

# WHO'S GUILTY? PROJECT REPORT



Who's Guilty? Project is supported by Delegation of the European Union to Turkey and Sida.

## **KAMER Foundation**

Ali Emiri 3. Sokak Es-Şal Apt. No: 1 Yenişehir - DİYARBAKIR

Phone: (0412) 228 10 53 Fax: (0412) 224 23 19

Who's Guilty Project Report

**Edited by:** KAMER Foundation Editorial Board

**Graphic Design / Cover Page Design:** Nesne Emt

**Published by:** Karınca Ajans Yayıncılık Matbaacılık - Serap Çavdar

**Address:** Dr. Mediha Eldem Sokak 56/1 Çankaya - ANKARA



## Acknowledgements

We are grateful to:

Lawyers, members of Istanbul Bar Association:

Fethiye Çetin

and

Berçem Akkoç Alemdarzade,

who studied the legal cases handled within the scope of this project and wrote report  
on these cases



Assoc. Prof. Hasan Akkoç,

Dicle University, who analyzed all statistical data and  
contributed to the preparation of our report



Fulya Kama Özelkan

Istanbul Technical University, Lecturer, who made the translation of our report



Nesne Emt

who worked on the graphic design of our report

KAMER Foundation

## CONTENTS

	Sayfa
Cover Page .....	1
Acknowledgements .....	4
Summary of "Who's Guilty?" Project .....	6
An Overview of the Findings of the Project .....	7
Findings and Suggestions .....	8
Overview of the Cases .....	10
Information and Evaluation on the Cases Reviewed .....	21
Report on Household Visits .....	68
Report on Applications to End Violence .....	76



## SUMMARY OF “WHO’S GUILTY?” PROJECT

“Who’s Guilty?” Project was designed in order to make visible all the violence and discrimination a woman experiences from her infancy to her adulthood as well as reveal its perpetrators.

Think about a girl;

Even before she is born, she starts to face discrimination as soon as her gender is identified. After she is born, she is deprived of majority of her rights.

She is discriminated against her brother. Her life is surrounded by shame and taboos.

Sometimes, she cannot exercise her right to education,

Sometimes, she is married off at an early age when she is a child.

Sometimes, she is forced to be the wife of a man whom she never knows or knows but does not love.

She is subjected to every form of violence.

Then, one day something happens. It is either an incident of violence that she cannot bear anymore or an incident of murder that takes away her life.

If she survives and can find the courage, she files a lawsuit to claim her rights.

If she loses her life, either a relative or the public prosecutor files the lawsuit.

Most probably, all her past will be ignored and she will be humiliated over that case because she is a woman and yet she will try to seek her rights.

As if the history behind this case is non-existent...

Therefore, we wanted to ask;

*Who is guilty?*

*Family?*

*State?*

*Society? All of us? Each of us?*

### Expected Outcomes

- With the fieldwork planned within the scope of the project, it would be ensured that the target group became aware of and sensitive to **gender-based violence** and **discrimination**; the conditions and needs of **refugees** would be identified and the support they need would be provided.
- During the fieldwork and neighborhood meetings, awareness and sensitivity about **children’s rights** would be raised.
- With the awareness and sensitivity generated among public, cooperation with state institutions and organizations would be established and all the aspects of the incidents of violence known by the public would be handled and for each case investigated, “Who’s Guilty?” reports would be written.  
In this way;
- The awareness and sensitivity created would increase women’s potential to struggle against violence and discrimination they experience,
- Women would start changing their confined lives and benefiting their **legal and social rights as well as opportunities**,
- Identifying the Invisible perpetrators of each case would be attempted.

### Target Group of “Who’s Guilty?” Project

- 23.000 women in total to be interviewed face-to-face in 23 provinces of Eastern and Southeastern Anatolia regions (in the disadvantaged and confined neighborhoods formed through migrations, including LGBTI individuals)
- 6.000 women participating in neighborhood meetings conducted after face-to-face interviews (meetings held in the neighborhoods these women reside)
- 1.000 women seeking help to end violence and would be monitored during the supporting phase
- 500 public institutions of cooperation (relevant institutions women need the support of)
- 100 case files to be monitored and reported in detail.



## AN OVERVIEW OF THE FINDINGS OF THE PROJECT

Some of the findings obtained from the case files reviewed are indicated below:

- KAMER planned to examine 100 legal cases with “Who’s Guilty?” Project. 102 legal cases from provinces of Eastern and Southeastern Anatolia region where KAMER centers are organized and 6 from western provinces of Turkey, 108 in total have been reviewed.
- Among these legal cases, there were more than one criminal case or civil case that belong to a single woman victim as well as both a criminal case and a civil case that belong to a single woman.
- Of 108 legal cases, 60 were criminal cases, 48 were civil cases such as divorce, alimony, preventive and protective cautionary decisions.
- Of the criminal cases, 13 were femicide cases, 1 were complete (but imperfect) attempt to kill, 2 were forced suicide, 6 were child abuse, 3 were rape cases. The remaining were cases of injury, threatening with death and replevin.
- It was determined that, of women whose legal cases were reviewed, 17 were illiterate and were never schooled,
  - 5 could not speak any Turkish,
  - 20 were married off at an early age.
  - Only 7 women were employed.
- It was observed that in 3 legal cases, women’s inheritance rights were violated.
- The victims of 10 cases were children. Besides, in two cases, there were children among the perpetrators. 3 children in total were out on trial as perpetrators.
- Only 6 of the cases were filed with a demand for judicial assistance.
- In 6 of the femicide cases, the murder was covered as suicide, and in 3 cases, women were forced into suicide.
- In 11 of the femicide cases, it was determined that women filed complaints with the police station more than once because of violence they were subjected to.
- 3 of the cases were related to marital rape.
- Good conduct time allowance was granted in all criminal cases except for 6.
- In 10 cases, Ministry of Family and Social Policies was involved via its attorneys.
- Only 1 of 10 protective and preventive cautionary decisions was given in accordance with the characteristics of the incident. Once again, only one case was monitored.
- It has been observed that Law No. 6284 on Prevention of Violence is only implemented when protective and preventive cautionary decisions need to be taken. Istanbul Convention was not referred in any of the cases.

### **To describe “Who’s Guilty?” Project to women and win their trust to confidently give their cases was possible through household visits.**

Household visits were conducted in 22 provinces of Eastern and Southeastern Anatolia Regions. Due to security reasons, it was not possible to conduct work in Kilis.

- In 22 provinces, face-to-face interviews were held with 22.864 women. In these interviews, both women’s profiles and needs were established and they were encouraged to become aware of violence in their lives as well as take action for receiving support against violence when needed.
- We got together with 4.163 women who were interviewed in household visits in 138 neighborhood meetings.
- 1.500 of these women formally applied to KAMER centers about violence they experience.
- 726 of 1.500 applicants started to receive support to free themselves from violence. These processes of receiving help against violence were monitored.
- 504 government bodies and public institutions were visited and cooperated in order to provide support for women.



## FINDINGS AND SUGGESTIONS

### Findings

- 91 percent of 22.864 women in total believe that women are victims of violence. However, a majority of women do not take action against violence for a variety of reasons, primarily fear, helplessness, language barriers and not knowing what to do.
- Although figures indicate that 40 percent of women on average fall victim to various forms of violence in Turkey, we observe that the real percentage is around 50 due to hidden cases of violence
- Poverty is an important factor that renders violence against women and children invisible. Many women acknowledge the fact that they experience violence, but trivialise it, saying *“yes, but it can't be my priority when I can't even feed my children”*.
- Children are the invisible victims of the violence targeting women. The number of children per household is 4 on the average, meaning that the violence against the mother is experienced by her four children as well. They are beaten, punished and flee together with their mothers.
- Even if we take into account the cases where no physical violence is exerted, the traditional education system for children is inherently characterised by violence. To say the least, children are treated as an accessory of the family.
- Very regrettably the fact that violence targeting children is a product of the “gender roles” internalised by the society is not adequately acknowledged in Turkey.
- As the reviewed legal cases clearly reveal, women start life way behind men even from their conception. Giving birth to a girl, not being able to give birth to a boy or not being able to conceive a baby is always seen as women's fault. Women suffer the consequences of this “fault” through violations of their basic rights, by being discriminated, tortured, exposed to violence, not being schooled, forced to early marriage usually with someone they do not know and love.
- Women's status and victimization do not change even if the places they live in are different. Because of the prejudices, customs and traditions that are based on the conceptions that women are inferior to men, that men and women have traditional gender roles, women continue to live being drifted from one violent environment to another.
- As understood from the cases, the existing judicial system with all its phases is far from being restorative and constructive as well as transformative and rehabilitative. In judicial processes, the victim's human rights are not protected and effective investigations are not carried out. Even if the laws change, this judicial practice and discriminatory mindset do not change parallel to the legal reforms introduced. Femicides occur as the final and inevitable step of a series of discriminatory practices.

## Suggestions

- **Combating violence against women that has become a vicious cycle** is only possible through nation-wide implementation of inclusionary, coordinated and holistic policies prepared with a gender perspective covering all the phases of the process. Such inclusionary, coordinated and holistic policies can merely be implemented by the State. Placing victim's rights at the center of all preventive measures and ensuring the implementation of all these policies together with an effective cooperation with all relevant government bodies, institutions and women's organizations is under the authority and responsibility of the State.
- In order to make the effects of all forms of violence on children understood, the State should start educational campaigns and programs to generate sensitivity and awareness in all sections of the society in this respect. At every stage of the official curriculum and education process, the issues of gender equality, gender roles, mutual respect, nonviolent conflict resolution should be included in the teaching materials. Inclusive policies should be developed in order to ensure girls exercise their educational rights. Women's rights should be presented to women as accessible and intelligible information and training of the experts should be emphasized.
- Media should avoid using sexist language; all the printed and visual materials should be prepared considering gender equality. They should provide the necessary basis for ensuring such an approach.
- The cooperation among non-governmental organizations (NGOs), particularly women's organizations and bar associations should be established regarding women's protection from violence, removing the obstacles to women's right to access justice and conducting effective investigation and prosecution.





## OVERVIEW OF THE CASES

Within the scope of “Who’s Guilty?” Project, 108 legal cases submitted to the court have been reviewed and meetings were conducted in 18 provinces.

The cases have been selected by KAMER centers working in the field; all the civil and criminal cases submitted have been examined without exception.

In the meetings held in the provinces, public officials, representatives of local NGOs, women and lawyers from bar associations have been consulted.

In these interviews conducted in the form of a conversation, the answers to the following questions were sought: Why violence against women cannot be prevented despite the recent law amendments made? How do the judicial authorities interpret the relevant laws? What kind of difficulties is experienced during the implementation? How does the process follow and what are the results? How are the problems of accessing justice as well as problems faced at the local level are handled? Why the targeted outcomes of Law No. 6284 on the Protection of Family and Prevention of Violence Against Women and Istanbul Convention are not reached?

The question, “Who ‘s Guilty?” was asked. The case files were examined by taking into consideration the social, economic, and educational status of women and their families; women’s status within the family; if married, whether the marriage took place on women’s free will; the marriage age; briefly, the whole process women went through from birth until she became the subject or a party to the case. Such information was provided by KAMER team working in the provinces.

The case files were examined under these headings: access to justice, the processes of

seeking justice and obtaining information on legal regulations, how law enforcement and judiciaries interpret violence against women and the process of seeking justice and how they implement the laws, co-operation problems, the attitude of public institutions involved in the process, effective investigation, duty of care, language barriers.

The incidents of the lawsuits and evaluation of each case are handled separately and they are included in the section titled “Information and Evaluation of the Reviewed Cases”. Victim women’s real names are changed. In case of multiple files belonging to the same woman, these multiple files are examined under the same heading in order to evaluate the process holistically.

