid.). Government-run shelters also ban undocumented women, including asylum seekers (ibid.). Human Rights Watch did not encounter shelters that can accommodate women with disabilities during their research (ibid., 46).

Women interviewed by Human Rights Watch indicated that the conditions, security and quality of services provided at shelters can be inadequate (ibid., 44). One reason for poor security in shelters is staff mismanagement; another is school registries revealing the location (ibid.). Some shelters do have good security but end up creating "prison"-like conditions for the victims (ibid.).

Human Rights Watch indicated that assistance is not always available for abuse survivors once they leave a shelter; for those that do receive it, the level can vary "widely" (ibid., 46). Usually, victims can remain in shelters for six months (ibid., 47). Some shelters provide women with money when they leave, but no NGO shelter can provide ongoing support after the woman leaves (ibid.).

On 29 April 2009, *bianet* reported that residents and their local official in a neighbourhood in Anatalya complained that a women's shelter was to be built in their area, even though locations of shelters must be kept secret. According to a representative of Mor Çatı women's shelter, even though "the Prime Ministerial circular on violence against women ordered the secrecy of women's shelter's locations, the Institute for Social Services and Child Protection (SHÇEK) did not follow the order in its procedures for 'Women's guest houses'" (ibid.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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**Oral sources:** Mor Çatı Kadın Sığınağı Vakfı (Women's Shelter Foundation) and Women for Women's Human Rights – New Ways could not be reached within the time constraints of this Response.

**Internet sites, including:** Amnesty International; ecoi.net; Mor Çatı Kadın Sığınağı Vakfı; Turkey – Directorate General on the Status of Women; Turkish Statistics Institute; UN – Office of the High Commissioner for Human Rights, Refworld, Secretary General's Database on Violence Against Women.

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