### RESULTS

**1. 108 cases in total, one sexual abuse case of a male child and the other cases belonging to 60 women, have been examined.** Among these legal cases, there are more than one criminal case or civil case that belong to a single woman victim as well as both a criminal case and a civil case that belong to a single woman.

**2. Of 108 legal cases, 60 are criminal cases and 48 are civil cases such as divorce and alimony as well as cases related to preventive and protective cautionary decisions.**

**3. Of the criminal cases, 13 are femicide, 1 is complete (but imperfect) attempt to kill, 2 are forced suicide, 6 are child abuse, and 3 are rape cases. The remaining are cases of injury, threatening with death and replevin.**

**4. Of the civil cases, 25 are divorce cases, 10 are related to preventive and protective cautionary decisions. The remaining are lawsuits for alimony, guardianship, and inheritance.**

**5. It has been observed that 17 women whose cases have been examined, have never been schooled and are illiterate.** Research over the cases indicates that women who were victims of unequal and discriminatory practices throughout their lives have been deprived of their most basic rights and they have normalized this situation.

The content of the cases as well as the external information gathered about women subjects of these cases reveal that some women were never schooled whereas a majority of them had to drop out of school even before they graduated primary school and were forced into early marriage. It has also been observed that families discriminate between female children and male children on using their educational rights where male children are schooled while female children are not able to exercise their right to education. Families that treat female children unequally and subject them to discrimination also deprive them of their right to education.

**6. 5 of these women cannot speak Turkish at all.**

Majority of women are illiterate, besides many cannot speak a secondary language except from their mother tongue, Kurdish or Arabic. It is also a fact that many women who are assumed to speak a secondary language cannot express themselves clearly enough in another language. In cases where such language barriers take place, ushers or officers with no expertise that are accidentally there and assumed to speak Kurdish or Arabic are asked for translation instead of professional interpreters. There are no independent and competent interpreters, thus women cannot express themselves.

**7. It was revealed that 20 of these women were married off at an early age.**

It is observed that women were married off at an early age and majority of these were forced marriages.

One third of women whose case files were accepted without considering their age within the scope of the project are wedded before they were 18 years old. In some of these marriages, the marriage age fell to 12 or 13. It has also been observed that female children are sold for a bri-

de price, are subjects of exchanges between families. Despite being children and not physically and psychologically ready, they are expected to give birth and become mothers.

It is also seen that these marriages cause permanent diseases as well as premature birth especially among young female children whose rights are collectively violated. Most of early marriages result in these children's death as in the cases of M.M., K.E., S.P., E.B., H.R. and M.K.

Child abuse is recognized as an offence under the penal code and severe punishment is imposed. However, because rehabilitative measures and constructive mechanisms cannot be formed, as the case of K.E. strikingly demonstrates, the judicial executive in person permitted the continuation of this crime. The prosecutor, on the one hand, initiated a prosecution of the offense, on the other, sent the suffering female child back to the perpetrator since there are no essential supportive mechanisms provided for this and similar cases. The rehabilitative measures that cover children's treatment, development, education and recovery were not taken. What should be done in case of a pregnancy of the victim was not considered and only the punishment of the offence was increased

This grim reality has been an item on the agenda of meetings held in the provinces and it appeared that this example was in fact a very common practice rather than being an exception. The lawyers we interviewed expressed that this situation is a result of cultural and traditional practices and it will take time to struggle this reality specific to this region. A doctor from a medical institution mentioned that they frequently encounter such incidents, yet since they think that there is no solution to the problem and, basically, there is nothing else to do, they do not report the incident to judicial authorities.

These are examples of how considering the problem solely in terms of punishment instead of addressing it with all its dimensions leads to an impasse as well as how the judicial authorities in person allow the continuation of the crime. It is clear that the recent attempt for the legisla-

tive regulation known as “rape law” in the public that caused rightful reactions will complicate things ensuring the continuation of the problem rather than solving it.

Besides, it is obvious that a great number of marriages such as bride exchange, betrothal in the cradle, bride price marriage, blood money marriage, marriage with a relative and marriage due to economic reasons are based on coercion and maintained under coercion. It is also observed that these children non-consensually married to men they have never met before experience violence, sometimes resulting in death and suicide, and live in a deep misery that haunts them throughout their lives. Lawsuits were filed against mothers and fathers, mother-in-laws and father-in-laws of female children wedded off at an early age as the abettors of the offence. On the grounds that women are believed not to have a voice about marriage, mothers and mother-in-laws were acquitted. The imams were sought, yet the identity of the imams who performed the religious marriage ceremony was not attained since a proper investigation was not carried out in any of the cases.

It is also observed that women and female children whose right to marriage based on free and full consent by choosing one’s partner is violated do not any have chance to say “no” to these marriages. Turkey, as a signatory country of Istanbul Convention, is under the obligation of accepting forced marriage as an offence and yet, this obligation is still not fulfilled.

When the question “who is guilty of this process?” is asked, it is obvious that families wedding their female children at an early age, imams performing religious marriage ceremonies despite knowing she is a child, society with its traditional prejudices that normalize child abuse, all the agents of judicial process including experts, police force, lawyers are collectively guilty of this crime.

#### **8. Only 7 of these women are employed.**

One third of women have been deprived of their right to education and their physical and

psychological development is hindered through early marriage and at the same time, women are made dependent upon their husbands economically.

It is observed that, except for a few examples as these 7 women, women are not employed and do not have an income of their own, for that reason, they do not prefer divorce and continue to stay in violent homes despite extreme forms of violence that are exposed to. It is monitored that one of these 7 women filed a divorce case with the help of KAMER as soon as she earned a monthly income of only 100 TL. Another woman working professionally at KAMER benefited legal aid and filed for divorce and custody. Even these two examples reveal the importance of women’s economic empowerment as well as the significance of learning their rights.

#### **9. 4 of the cases are related to custody rights.**

It is observed that women who are not considered as the subject of any right are also deprived of custody rights of their children. When the husband dies, woman has to stay with the husband’s family with her children. As a matter of fact, as seen in cases of M.M, H.D. and S.A., children are adopted by the brother or father of the deceased husband. In this way, women are deprived of any right and authority over their children and women’s custody rights are taken away from them. In addition to these, it is also seen that women’s custody rights are not only violated by society, men and their families but also ignored by the judicial executives.

#### **10. In 3 of the cases, it is observed that women’s right to inheritance was violated.**

In cases of A.Ç., F.D. and S.Ö. it has been observed that women are deprived of their right to inheritance. Male members of the family inflict torture and exert violence and oppression over women not to exercise their legal rights despite women being legal inheritors. Women are murdered by their brothers who cannot get what they want or are forced into suicide by other male inheritors. Although this rate seems to be lower than results of household visits KAMER carried out, it is compatible with the findings of these visits.

According to the results of household visits, while only 37 percent of women can have a share in inheritance, 58 percent cannot have a share in inheritance at all. 5 percent do not know whether or not they can get any share in inheritance. During household visits, it was observed that when women were asked questions about inheritance, they first looked around and answered the question when they were sure that none of the family members would hear their answer. This result not only indicates the normalization of violation of women's right to inheritance but also is a clear indicator that women cannot claim their right to inheritance.

#### **11. The victims of 10 cases are children.**

Women who were victims of early marriage are not included in this number; only those who are not of full age at the time of trial are taken into consideration.

#### **12. In two of the cases, children are among the perpetrators and 3 children in total are tried as perpetrators.**

Except for one of the child victims or perpetrators, neither the trauma these children suffered is taken into consideration, nor restorative and rehabilitative measures are taken. Only in a single case, the prosecutor directed the rape victim female child to the medical institution for treatment, yet this treatment was not given since the cautionary judgment was not pursued.

#### **13. Only 6 of the cases were filed with a demand for judicial assistance.**

It has been detected that despite the importance of benefiting judicial assistance in accessing justice, only six women demanded legal aid that is limited to civil cases such as divorce or alimony. In the meetings held in the provinces, lawyers and women were asked why the rate of benefiting judicial assistance was so low and the following results were obtained:

a) Since women's rights are not presented to women as intelligible and accessible information, women do not know about legal aid that provide lawyers and other services free of charge. These women cannot read basic documents

since they are illiterate. What's more, in addition to the failure to present intelligible information to these women about their rights, there are no mechanisms that can lead them to such information without facing any obstacles. Besides, it has been observed that there are no regulations that consider the language problems of Kurdish and Syrian women whose mother tongue is not Turkish.

b) Majority of women who are informed about their rights cannot leave their homes to reach legal aid offices of bar associations. It is seen that these women requested legal aid lawyers to come to places they reside on the phone. We have been told that since women are obliged to apply to bar associations in person, a great number of women cannot benefit from this service. Those who could reach bar associations are asked to bring documents such as poverty certificate, residence permit issued by local authorities, therefore, these women usually give up their demands and return their homes. It is also observed that lawyers working in bar associations do not fulfill their obligation of notification about women who reach them on the phone for legal aid. These women are deprived of their right to legal protection and accessing justice.

c) Women whose mother tongue is not Turkish and who cannot speak a secondary language except for their mother tongue hardly ever apply to bar associations for legal aid

d) The experiences resulting from unjust suffering and lack of confidence in judicial system as well as the complicated and slow procedures of legal processes reduce the rate of benefiting legal aid services.

#### **14. In 16 of the cases, women's rights to life were violated. In 15 case files, the ones who were murdered or forced into suicide were women. Only in 1 case, male perpetrator of violence was killed.**

The range of perpetrators in the murder cases is as follows: in five of the cases, the perpetrator was the husband; in one case fat-

her-in-law and mother-in-law together with the husband; in one case brother; in one case ex-husband; in one case acquainted men; in one case uncle, uncle-in-law and male cousins; in one case father and grandfather; in one case father-in-law; in one case mother-in-law. In case of attempted murder, the perpetrator was the husband.

In both cases of forced suicide, perpetrators were male relatives.

In sexual abuse cases; the perpetrators were husband, mother, father, mother-in-law and father-in-law in one case; in three cases, they were male relatives; in one case, it was elder brother, in one case it was acquainted men.

In rape cases, a village guard in one case, a public officer in one case, husband in one case were the perpetrators.

**15. In 6 femicide cases, murder was covered as suicide; in 3 cases, women were forced into suicide.**

It has been observed that when women and girls, who are expected to obey unconditionally to the norms of patriarchal gender roles and are confined in its borders, slightly deviate from these norms, this disobedience results in oppression, torture and even murder.

It appeared that although recent legal reforms were introduced which annulled sentence reductions in killings in the name of "honor", "honor killings" still continue; however, this time, the killings occur in the form of forced suicides or covering murders as suicide.

Notions such as "chastity" and "honor", which are hard to define and strictly belong to person himself/herself, surface as generally accepted value judgments of families and relatives. As it is obviously seen in cases of F.D., H.D. and M.M., women are introduced as dishonoring their families, and therefore must be punished; men, relatives and all family members collectively are introduced as people who are restoring their honor. Society perceives violence committed in name of "honor" not as a crime, but as a punish-

ment of the crime. Hence, other members of the family avoid testifying against the perpetrators of the crime.

It is revealed that lives of divorced or widowed women are under control of male relatives for the sake of protecting their "honor". The neighbors and even the community they live in indirectly contribute to this controlling.

No one has been convicted of forcing women into suicide and the perpetrators are left unpunished. Courts are ruling the acquittal of the offender on the grounds of lacking positive evidence in cases of forced suicide. Looking for positive evidence in these cases contradicts the natural flow of life and social reality. Social reality reveals itself as punishment of victim women instead of perpetrators when an offence is in question or when rumors spread; social reality is a woman being told either "to kill herself" or she will be killed by her family; as it is seen in the case of M.M., social reality is the execution of the punishment upon the decision of family council.

**16. In 11 of the femicide cases, it is observed that women filed complaint with police stations more than once because of violence they were exposed to.**

Although 11 murdered women filed complaints with the police stations many times as the only way they knew in order to stop violence, no effective protection orders were issued and these women's route to death was simply overlooked. In fact, all the actors of this process were accomplices in this murder. Among murdered women, some filed complaints with police station for 25 times, some for 13 and some for 11 times. It is seen that women who asked for help from their families instead of police stations were sent back to those violent homes by their fathers as in the case of M.K. where she begged for help to save her from site of violence. Families, judicial and administrative authorities, health care professionals are all accomplices of these murders. Despite the existing legal arrangements ensuring women's effective protection against violence, effective protective mecha-

nisms are not put into effect since the problem of struggling against violence is not handled from women's perspective. Judicial institutions do not carry out risk assessment in cases of violence against women. Coordinated protection and supportive measures are not taken when there is recurring violence or death risk.

Law enforcement officers, prosecutors and judges approach to violence cases or violation of women's rights as ordinary trials, therefore they implement the usual and formal decision making processes. They investigate the cases as if they are files to be closed not as files to be examined through victim's point of view. And the closed cases are put into the archive.

The issue is not handled from victim's point of view and the precautionary decisions specific to the cases are not taken. As a result, in the following phases of the process, they have to handle these as murder cases.

In these cases, it is obvious that the institutions, individuals and even judicial authorities that are supposed to be effective in preventing violence against women do not exercise due diligence and sensitivity towards these cases; besides, cooperation among institutions and governmental bodies do not exist. It is clearly seen in the processes of these cases that femicides are the ultimate point a series of sexist practices reach.

**17. In 2 of murder cases, the perpetrators were acquitted.**

In one of the murder cases, the suspect was a special operations police officer. After the acquittal of the suspect, a femicide case was closed as unidentified murder. In the other case, effective investigation and prosecution were not carried out; the evidence was examined not in favor of the victim's rights but favoring the perpetrator's rights. The investigation and prosecution processes of these cases are not compatible with the principle of impartiality of the judicial authorities. In both cases, the law enforcement officers did not collect the evidence and judicial authorities did not carry out effective investi-

gation and prosecution. Despite both cases being femicides, the attorneys of the Ministry of Family and Social Policies did not pursue these legal cases. Besides, the judicial authorities did not report it to the Ministry of Family and Social Policies.

**18. In 16 cases, which did not result in murder yet, women filed complaints about violence more than once.**

Women exposed to constant violence are deprived of legal support and protection although they struggle to access justice many times. They are condemned to lead a life with physical and psychological scars of violence in addition to suffering from life-threatening wounds. One step ahead of such condemnation is murder.

For instance, in cases where victim lodged complaints 25 times or 11 times against the perpetrator, all these complaints were handled as ordinary incidents and a formalistic legal procedure was followed. In some cases, although the perpetrator was identified as a "personality with a criminal tendency", no rehabilitative and protective measures were taken and no risk assessment was carried out.

The existing judicial system is far from being restorative, constructive, transformative and rehabilitative, covering all the phases of these cases. Instead of asking "why", it focuses on "how" questions, and it is considered that finding a perpetrator and punishing him regardless of death risks will restore justice.

It is evident that judicial authorities handle the issue from a patriarchal viewpoint and cannot get out of patriarchal mindset considering their tendency to underestimate the severity of violence, the reluctance to comprehend discrimination women are subjected to and even the tendency to normalize violence. This kind of an approach affects the capacity of dissuasiveness of legal regulations.

**19. 3 of the cases are related to marital rape.**

In one of the complaints related to marital rape, complainant woman was murdered, and the

lawsuit was brought as a murder case and the victim's allegations for marital rape before her death were ignored. In the other case, the court ruled the acquittal of the rapist husband "despite the existing substantial doubt, thereunder the principle of presumption of innocence where if reasonable doubt remains, the accused is to be acquitted".

This decision is a striking example in terms of revealing judicial executives' attitude towards the offenses of coerced sexual intercourse in marriage. Requiring proof as in ordinary cases in the crimes of sexual assault in marriage is a reflection of the mindset that perceives women not as the subjects of any rights but as objects possessed by men. Besides, in this case, there is enough evidence to punish the perpetrator. As is known, the difficulty of providing proof in such offences committed by the husband against the wife is greater than that in the cases of sexual offences in general. Specifically traditional prejudices aggravate this difficulty.

In sexual offences, requiring to provide generally acknowledged evidence is above all against Istanbul Convention and Law No. 6284 on the Protection of Family and Preventing Violence Against Women.

The other case is not concluded yet.

## **20. Good conduct time allowance was given in all criminal cases except for 6.**

Except for 6 criminal cases issued final decision, the punishment was reduced in all cases pursuant to Article 62 of Turkish Penal Code.

Article 62 of Turkish Penal Code provides reduction of the penalty in favor of the offender when there are grounds for discretionary mitigation. For instance, if the offender did not commit any offense in the past, and if the behavior of the offender after the commission of the offense assures that he will not commit an offense again, the judge can reduce the penalty to be imposed.

In 27 criminal cases, more than one complaint were filed against the perpetrators of violence

and each complaint became a subject matter in the trials, yet each was handled as a separate case and while delivering the judgment, good conduct time allowance was given. However, in the files of the cases, there are criminal records of the perpetrators. Besides, with the National Judiciary Informatics System (UYAP), the previous criminal records of the suspects are accessible.

In some of these rulings, the Court itself made the identification of perpetrator as a "personality with a criminal tendency"; nonetheless, the court applied the Article 62 of Turkish Penal Code known as "good conduct time allowance". In this way, in the same decision, the perpetrator was both defined as a "personality with criminal tendency" and yet was granted good conduct time allowance as if he had no criminal record in the past and will not commit any offence in the future. Even this situation is an indication of judicial authorities not carrying out risk assessment and required duty of care on issues of violence against women and protection of women. It is believed that the patriarchal mindset nurtured by gender stereotypes is effective in the interpretation and implementation of law.

Sentence reduction for "unjust provocation" was issued more carefully after the decision of Court of Cassation General Assembly of Criminal Chambers except for the case of E.Ş., and yet good conduct time is given almost automatically. It is obvious that granting good conduct time that will clearly have no effect on the behaviors of the perpetrator instead of taking precautionary measures such as treatment, education and rehabilitation of the perpetrator is not an effective method for struggling against violence. Besides, these decisions pave the way for new violence incidents.

In one of the 6 cases with no good conduct time allowance, it is observed that the Court board was also affected by the monstrosity of methods of the murder committed. The second is a sexual abuse case of a male child where more than one suspect is on trial. However, since this judgment is reversed by the Appeal Court, it is not concluded yet. These two rulings are two

positive examples of the application of Article 62 of Turkish Penal Code.

In a case where three suspects were on trial, the Court issued sentence reductions due to good conduct for two suspects, whereas it did not grant good conduct time to the other suspect. The reason the Court based its ruling on for good conduct time allowance was very striking. The suspect exhibited disrespectful behavior to the court board during the trial and kicked the desks at the hearing room. For that reason, the Court did not issue good conduct time allowance to the suspect. As this ruling clearly indicates, disrespectful behavior against women does not hinder the application of the Article 62 of Turkish Penal Code and yet if the suspect behaves disrespectfully towards the Court, he cannot receive sentence reduction.

The common characteristic of the four cases the Court did not grant good conduct time is that, the demands of relevant units of bar associations and non-governmental organizations for intervening the case were admitted in addition to attorneys of Ministry of Family and Social Policies and they actively contributed to trials. This characteristic is extremely striking in revealing the importance and effectiveness of cooperation. They should be foregrounded as positive examples.

**21. In 10 cases, the Ministry of Family and Social Policies was involved via its attorney.**

One of the cases in which the attorney of the Ministry of Family and Social Policies was involved was related to sexual abuse and the other 9 cases were femicides. Attorneys of the Ministry of Family and Social Policies usually attended the second or third hearings of the cases with wide media coverage pursued by feminist organizations and it is observed that only two of these attorneys were actively involved in the hearings. In two of the involvements, the attorney neither attended the hearings nor appealed the decision in the case where a public official was put on trial.

**22. In 6 cases, the perpetrators were government officials.**

In these cases, the perpetrators were a special operations police officer, an employee of gendarmerie, a village guard, a public official or a security guard. Although the State, under such circumstances, should avoid being affiliated with violence and ensure that the state officials conducting the investigation act in accordance with duty of care they are entitled to, such legal obligation was not fulfilled.

In one of the murder cases, the perpetrator was acquitted, and in the other case, during the preliminary investigation, the case was attempted to be dismissed with a declaration of *nolle prosequi*; however, with efforts of the persistent lawyer pursuing the case on behalf of murdered woman's family, the lawsuit was filed and the perpetrator was punished.

The Ministry of Family and Social Policies followed only the sexual abuse case of these lawsuits, yet the perpetrator was acquitted. The attorney of the Ministry neither attended the hearings nor appealed the decision.

However, it is vital that the State must pay utmost attention to the cases where government officials are tried and should take every possible measure for conducting an effective investigation including training of the officials, prosecutors and judges investigating the case. The attorneys of Ministry of Family and Social Policies should attentively pursue such cases.

Majority of lawyers we interviewed told that they were hesitant in pursuing the cases where perpetrators are government officials or coming from powerful families and in case they insist, they feel concerned about their lives. These lawyers also stated that such cases can be resolved through cooperation among bar associations as well as lawyers from other regions pursuing these lawsuits can solve this problem. They pointed out that they can provide every possible support to lawyers from other bar associations, yet they do not want to come to the forefront and attend the hearings.

If the perpetrator of violence comes from a wealthy family, or is a member of a tribe or works in a governmental institution, this can seriously render the impartiality of the investigation and prosecution questionable. These cases were either finalized with acquittal of the perpetrator or handled in favor of the offenders and mitigating interpretations of the offense were delivered. The evidence was not collected.

On the other hand, particularly the active involvement of lawyers of Ministry of Family and Social Policies to these cases in addition to the training of the experts in terms of solving the problem and restructuring the judicial system accordingly will not only mean that the State avoids being affiliated with the offenses committed by its own officials but also contribute to conducting an effective investigation and a fair conclusion of the case.

**23. Only in one case, the demand of the bar association and a women's organization to be involved in the case has been accepted.**

Particularly in femicide cases, the request of the bar associations and women's organizations to get involved in the cases was accepted only in a single case and in other cases, this demand was rejected on the grounds of "not being directly affected by the crime". Since violence against women is not perceived as a multi dimensional problem, cooperation with other occupational groups and civil society organizations was not carried out and their cooperation demands were rejected. The importance of cooperation with civil society, experts and particularly with women's organizations and women commissions of bar associations, as well as the importance of benefiting from their experiences was clearly seen in the case of C.K.. The truth was revealed by the incredible efforts of lawyers working in the woman commission of bar association, by their outside collaboration with victim's lawyers and with the report received from university whose fee was paid by the bar association.

**24. It is observed that 11 of these women who were continuously exposed to violence filed alimony cases instead of divorce cases and did**

**not prefer divorce.**

These cases reveal that economically disadvantaged women do not prefer divorce despite the physical and psychological violence they are exposed to. Poverty, lack of education and community's prejudices affect women's choices; thus, women with children do not generally prefer divorce and suffice with alimony claims. It is seen that women who do not have an income and are not employed are confined within the boundaries of the site of violence and their violent relationship.

**25. Only one of the divorce cases was filed as an uncontested divorce.**

Except for one, the cases are contested divorce cases. Only in one case, both parties agreed upon the issues of divorce, alimony, compensation and custody and submitted the protocol they prepared to approval of the Court.

**26. Only in one of 10 cases with protective and preventive cautionary decisions, cautionary decisions were taken considering the particularity of the case; once again only one of these cases was monitored.**

It has been observed that despite each case and its risks are different, routine printed cautionary decisions without considering the particularity of each case are implemented in every case except for one. Only in one file, it was decided that the drug addict perpetrator of violence should be treated upon the insistence of the lawyer, yet since this decision was not monitored, it was not put into practice.

In addition to lack of cautionary decisions taken in accordance with the particularity of the case, in none of the cases, experts from other occupational groups were involved in the process. There are significant problems in implementing and monitoring cautionary decisions. In two cases, it was observed that the cautionary decisions taken by the law enforcement were deemed invalid since they were not submitted to the Court for approval in its due time.

The inspection and monitoring of the convicts are not carried out; therefore the decisions taken

are not implemented and women are attacked again. Only in one case, after tens of complaints filed and cautionary decisions breached, a woman and her children were offered effective protection.

It is observed that recently law enforcement, especially in the province of Batman, took cautionary decisions pursuant to Law No. 6284 and applied to Family Court for approval within its due time. And yet, these decisions were also routine printed cautionary decisions that were taken in regard to moving the perpetrator of violence from the shared dwelling or its vicinity and restricting the perpetrator's approach to whereabouts of protected victim and her relatives.

It is revealed that the same cautionary decisions were taken in different cases with a holistic approach without considering the particularity of each case as well as the personality and behaviors of the perpetrator. This approach is far from paying attention to the specific needs of the victim and being human rights-centered. For instance, for the perpetrators committing violence recurrently due to their tendency to aggression and violating the preventive measures many times, the same cautionary decisions were given and rehabilitative measures such as treatment, rehabilitation were not considered.

There are no cautionary decisions taken in regard to ensuring the participation of the perpetrator of violence in training and rehabilitation programs aiming at behavioral and attitude change via raising awareness on the issues of anger control, coping with stress and prevention of violence. In cases of addiction to alcohol, drugs and stimulants or in cases of mental disturbance, no cautionary decisions regarding the examination and treatment of the perpetrator in a health center were taken except for a single case. Cautionary measures are not taken pursuant to the aim of the law and regarding the particularity of each case.

It also appears that women do not apply for cautionary decisions relevant to the particularity

of their case. This situation is an indication of women lacking the necessary knowledge about their rights.

The law enforcement personnel and lawyers we interviewed in the meetings held in the provinces explained that the cautionary decisions taken without considering the characteristics of the region cause problems; thus, they do not apply for or implement cautionary decisions for removal of the perpetrators from dwelling due to some concerns. They mentioned that the perpetrators issued a stayaway order feel humiliated and insulted due to this decision and become more aggressive with the pressure coming from their community. They commented that the cautionary decisions are incompatible with the realities of the region and issuing stayaway orders increases violence. Another result that came out of the case files examined and also was mentioned by the implementers of the decisions is that women do not want to go to shelters.

**27. It is revealed that Law No. 6284 is only implemented when it comes to taking protective and preventive cautionary decisions and in none of the cases, there is any reference to Istanbul Convention.**

Law No. 6284 is a special regulation since it handles an important social problem. In the hierarchy of norms, it is above all other laws. Istanbul Convention, on the other hand, involves the binding regulations pursuant to Law No. 6284. Both regulations require expert implementers since both involve punishment and legal norms. The structure of judicial system that does not allow specialization as well as ill-judged decisions of appointments hinder the realization of the goals of these two regulations.

The judges examine these files through their general knowledge on civil and family law. When the standard proof is not offered, they dismiss the cases and cautionary decisions, and rule an acquittal for the perpetrators.

**28. Not fulfilling the obligation of notification occurs as an important problem.**

It is seen that cases of domestic violence are not

reported to the authorities due to being considered as a private matter, and only if a case of murder or an incident on the brink of death resulting from torture occurs, unnamed notifications are given.

It also appears that on the part of the experts, there are significant problems related to notifying the authorities. Besides, many experts do not even report violence incidents due to prejudices prevalent in the region despite the risks of occurrence of further violent acts.

However, in the murder case of M.K., it is revealed that law enforcement, administrative chief and the prosecutor did not take action despite notification. A public official reported to police and gendarmerie that M.K. is about to die, and yet the officials in these institutions did not intervene in on the grounds that prosecutor held the authority although they had legal power to do so. The prosecutor could not be reached throughout the day despite all the attempts, thereupon the public official applied to administrative chief in person and yet she/he could not get any results. The prosecutor was finally reached and did not intervene in on the grounds of this being an offence prosecuted on complaint. In response to this, the public official called the newspapers and informed them about the incident and after the case had media coverage, the prosecutor took action.



**WHO'S  
GUILTY?**



## INFORMATION AND EVALUATION ON THE CASES REVIEWED

### 1. A.B.

#### SUMMARY OF THE INCIDENT

A.B. was married off to N.A. at the age of 14 with a religious ceremony and had one child named Ü.H.A. in this marriage. During her marriage, A.B. was continuously subjected to violence by N.A., assaulted with a knife, insulted and threatened with death. When A.B. left the house and took shelter in her family, N.A. threatened to kill her, her brothers and parents saying, "I will kill you and your parents will suffer the grief of losing a child". In the last incident, on February 28, 2015, N.A. battered A.B., walked up to her with a knife he was carrying. A.B. escaped as her brother-in-law intervened in. When they were alone, N.A. got her on the ground by pulling her hair, stepped on her feet to prevent her from escaping, and poured boiling water from the teapot on the stove on her face and arms, burnt her leaving life-threatening scars on her body and serious scars on her face. N.A. did not let her to go to the kitchen and pour some cold water on herself for a long time although she begged for it. When she was taken to hospital, A.B. filed a complaint and opened a lawsuit against N.A. A.B. and her family filed an application with the police 11 times in total before this incident. In two of these applications, *nolle prosequi* declarations were made and in the others, criminal prosecutions were initiated. In the last violence incident, N.A. fled with their child in common and continued to threaten A.B. and her brothers with death to withdraw this complaint as in the other incidents. Despite numerous applications, neither judicial nor administrative authorities took action for preventing violence against A.B. or protecting A.B. from violence. Barely almost one month after the last violence incident, Ağrı Provincial Directorate of Security took a cautionary decision pursuant to Article 5 of Law No. 6284 and submitted it to Family Court for approval. It is observed that it was a routine cautionary decision issued in each case.

#### EVALUATION

1. A.B. is a victim of a discriminatory and prejudiced mindset that does not perceive woman as an individual. Women are grown up in families and communities where gender discrimination is normalized and they are deprived of even primary education. By wedding women at an early age, not only their physical and psychological development is hindered but they are made economically dependent on the person they married as well.

2. Continuously exposed to violence, A.B. did not receive legal support and protection despite her futile efforts to access justice and this ignorance caused her suffering from life threatening injuries. She is bound to carry the deep scars burned by boiling water on her body and on her face throughout her life. One step further than this is murder. As understood from case files, A.B. filed complaints to judicial authorities against N.A. 11 times and yet all these complaints were handled as ordinary incidents and routine mechanisms of justice were put into effect. In this case, it is obvious that judicial authorities approached to the issue with a patriarchal viewpoint. It is also clear that they either do not know the aim of the law or do not exercise due care.

3. A.B. did not receive legal aid in any of her applications. In the lawsuits filed, no lawyers represented A.B., yet N.A. benefitted legal aid and attended the hearings with his lawyer. We think that this is due to economic reasons. Economically disempowered A.B. could not exercise her right to access justice and legal aid services.

4. During the investigations carried out and lawsuits filed upon A.B.'s applications, although the Law No. 6284 and Istanbul Convention were in effect, the provisions of this law and convention were ignored and no cautionary measure was taken considering the particularity of the case except for the last one of 11 applications. This situation can be considered as woman not knowing her rights as well as law enforcement

and judicial authorities not knowing the laws or not exercising due care.

**5.** In all cases issued final decision, the article 62 of Turkish Penal Code prescribing reduction of penalty in favor of N.A. is applied. Implementation of article 62 of Turkish Penal Code in all cases of violence against women and particularly in this case poses a problem in itself. Article 62 of Turkish Penal Code provides a discretionary mitigation in favor of the perpetrator and defines the grounds for this reduction. For instance, if the offender did not commit any offense in the past, and if the behavior of the offender after the commission of the offense assures that he will not commit an offense again, the judge can reduce the penalty to be imposed. In all case files, that N.A. has tendency to violence and an aggressive personality can be understood either from file content or from his criminal record. In fact, in some of these decisions, the identification of his “personality with a criminal tendency” was made by the Court itself; however, despite this fact, the article 62 known as good conduct time allowance was applied. In other words, in the same decision, the perpetrator was identified as a “personality with a criminal tendency” and yet the penalty to be imposed was also reduced as if the offender did not commit any crime in the past and will not commit any offense again. Even this situation indicates that judicial executives do not handle the issue of prevention of violence and women’s protection sincerely and do not fulfill their duty of care. We think that the patriarchal mindset nurtured by stereotyped gender roles is effective in interpretation and implementation of laws.

## **2. A.K.**

### **SUMMARY OF THE INCIDENT**

A.K. filed a divorces case to T.K. whom she married in 2005 due to suffering from oppression and violence from him and his family. While this case continued, T.K. committed suicide. Although the custody of their children S.R. and S.M. belongs to mother pursuant to Civil Law, after T.K.’s suicide, his father and brothers did not give the children to A.K. since they blamed her for

his death. Each time A.K. attempted to get her children back, she was threatened with death by these people; therefore, she applied for a protection order. A.K. applied to law enforcement and public prosecution office to get her children back many times, yet, none of her attempts were successful. She filed complaints against her father-in-law R. and brother-in-laws T.K. and Y.K. on the grounds that they kidnapped her children and threatened her with death. However, the prosecution gave a decision of non-prosecution due to lack of evidence regarding kidnapping of children and threats. A.K. applied to Batman Governorate and Provincial Directorate of Family and Social Policies with the decision of temporarily awarding the custody of her children to her until the case is concluded upon the social investigation report of Mersin 2. Family Court where the hearing of the divorce case takes place. However, she still couldn’t get her children back. In these applications, she informed the authorities that the brother-in-law who kidnapped the children uses drugs and does not send children to school although they arrived at school age. Nevertheless, none of the legal authorities she applied took children’s development, health and their rights into consideration. The father-in-law filed a lawsuit in order to change custody of children to take the parental power from the mother and appoint the guardianship to himself when he realized that A.K. wouldn’t give up. In this case, the Court decided to appoint a guardian ad litem to the children and the guardian was A.K.’s father. Despite lack of any legal barriers, A.K. still could not get her children back due to threats.

### **EVALUATION**

**1.** A.K. is a victim of a gendered practices as well as discriminatory and prejudiced mindset that does not perceive woman as an individual. Since A.K. is a woman, she is seen as the subject of normalized victimization and is deprived of her rights. If in this case the subject of the incident were a man instead of a woman, in other words if the deceased was A.K., he wouldn’t suffer from anything A.K. did. This is a result of a mindset that does not perceive women as the subject of their rights.

2. A.K.'s right to access justice was hindered although she applied to public prosecution office, as well as Provincial Directorate of Family and Social Policies in order to take her children. There are no mechanisms to guide and provide counseling services to A.K. who does not know her rights. She didn't have a lawyer in any of her applications.

3. The judicial authorities she applied did not conduct effective investigation and explicitly reached a verdict contrary to law. To exemplify, pursuant to article 336 of Civil Code, in case one of the spouses dies, the custody belongs to living partner. In this incident, because the divorce did not take place yet, the custody belongs to the mother. Judicial authorities must implement the law in the first place; however, they deprived two children, one is 4 and the other is six years old, of motherly affection. They resorted to concluding the cases with a formalistic approach. This obvious violation of laws can be explained by not considering the best interest of the children and not exercising due care, instead of not knowing the laws.

4. Besides, when it comes to children, the most basic principle to consider is the best interest of the child. As per United Nations Convention on the Rights of the Child, Council of Europe on the Exercise of Children's Rights and Juvenile Protection Law, acting in order to develop children physically, mentally, psychologically, morally and socially is necessary and this is as per the best interest of the child. In this case, this basic principle and legal regulations were violated.

### 3. A.Ç.

#### SUMMARY OF THE INCIDENT

A.Ç. got married with a religious ceremony and after her husband died, she started to live with her father-in-law D. with her 4 children. F.A. is the brother of the deceased husband and since he doesn't want to share the inheritance with A.Ç.. He is trying to prevent her from getting her share. Therefore, he first forced her to marry her with himself and when this did not take place, with the help of his relatives, he started to beat and threaten A. Ç. to leave the house. When all

his attempts yield no results, F.A. developed grudge against her and started to spread the rumors that A.Ç. was in relationship with her distant relative H.A.. He set up a parallel phone line to the house where she lived with her father-in-law and wiretapped phones together with R., F. and S.A.. One day, these men stopped H.A. on his way claiming that he was going to meet with A. Ç., and injured him and tried to drag him to in front of A.Ç.'s dwelling. However, people in the vicinity intervened and took H.A. to the hospital. The suspects then went to A.Ç.'s dwelling and exerted physical violence against A.Ç. and insulted her, blamed her with dishonesty and ignominy. They told her to commit suicide in order to restore her honor. The statements of suspects driving her to suicide and defamation against her were explicitly recorded by the law enforcement in an official report on April 24, 2008 and the suspects signed the report. The police officers that took the statements of the suspects justified their statements when they testified in the hearing as witnesses. As the investigation continued, A.Ç. committed suicide by hanging herself in the backyard of the house. According to forensic report, the incident is a suicide. The lawsuit was filed with the offenses of injury, defamation, driving suicide and violating the privacy of communication; however, in the Court decision, the perpetrators were acquitted on the grounds that there are no adequate and conclusive evidence to prove the offense of driving her to suicide and disturbing the victim cannot constitute the elements of the imputed offense. They were penalized for injury, defamation and violation of privacy of communication.

#### EVALUATION

1. A.Ç. case is the most solid evidence of how women's lives are made miserable through prejudices, customs and traditions that perceive women as secondary to men with no equal rights.

2. A.Ç. is a victim of normalized and naturalized traditions. She had to live with her father-in-law when her husband died because a woman whose husband is deceased does not have right to custody due to traditional prejudices and religious beliefs. As she is seen as a property of the husband, it is accepted that woman belongs to

her husband's family. According to these rules, custody belongs to husband and when husband dies, it belongs to husband's family. For that reason, A.Ç. could not leave her dwelling not to leave her children despite the violence, oppression and torment she suffered from her brother-in-laws.

**3.** Traditional prejudices also led to violation of A.Ç.'s right to inheritance. Therefore, her brother-in-laws tried to throw her out of the house in order to prevent her from having a share in the inheritance and continuously oppressed her.

**4.** Traditional prejudices, customs and traditions cost A.Ç.'s life. With pressure coming from the community she lived in, she preferred death. According to her social and cultural community, if a widow woman with children gets "a bad reputation" and rumors spread about her, this is seen as a matter of honor. If the woman does not commit suicide, then she is murdered upon the decision of family council. A.Ç. is forced into suicide thinking that she had no options left.

**5.** However, in this case, the fact that A.Ç. was driven and forced into suicide was explicitly stated in the official reports of the police as well as in the testimonies of the police officers in the hearings. And yet, the perpetrators were acquitted of the offence of driving into suicide provided in the article 84 of Turkish Penal Code. The perpetrators were only found guilty of injury and violation of privacy of communication and were fined for these crimes. This situation not only is an indication of lacking an effective investigation and prosecution in a case where a woman was deprived of her right to life but reveals the judicial executives' approach to the issue as well.

#### 4. A.Ş.

##### **SUMMARY OF THE INCIDENT**

A.Ş., lived in the Baykan district of the Siirt. She was forced to marry her uncle's son at the age of 13 by her alcoholic father who continuously resorted to violence at home. This time, she was subjected to continuous violence by her husband and her father-in-law. Her nose got broken and they put out cigarettes on her arms.

A.Ş. could not stand violence anymore, got divorced and turned back to her father's home. Meanwhile, she met the perpetrator H.H., an officer from Police Headquarters Special Operations Department. They held a wedding ceremony in Baykan so as to get married in the province of Mardin where H.H. was assigned to and started to live together. Before they left for Mardin, when they came to her father's house, A.Ş. had bruises on her face. A.Ş. told her sister that H.H. was very nervous and she did not want to go. Her mother also did not want to send her. Yet, the father made a scene at home, exerted violence towards A.Ş.'s mother and sisters, and insulted them. Thereupon, A.Ş. had to leave for Mardin. Five days after she arrived Mardin, on June 10, 2013, she was shot to death in her chest with a gun belonging to H.H. The perpetrator H.H. claimed that the incident was a suicide. In fact, A.Ş. did not attempt to suicide despite all the violence she suffered from before the incident and she did not know how to use a gun, on the contrary, she was afraid of even holding it. The second suspect L.D. worked as the doorman of the flat A.Ş. and H.H. rented. H.H. poured a large bottle of water over seriously injured A.Ş.'s body, meanwhile, the other suspect was with him. They carried A.Ş. to the store at the entrance of the apartment. A.Ş. died on the way. Both suspects tried to remove the traces of the incident, clean gunshot residue, fingerprints and traces of the struggle. In the site of murder, rubber gloves with gunshot residue and A.Ş.'s bloodstain, A.Ş.'s broken cell phone, 2 bullets and an empty case were found. In the autopsy report, bruises on A.Ş.'s face, lips and all over her body and an 8 cm cut on the left side of her bra were detected. In the report, it was written that the bullet entered left side of A.Ş.'s chest with a straight angle and left from lower left of her back. The criminal case filed against the suspects was concluded with their acquittal from attempted murder. The case file was sent to Court of Cassation upon objection of A.Ş.'s family.

##### **EVALUATION**

**1.** A.Ş. was forced into marriage at an early age and as a result of this marriage, her education was interrupted. Early marriage is still very

common in Turkey and there are no legislations on forced marriage that consider it as a crime.

**2.** In this present incident, A.Ş. had been to three different households in three different dwellings during her short life and yet she was the subject of violence wherever she went. Her right to a life without violence was violated in each dwelling and wherever she went, she had to live under dominance of men.

**3.** Due to prejudices, customs and traditions based on customary gender roles and the view that “women are the secondary sex”, A.Ş. was exhausted by being dragged from one violent household to another, and in the end, was murdered by a man.

**4.** Upon A.Ş.’s death, an investigation was launched by Mardin Prosecution Office. However, during this investigation, the suspect H.H.’s gun was not seized, on the contrary, it was handed back to him. The broken cell phone was not examined and handed back to him, too. The prosecutor did not visit the crime scene, did not collect detailed physical evidence to reveal how the incident took place, sufficed with crime scene investigation report written down by the police and did not issue a warrant for arrest of the suspects. In this way, H.H. not only put pressure on the witnesses but also threatened A.Ş.’s family. A.Ş.’s family’s lawyer requested for reexamination of the rubber glove found in the site of murder and the clothes of the suspects by the gendarmerie on the grounds that the police were one-sided. Yet, this investigation could only take place after a long time. Despite all these, gunshot residue was found on the rubber glove and on clothes of the suspects.

Upon A.Ş.’s death, a lawsuit was filed in Mardin Assize Court, yet the court did not take A.Ş.’s family’s testimony, and did not view the site of murder. Despite the insistent request of the lawyer, it did not receive a report from Forensic Medicine Institute. Although it was insistent-ly mentioned that A.Ş. was left-handed, thus could not have shot herself over her left breast by using her left hand, even this situation was not investigated by the Court. H.H.’s phone calls were not investigated and not even a single question about suspicious situations such as

why they poured a bottle of water was asked to the suspects. As a result, the court concluded the trial. In the court ruling, the suspects were acquitted of murder. The case is still at the Court of Cassation.

As a result, despite the severity of the issue, an effective investigation was not carried out during investigation and trial stages, and the suspects were acquitted despite all the evidence and suspicious situations.

**5.** The investigation conducted and the trial are far from being victim-centered. It is observed that patriarchal mindset nurtured by gendered stereotypes is effective in interpretation and implementation of law.

**6.** The suspect H.H. is a police working for the State. In these kinds of incidents, the State must avoid being affiliated with violence and ensure that the state officials conducting the investigation act accordingly.

Besides, there is a general view in the public about Special Operations Officers working in the region regarding the issues of use of disproportionate force, violation of human rights and being untried of offenses they committed. In this case, the State must act responsibly, take every possible measure for an effective investigation including the training of investigation officers, the prosecutors and judges, and the agencies of Ministry of Family and Social Policies must monitor these cases carefully.

## 5. B.A.

### SUMMARY OF THE INCIDENT

The plaintiff B.A. got married to Ç.A. in 2002 and they had a child named S. in this marriage. Ç.A. was addicted to gambling and alcohol. Ç.A. acted irresponsibly towards his family and to the household, came home late, and perpetrated violence against B.A. and their child S.A., as well as insulted and swore at them. B.A. and S.A. applied to legal authorities many times about violence, insults and threats of Ç.A. Two of these applications became lawsuits and Ç.A. was penalized. B.A. filed a divorce case and withdrew it upon the insistence coming from family elders. After a while, B.A. filed a divorce case

again and got divorced. In the case file of the Family Court which gave the ruling for divorce, the social worker reported that it is the best interest of the child S.A. to stay with her mother in terms of child's development and psychology. In accordance with this report, the child's custody was given to the mother.

## EVALUATION

1. B.A.'s case sets a symbolic example to women's power overcoming multiple victimizations and escaping relatively from a disadvantaged position. B.A. is a high school graduate and works in a women's organization. That she was working in KAMER ensured a relative economic empowerment for her. In this way, she could learn her rights and benefit a legal aid lawyer. This case shows the importance of women's access to their educational rights, economic empowerment and knowing their rights.
2. B.A.'s case is an exceptional example where a woman could overcome various obstacles in front of her and could exercise her right to access justice. It is exemplary in showing the importance of women's organizations.

## 6. C.K.

### SUMMARY OF THE INCIDENT

At the age of 17, C.K. started to work in a restaurant at nights as she continued her education. At the time of incident, after she finished her night shift, she went to a boat to meet N.D. whom she calls a brother. Meanwhile, the perpetrator M.P. is also at the boat. Her elder sister and her relatives did not hear any news from her after that night, and started to look for her. As they could not find, they went to gendarmerie. A couple of days after the incident, C.K.'s dead body was found in the sea. According to the autopsy report issued by the Mugla Forensic Medicine Institute Branch Office, C.K. had bleedings related to head trauma as well as bruises around her mouth, throat and neck. These findings indicated that C.K. was strangled either with hands or with a tie and then was thrown into the sea. Her cause of death was related to these two factors. There were also findings in her genital

area indicating that she also had been sexually assaulted. Besides, it was found that her underwear was torn. C.K.'s clothes were found under a bridge. The arrested perpetrators N.D. and M.P. admitted that they were with C.K. on the night of the incident; they threw her clothes from the bridge and burned some of her belongings. However, they defended themselves by saying C.K. jumped into the sea despite not knowing how to swim, and disappeared in the water, and they pleaded that they did not have sexual intercourse with her. A witness that shared the same room with the suspect M.P. testified that he saw marks like scratches on the suspect's belly the day after the incident. Provincial Directorate of Family and Social Policies, Muğla Bar Association and We Will Stop Femicide Platform requested to get involved in the case but it was rejected except for the involvement of Provincial Directorate of Family and Social Policies. The case file was sent to Forensic Medicine Institute. According to this report, cause of C.K.'s death was due to drowning. This report contradicts not only the autopsy report of Muğla Forensic Medicine Institute but other existing reports in the case file as well. Upon the objection of intervening parties, the case file was sent to Forensic Medicine Institute General Assembly. The report of Forensic Medicine Institute General Assembly indicated that the cause of death was due to drowning. The Courts released the suspects on the grounds of Forensic Medicine Institute's report. The report Muğla Bar Association Commission of Women and Children's Rights received from Suleyman Demirel University Research and Application Hospital Department of Forensic Science verified the autopsy report contrary to Forensic Medicine Institute's report and was submitted to the case. Also, upon the insistent requests of the lawyer, the doctor who performed the autopsy testified in the hearing and stood behind his report. The prosecutor expressing his opinion demanded the suspects to be penalized based on the autopsy report. The Court ruled for an aggravated punishment for the suspects and did not grant good conduct time allowance.

## EVALUATION

**1.** C.K. case is significant example in showing the courts' approach to femicides. Until the last phase, it is not possible to say that the judgment protected victim's rights and an understanding of gendered violence was considered. C.K.'s murder is a typical example of how a routine judicial process will not reveal the truth about femicides.

**2.** The rejection of women's organizations and bar associations' demand to get involved in the case not only shows the way judicial authorities interpret femicides but also reveals that judicial executives do not know about Law No. 6284 and Istanbul Convention. The fact that an effective cooperation plays a significant role in revealing the truth is obvious in this case. Despite their request to get involved in the case, Muğla Bar Association Women Center received a special report paying the fee on their own and had these reports added to the case through the lawyers of the lawsuit. This case also indicates that bar associations' involvement in the case is of vital importance in revealing the truth.

**3.** The case is monitored by the public and Ministry of Family and Social Policies is involved in the case. As it is seen in other cases, Ministry of Family and Social Policies only gets involved in the cases, which are monitored by the public.

## 7. E.Ö.

### SUMMARY OF THE INCIDENT

In the divorce case E.Ö. filed against M.Ö., the Family Court gave the ruling dated May 26, 2014 granting the divorce and custody of children to the mother E.Ö.. M.Ö. appealed the ruling and did not give children to mother and prevented them from seeing her on the ground that the decision was not finalized. E.Ö. applied to Forced Execution Office via her lawyer and requested that he gave the children back to her pursuant to execution order. M.Ö.'s lawyer objected to execution order on the grounds that the decision was not finalized yet, the custody was an extension of divorce decision, thus could not be executed separately and demanded suspension of the execution proceedings. The Court first suspended the execution of proceedings as

a precaution and then revoked the decision to suspend, and yet, then repealed that again. Ultimately, it gave the ruling dated October 17, 2014 reversing the judgment on execution of proceedings, and decided that mother E.Ö. pay the litigation costs and retainer. The divorce decision was approved by Court of Cassation in 2016, and E.Ö. could take her children three years later.

## EVALUATION

**1.** The case of E.Ö. is a typical example of the mindset that does not perceive women as the subject of any rights. At the same time, it is exemplary of how children's healthy development and best interests are sacrificed to this discriminative patriarchal viewpoint.

**2.** This incident is also exemplary of how laws are implemented formalistically in a concrete case. In this case, children's rights and safety are not pursued, the case is not handled from the viewpoint of children's best interest and healthy development, and by implementing an article of procedural law narrowly and formalistically, the provisions of Children's Rights Convention, Law on Protection of Children, Law No. 6284 and Istanbul Convention are violated and mother's right to custody is restricted.

**3.** The case of E.Ö. is an incident where judicial executives do not exercise due care on the issues when children and women are the subjects. Despite the existing legal regulations that protect the best interests of the child, it is an example of how the judicial authorities do not perceive the issue from this perspective and approach to them as ordinary cases; in addition, they do not protect children and violate mother's rights.

## 8. E.G.

### SUMMARY OF THE INCIDENT

E.G. is married to G.G.. E.G. was a graduate of Siirt University from Faculty of Education and worked as a teacher. G.G. worked as a security officer in a security company. On the day of incident, G.G. and his friend B.Ü. took E.G. to a picnic area known as "Kale" and she died tumbling down the cliff. E.G.'s mother and father filed a

complaint against these two claiming that she was thrown down the cliff by G.G. and B.Ü. All the witnesses heard by the prosecution informed that they considered this incident a murder. According to testimonies of the witnesses, it was revealed that G.G. resorted to violence continuously, threatened her with death, because he exerted violence a week before the incident, she sheltered in her father's house, and G.G. and his relatives watched the house with knives in their hands. When E.G. wanted to divorce, G.G. said "There is no such thing as divorce for us, or I will kill you and your siblings as well." Before the incident, he also took E.G. late at night to a newly developing region of Siirt, Eruh road and a district of Baykan where alcohol and drug addicts and vehicles of prostitution hang around, threatened her and wounded her leaving a scar on her face. E.G.'s mobile phone was found in the glove box of the car driven by the suspect B.Ü.. One year before the incident, E.G. and her relatives filed a complaint against the suspect G.G. with Yeni Mahalle Police Station. In the judging of E.G.'s death, a detailed investigation of her phone card was not carried out. Although DNA of a male was found in the victim's fingernails, this situation was not investigated. Besides, despite suspicious situations visible to the naked eye in the site of murder, decision of non-prosecution about both suspects was issued, and they tried to conclude the case. In fact, there is adequate doubt and ample evidence to open the case. As a result of the insistent and extraordinary efforts of the lawyer of E.G.'s parents, the lawsuit was filed. In the lawsuit, legal experts visited the crime scene. When the place E.G. first hit, the way she fell, the acceleration she gained while falling, traces of blood, detailed measuring, the simulation of the incident through photographs, analyses, sketches, calculations, graphics and reports were evaluated together, it was revealed that the suspect G.G. killed E.G. intentionally and calculatingly by means of pushing her from the cliff. In the Court decision, the other suspect B.Ü. was acquitted. The Court sentenced G.G. to life imprisonment reaching a conclusion that it was not a premeditated murder but he killed upon a sudden decision. He was granted good conduct time allowance pursuant to article 62

of Turkish Penal Code.

## EVALUATION

**1.** This murder is the ultimate point of a series of patriarchal practices that has continuity in itself. It is one of the most solid evidence of how women's lives are ruined through prejudices, customs and traditions based on the mindset that perceive women as a secondary sex with no equal rights with men. Although E.G. is an educated and economically empowered woman working as a teacher, she could not escape being subjected to violence. When she wanted to divorce, she was exposed to violence as a result of the religious and traditional mindset that does not grant women the right to divorce and her right to equality is violated.

**2.** This incident is an indicator of lacking an effective mechanism of complaint in preventing violence against women as well as lack of a woman-centered perspective in her protection despite the adequate legal arrangements. If effective and attentive precautionary measures had been taken in order to protect E.G. when she applied to police station, she would be alive today.

**3.** During the investigation phase of E.G.'s death, they attempted to close the file despite existing adequate doubt and evidence through a decision of non-prosecution for the suspects, and yet with extraordinary efforts and insistence of a lawyer, the case could be opened.

**4.** The suspect husband is a security officer. In these kinds of incidents, although the State must avoid being affiliated with violence, investigating authorities did not exercise due care and the lawyers of Ministry of Family and Social Policies did not attend the hearings.

**5.** In a male-dominated society where the rate of violence against women is high, judicial mechanisms are important in regard to implementing necessary precautionary measures in order to prevent these incidents. The shortcomings and negligence in implementing the laws not only threatens people's access to justice, but also is discrediting the reliability of justice system.

**6.** It is worth noting that in this case, one of the suspects were acquitted and the other suspect were granted good conduct time allowance pur-

suant to relevant article of Turkish Penal Code and the penalty was reduced.

## 9. F.Ç.

### SUMMARY OF THE INCIDENT

F.Ç. and O.Ç. wedded with a religious ceremony in 2012, and solemnized their marriage when their child E. was born. During their marriage, O.Ç. exerted physical and psychological violence against F.Ç., threatened and insulted her. F.Ç. was unemployed, thus did not have an income or any property of her own. F.Ç. claimed custody of child in common and divorce in the divorce case she filed with legal aid. The case was dismissed and yet she was granted the alimony. The verdict was not appealed, thus finalized.

**Since we don't have the verdict, we don't know the grounds for dismissal.**

### EVALUATION

1. The most striking element in this case is that the victim F.Ç. did not file lawsuit against O.Ç.'s actions such as battering, coercion, injury, threatening and insult where each constituted a crime but only filed for divorce. In fact, this behavioral pattern is common among many women. Numerous women who are worried about increasing oppression of male perpetrator oppressing not only the woman herself but also her close kin, settle with divorce or alimony case instead of filing complaints. It is also observed that there are other reasons why women prefer this option such as not knowing their rights, lack of effective complaint mechanisms, social, economic and cultural obstacles in accessing justice.

2. However, despite the troublesome procedures, the fact that F.Ç. applied for legal aid is both an important step for her and a significant indicator of her economically disempowered position.

## 10. F.D.

### SUMMARY OF THE INCIDENT

F.D., who was born in 1955, and the perpetrator M.D. are siblings. When their father died,

M.D. claimed all the inheritance and did not give any share of the inheritance to his four sisters including F.D. Later on, when their mother died, four sisters inherited the olive grove worth of 166.000 Turkish Liras and gave the house worth of 100.000 Turkish Liras to M.D. M.D. wasted his share on gambling and lavish lifestyle in a short time and started to ask for some more share from his sister F.D. again and threatened her and his other sisters when he couldn't get what he wanted. F.D. and her younger sister filed a complaint against M.D. for threatening them with death 9 months before the incident. Yet, M.D. continued his threats and oppression. One day before murder, F.D. applied to judicial authorities for being threatened with death. On October 6, 2015, when F.D. was coming from hospital, M.D. stopped her shooting 7 times and killed his elder sister F.D.. According to forensic report, the cause of death is internal bleeding due to damage done to the visceral organs by gunshot injury. Bruises on F.D.'s body were also detected. Murder weapon was found and the witnesses identified M.D. The witnesses told that M.D. continued to shoot even after F.D. fell to the ground. "We Will Stop Femicides" Platform and the bar association got involved in the case. Although the advocates of Ministry of Family and Social Policies were involved in the case, they did not attend the hearing. The case is still before the Court of Cassation.

### EVALUATION

1. The murder of F.D. is an indication of how prejudices, customs and traditions that perceive women as secondary to men with no equal rights are legitimized to an extent that deprive women of their right to life. In fact, this is the ultimate point patriarchal practices reach. It can be seen that women's challenging experiences in exercising their legal right to inheritance is almost inevitable due to their normalized victimization occurring as a result of social inequalities. According to prevailing traditional mindset, women do not have right to inheritance or it is half of men's.

2. There are no effective complaint mechanisms. Although F.D. was threatened with death, no protective and preventive measures

were taken in order to stop violence she was exposed to. Even the hearing of the lawsuit filed in a formalistic legal understanding is dated after the murder of F.D. The judge knew the patriarchal mindset prevalent in the region and yet the judicial executives assigned a date for the hearing with a formalistic understanding despite the need for due care to the case and closed the file to be opened on the appearance day.

**3.** Despite the existing legal arrangements for ensuring effective protection of women against violence, because the case was not handled from this perspective, an effective protection was not provided. F.D.'s was deprived of her right to personal security and an equal share in inheritance. In the end, her right to life was violated.

**4.** Underestimating the severity of violence experienced, the reluctance to perceive it, and even tendency to normalize it are among the other factors that affect the capacity of dissuasiveness of law and this situation affects women the most.

**5.** In the murder case, the fact that the demands of a women's organization and bar association to get involved in the case were accepted is a positive situation in terms of cooperation.

## 11. H.Ç.

### SUMMARY OF THE INCIDENT

H.Ç. was a first grade student at Derik Girls' Technical and Vocation High School. She was in a relationship with one of the perpetrators R.O. and wanted to end this relationship upon hearing the rumors about R.O. using drugs, being affiliated with mafia, and being involved in woman trafficking. From that day on, she was continuously threatened by R.O. and his friends. H.Ç. told this situation to her school counselor and the counselor told her that she was safe since she was using the school bus to go to the village. However, on December 25, 2014, because she was told that the school bus they took everyday was broken down, H.Ç. and the other students had to get on the school bus A.B. was driving. While driving, the other perpetrator A.B. informed someone on the phone continuously

about his location and the route. When they arrived a winding road, R.O., M. and Ö. cut off the school bus with a white vehicle and got H.Ç. forcibly out of the bus by using a cudgel and a gun and threatened the other students with death. When H.Ç. resisted, they wounded her with the cudgel. While all these were taking place, the driver A.B. did not help H.Ç., prevented the other students from helping by locking the doors of the bus, and seized their phones until the perpetrators moved away. With the intervention of law enforcers, the perpetrators were captured. However, because of this incident, her parents removed H.Ç. from school and forced her into marriage with her uncle's son. H.Ç. in her testimony narrated the incident with these exact words: *"My education life was ended because of this incident. In our community, when something happens like this, you are either forced into marriage or die. Since I don't have any other options, I had to marry my uncle's son upon coercion of my family. Besides, since I am still being threatened, I don't think I have life safety. Therefore, I request issuance of a protection order pursuant to Law No. 6284."*

**We do not know the final decision about the protection order.**

### EVALUATION

**1.** In this incident, although H.Ç. is threatened and victimized by the actions of male perpetrators, she is the one who is punished. Her educational life ends despite her willingness to continue. What's more, she is forced into marriage against her will. If she does not accept it, her punishment will be death, if we put it in her words.

**2.** It is understood that the perpetrator A.B. works for the gendarmerie. Under such circumstances, the State must avoid being affiliated with violence. Yet, the investigating authorities did not exercise due care and the lawyers of Ministry of Family and Social Policies did not attend the hearings.

**3.** In the testimony H.Ç. gave at the court, she told that she was still being threatened by R.O., he was trying to abduct her and she did not have life safety, therefore, she requested protection order pursuant to Law No. 6284. The judge who took her statement only appended it to the trial records and did not feel the necessity to notify

the Family Court or prosecution to issue protection order. In fact, H.Ç. explicitly stated that she was under threat. This situation is exemplary of how judicial executives' do not fulfill their duty of care.

## 12. H.D.

### SUMMARY OF THE INCIDENT

H.D.'s mother H.D.U was married to G.D. under a religious ceremony. When H.D.U was pregnant, her husband G.D. died. When H.D. was born, she was registered under her uncle E.D.'s name. Widowed H.D.U and her daughter H.D. lived with deceased husband's parents. When H.D. was 13, she was forced to marry someone she didn't love under religious ceremony. She couldn't keep this marriage going and came back home. Yet, she was continuously humiliated there and she couldn't escape from being treated like a burden. When she died, she was 15 years old. 20 days before the incident, H.D. told her mother that she did not have her period; her mother and her sister-in-law took her to hospital. At the medical examination, it was revealed that she was pregnant. H.D. told that her uncle's son Ö. and aunt's son S. raped her at different times and she did not know whose child it was. On December 15, 2012, the family council gathered under the leadership of H.D.'s grandfather Y.D. and grandmother K.D. and they decided to kill H.D. The execution of the decision was given to H.D. and G.D., the fathers of the rapists S. and Ö. H.D. and G.D. took the victim H.D. to Batman stream and drowned her. According to formal criminal charge, S. and Ö. helped their fathers. In the autopsy performed, it was determined that there were lesions on H.D.'s forehead due to coercion, her trachea was torn and the cause of death was identified as drowning through being forced into water. A lawsuit was filed against G.D., H.D., S.D. ve Ö.D., the executors of H.D.'s death sentence, together with the other members of the family council, against 12 people in total. G.D. ran away right after the incident and could not be found. According to the report of Istanbul Forensic Medicine Institute, the biological father of the fetus is S.D.. As a result of the

trial, the file on the fugitive G.D. was separated. The grandfather Y.D and grandmother K.D. were sentenced to aggravated life imprisonment for incitement to murder; E.D and H.D were sentenced to aggravated life imprisonment for murder, other suspects including S.D. and Ö.D. were acquitted.

### EVALUATION

**1.** This case reveals the ultimate point naturalized and normalized practices of honor killings can reach.

**2.** Besides, this case is a typical indicator of how traditional gender roles as well as responsibilities attributed to women and men within family and society differ and how this difference is justified. For instance, when the father dies, the custody of the child is not given to the mother, her registration is not on the mother, a member of deceased husband's family, his brother gets the custody. The mother is not the subject of any right. When her husband dies, she has to live with her husband's family as if she is a burden for the family. Not only she is deprived of her educational rights since she was not sent to school, but her daughter H.D. is also deprived of her right to education. H.D. is also forced into marriage with someone she doesn't love, and when she returns home as cannot stand the violence, she is continuously humiliated, treated like a burden and assaulted sexually. As it is clearly seen in this incident, not the rapist male children but the raped female child is punished.

**3.** In this murder case, no effective prosecution was conducted and legislative regulations were not enforced. For instance, although H.D.'s mother explicitly stated in the hearings that her daughter mentioned about the rape to her, the perpetrators of rape were acquitted. The Court's justification for the verdict of acquittal in the rape case was that the victim's statement was not heard at first hand and there was no evidence verifying this rape in the case file. Even if the fact that the act of rape cannot be proven is admitted, the suspects who had sexual intercourse with the victim must be punished for sexual abuse of a child. H.D. was 14 years old at the time of the sexual intercourse. Hence, pursuant to law in effect at the time of the offense,

they committed the offense of sexual abuse of child as per Article 103/1 of Turkish Penal Code.

**4.** The acquitted suspects S. and Ö. are also children. The Court might have ruled for acquittal of two suspects from the imputed offenses since they are children. However, considering the fact that both suspects were taken to the site of murder and took part in the crime, that the decision of acquittal will not have rehabilitative effects is not taken into account. It is evident that, throughout their lives, they will carry the burden and traces of this murder that they had to aid and abet. This is a proof of lacking a restorative and constructive justice system. The Court must have ruled not only for the punishment of both children for the acts they committed but for their psychological treatment and rehabilitation as well.

**5.** The discourse of the trial is highly problematic. Before the claims for rape is properly investigated, the Court prejudge H.D. with the accusation of incest and rejects the allegations about rape by stating that H.D. is involved in an incest relationship and this relationship is against the norms and life style of society. Besides, the Court penalizes the suspects for the offence of murdering H.D. with inducement of "custom" and justifies the verdict by stating "upon reaching a conclusion that there is an expectation of this improper action deserving death in the society the suspects live in, they decided to kill H.D. with the pressure and inducement of this expectation." Without doubt, the Court punishes the suspects for inducement of "custom" due to its heavy penalty and believes that it is good, still what it does basically is distinguishing the phenomenon defined as "custom" and "tradition" from its patriarchal forms, and describing it as a unchanging fact exclusive of social relations.

**6.** We witnessed that the lawyers of Ministry of Family and Social Policies appeared at the third hearing of the case after the case had media coverage. What distinguishes their participation in this case from others is that the lawyers of Ministry of Family and Social Policies got actively involved in the process. In this respect, it is a positive step.

### 13. H.Ş.

#### SUMMARY OF THE INCIDENT

H.Ş. and M.Ş. got married in 1987 and had two children. M.Ş. was claimed to have a quick-tempered personality and exerted violence against his wife H.Ş. from the first days of their marriage. The violence reached to the extent of torture. A lawsuit was filed in Criminal Court of Peace against M.Ş. who beat up H.Ş. to the extent that she had to take a 10-day incapacity report. Moreover, the Criminal Court of Peace, as per ruling no. 2000/305, issued a cautionary decision stating that M.Ş. must avoid committing violence and intimidating his wife for 6 months. Despite being a perpetrator of violence and a faulty party, M.Ş. filed for divorce, yet the Court dismissed the case. As soon as three years passed after the verdict was finalized on February 16, 2001, M.Ş. filed another divorce case pursuant to article 166/IV of Civil Code on the grounds that the parties did not reconcile within 3 years. Economically disempowered H.Ş. demanded the dismissal of divorce case and claimed for alimony and compensation for her children and herself. The Court granted divorce, gave the custody of children to the mother and issued maintenance order. The claim for non-pecuniary compensation was sustained, yet the amount was so small. Upon appeal, the Court of Cassation reversed only this aspect of the judgment on the grounds that the amount of compensation should be increased and the Court increased the amount of non-pecuniary compensation.

#### EVALUATION

**1.** This case is exemplary of how an economically dependent and disadvantaged woman has to continue to live in her violent environment in a violent relationship. Despite all forms of violence she is exposed to, H.Ş. demanded the dismissal of divorce case and only claimed for alimony. Economic disempowerment and poverty lead to deepening of unequal relationships. H.Ş. only claims for alimony and compensation despite being exposed to torture

**2.** During her marriage, H.Ş. is deprived of her right to a life without being humiliated, treated cruelly and inhumanely, her right to a life with-

out punishment, her right to equal protection, personal security, equality within the family and yet her economic disempowerment and dependence on her husband force H.Ş. to continue to live in the violent environment.

#### 14. H.Y.

##### SUMMARY OF THE INCIDENT

H.Y. got married to C.Y. in 1991, and was a mother of two children. C.Y. resorted to physical and psychological violence against his wife H.Y. and she applied to police station a few times because of this violence. C.Y. left the house in April 2012, moved to Tatvan and started to live there with another women. C.Y. had two more children from his second relationship. Since H.Y. did not have any place to go, she stayed together with her mother-in-law in the house left from her father-in-law. H.Y. and her two children lived on her mother-in-law's pension. H.Y. was economically disempowered. C.Y. left his wife and sent small amount of money to his wife and children in the first few months. However, later on he stopped sending money. C.Y. filed a divorce case. In the lawsuit petition, he explicitly stated that he was living with another woman and had two children from this affair and claimed for divorce. In her plea, H.Y. claimed for alimony. The Court ruled for divorce, granted the custody of children to the mother and awarded alimony.

##### EVALUATION

1. The one who left the house, had an affair with another woman and had two children from this affair is C.Y. and still it is not the victim woman but the husband C.Y. who filed the divorce case.
2. H.Y. is exposed to physical, economic and psychological violence, yet there are no effective complaint mechanisms she can apply and, in fact, H.Y. do not know her rights. H.Y. is illiterate since she is deprived of her educational rights and also her right to equality within the family is also violated.
3. As it is clearly seen in this case, women's economic disempowerment and dependence on other people deepen the unequal relations women suffer from.

#### 15. H.Z.

##### SUMMARY OF THE INCIDENT

H.Z. and S.Z. got married in 2008, and had a child named A.Y. in this marriage. S.Z. was indifferent to his family; he was irresponsible towards the needs of household and rarely came home. He resorted to physical, psychological and verbal violence against his wife H.Z. In fact, he perpetrated violence even during H.Z.'s pregnancy.

H.Z. could not stand the violence anymore and took shelter in her father's house. While she was at her farther house, S.Z. not only rented out their mutual dwelling but also furnished another house they bought together and started to live with another women in that house. When H.Z. filed an alimony case against S.Z., S.Z. filed a divorce case and demanded the dismissal of alimony case. The Court joined the cases and ruled for the dismissal of divorce case, awarded alimony of 400 Turkish Liras for H.Z. and 200 Turkish Liras for the child per month. Since the claim for divorce was dismissed, this marriage still continues. H.Z. applied to Family Court with petition dated July 8, 2014, claiming for putting annotation of matrimonial home to the house they bought together with S.Z. in order to start living there with her son on the grounds that S.Z. rented their shared dwelling out and furnished the house they bought together to live with another women, and she and her son were left without a dwelling. Batman Family Court dismissed the case, and stated the grounds for dismissal as follows: "In the aforementioned incident, except for the plaintiff's non-physical claims, there is no solid evidence; besides concerning the subject of request, filing a lawsuit is necessary and issuing a cautionary decision is not possible, therefore, the claim is overruled."

##### EVALUATION

1. This case is exemplary of how implementers of law do not approach to these cases from a woman-centered and child-centered perspective despite the existing legal arrangements in order to protect children and women. It is an example of how an effective protection is not provided.
2. Law No. 6284 is a special regulation since it

handles an important social problem. In the hierarchy of norms, it is above all other laws. Besides, provisions of Civil Code regarding matrimonial home clearly indicate how the judge should rule in this present case. Despite all, the judge handles the case as an ordinary lawsuit and overrules the claim on the grounds of lacking solid evidence. This attitude can be explained by not knowing the relevant law, by not exercising due care or by handling the issue from a patriarchal point of view.

Yet, according to the legislation in effect and decision of Court of Cassation, during marriage, there is only one matrimonial house. For that reason, the annulment of the rental contract, handing it over to someone else or partially or completely limiting similar legal transactions is left to informed consent of the other spouse. In the present case, S.Z. rented out the matrimonial home without the consent of his spouse. Economically disempowered woman and the child need this house. The judge should have handled the case from victims' point of view and should have implemented the law.

## 16. H.A.

### SUMMARY OF THE INCIDENT

H.A. was abducted by her aunt's son Y.A. at the age of 13 and stayed married to Y.A. in the province of Batman until the day she was murdered. According to the statement of H.A.'s mother T.K. before the Court, Y.A. was a drug addict and he forced H.A. to beggary and selling drugs. With the money she got, he bought and used drugs. At the same time, Y.A. perpetrated physical violence against his wife H.A. and insulted her continuously. H.A.'s family wanted to interfere in this situation, yet they held back because of Y.A.'s threats and occurrence of possible problems among relatives. H.A. applied to judicial authorities repeatedly due to violence, death threats and insults she was exposed to. More than one investigation against Y.A. was conducted upon these incidents and yet judicial authorities did not issue any cautionary decision for protection of H.A. Among these numerous complaints, only one lawsuit was filed in Bat-

man 2. Criminal Court of Peace. In the ruling of the court, it was admitted that H.A. was beaten by belt serving as the weapon, and yet because H.A. called her husband "stupid" in a quarrel due to family matters, the offense was admitted to be committed under provocation therefore, reduction of punishment due to provocation was granted. In addition to that, the Court ruled for the deferment of the announcement of the verdict upon considering the personality of Y.A. as well as his behaviors and attitudes during the trial positive. In H.A.'s last complaint, she informed that her husband Y.A. threatened to kill her by putting a gun to her head. On July 13, 2013, Y.A. first injured H.A. by hitting her with a club, and then killed her by shooting in her chest. Y.A. warned his close kin around site of murder to tell that H.A. shot herself and then fled. Y.A. was then arrested as a result of the warrant issued by the court, but he did not have his gun. Not only he got rid of the gun but also the close kin of the suspect collected the bullet casings in the site of murder, trying to leave no evidence behind. In his testimony, Y.A. denied the allegations, claiming that H.A. committed suicide. In the autopsy report, it was stated that it was a contact fire; however, no gunshot residue was found in H.A.'s hand swap. This refutes the assertion that H.A. committed suicide. It was observed that after the lawsuit was filed, the photographs of the site of murder as well as the CD of the autopsy were not added to the case file, as the Prosecution did not send these two important documents. CD was requested from the Prosecution many times but it was not found. Then, CD was requested from the cameraman who recorded the autopsy and the photographs were requested from the police. Long after the suspect was arrested and testified, he presented a note to the court asserting that it belonged to H.A.. The note said, "*The only reason I kill myself is my husband*". Thereupon, the Court inquired whether the note belonged to H.A. or not, and yet, since H.A. did not continue her education after primary school and did not work in any institution, a sample for her hand writing could not be found. The Court discharged the suspect by giving him the benefit of the doubt. As a result, the Court, contrary to prosecutor's

dictum, acquitted the suspect of murder, but sentenced him to 1 year 3 months of imprisonment for using an unregistered firearm, and 7 months and 15 days of imprisonment for injury. The verdict was finalized and in this way, H.A.'s murder remained unsolved.

## EVALUATION

**1.** H.A. is a victim of discriminatory prejudices, daily and common patriarchal practices and the mindset that does not perceive women as an individual. She was grown up in a family and community where discrimination against women is normalized and she was even deprived of a basic education. Being forced into marriage at an early age not only hindered her physical and psychological development but made her economically dependent on the person she married as well.

**2.** H.A., being subjected to violence continuously, struggled to access justice, yet no legal support or protection was provided for her. Although she applied to judicial authorities repeatedly, her route to death was in fact overlooked as no preventive and protective measures were taken. Since H.A. did not know about the law and provisions for protective measures, she tried the only way she knew; to file complaint with the police station. Among these numerous complaints she filed, only one lawsuit was filed in Batman 2. Criminal Court of Peace. In the ruling of the court, it is admitted that H.A. was beaten by belt serving as the weapon, and yet because H.A. called her husband "*stupid*" in a quarrel due to family matters, the offense was admitted to be committed under provocation therefore, reduction of punishment due to provocation was granted. In addition to that, the Court ruled for the deferment of the announcement of the verdict upon considering the personality of Y.A. as well as his behaviors and attitudes during the trial positive. In H.A.'s last complaint, she informed that her husband Y.A. threatened to kill her by putting a gun to her head. These examples indicate that H.A.'s complaints were assessed as ordinary issues related to security and a formalistic justice mechanism was carried out. It is evident that the implementers of law approach to the issue with a patriarchal point of view and do not exer-

cise due care in providing protection for women from violence.

**3.** H.A. did not get any legal aid in any of her applications. No lawyers represented H.A. in the lawsuits filed. Economically disempowered H.A. could not benefit her right to access justice since she did not know about her rights.

**5.** Recently, it is observed that femicides are frequently committed under the cover of suicide or by making it seem like a suicide. This case is an example to these kinds of incidents. H.A. was murdered, the evidence in the site of murder was collected, the murder weapon was lost, and the perpetrator defended himself asserting that it was a suicide.

**6.** Effective investigation and prosecution is not carried out; as a result, H.A.'s file is closed as an unsolved murder. Underestimating the severity of violence experienced, the reluctance to perceive it and even the tendency to normalize it are among the other factors that affect the capacity of dissuasiveness of law.

**7.** Despite the existing legal arrangements for ensuring effective protection of women against violence, the case was not handled from this perspective, hence effective protection was not provided. H.A.'s murder is one of the most striking examples of this situation.

## 17. K.E.

### SUMMARY OF THE INCIDENT

K.E. was one of 12 children of M.E. and S.E. who lived in a district of Van. She was never schooled, was illiterate, her mother tongue was Kurdish and could not speak Turkish. At the age of 12, she was married off in a bridal exchange with religious ceremony and taken to M.A.'s family house in Pervari district of Siirt. K.E. became a mother at the age of 13 and in her second pregnancy, she fell sick and had a preterm delivery at Siirt Pervari Hospital. The hospital staff reported to the District Gendarmerie Command that a 13-year-old female child had a preterm delivery. Gendarmerie immediately notified the Chief Public Prosecutor's Office and the prosecution launched an investigation for sexual abuse of a child, requested taking the testimonies

of K.E. as the victim and her mother and father as the suspects. According to the record of her testimony taken on November 13, 2013 with a video camera, in the presence of a lawyer and with attendance of guidance and counseling expert M.A., via translation of a non-expert translator, K.E. told that she was 21 years old and requested for returning to her husband M.A. The guidance and counseling expert commented that K.E. looked mature in terms of her physical appearance, therefore it was convenient for her to return to her husband M.A. The Public Prosecutor instructed the gendarmerie to return K.E. to the perpetrator M.A. In this way, K.E. was handed over to the perpetrator of an act described as an offense in the law and she was sent back to the crime scene. During the investigation, K.E.'s age was detected and as of September 12, 2013, the day she had preterm delivery, it was revealed that she was younger than 15 years old. Meanwhile, M.A. left the village to do his military service. While K.E. continued to live with M.A.'s parents in the same house, on January 13, 2014, she lost her life due to wounding with a rifle. K.E.'s death was investigated in a separate investigation file by building it on the claims for suicide and it was concluded without conducting an effective investigation. When K.E.'s heartbreaking story got media coverage, the lawyer of Ministry of Family and Social Policies appeared in the hearing and got involved in the case. In the case file of sexual abuse of the child and deprivation of liberty, K.E.'s mother and M.A.'s mother were acquitted on the grounds that women's consent in the decisions for marriages is not asked and women do not have a right to speak. M.A. as the principal offender and fathers as the aider and abettors were punished. All the suspects received sentence reductions pursuant to article 62 of Turkish Penal Code.

## EVALUATION

1. The incident of K.E. is a significant example of showing the ultimate point a series of patriarchal practices that have continuity in itself, injustice, inequality, oppression and violence in its cruelest form can reach. K.E., coming from a poor family with many children, was married off with tradition of bridal exchange at the age of 12, and her family abandoned K.E. to her fate as if they got rid of another burden. Since K.E. were never schooled, she cannot speak Turkish. She is one of those female children who are not seen as individuals but as financial burdens. Although she, as a child, was still physically growing, she got pregnant to her second child at the age of 13 and fell sick due to this pregnancy and was taken to the hospital. Upon the notification of the hospital staff to the gendarmerie, the Prosecution took action.
2. According to the hospital staff, K.E. who gave preterm delivery is 13 years old. In this case, an offense of child sexual abuse is committed and the principal offender is M.A.. However, prosecution took K.E.'s testimony via a non-expert translator and sent her back to site of crime, handing her over to the perpetrator. This means encouraging the repetition of the offense and it can be explained not only through lack of protective mechanisms for the victim and lack of a restorative justice system but also with underestimating the severity of things experienced, the reluctance to perceive it, and even tendency to normalize traditional relations.
3. Lack of a victim-centered approach affects thousands of children's future in K.E.'s situation and as in K.E.'s case, this results in their death.
4. K.E. cannot speak the language spoken in the institutions she is taken to, therefore cannot express herself. She does not know about her rights, either. Her testimony is taken via translation of a member of the staff present at the time of the incident and this renders the validity of the testimony questionable.
5. As seen from the present case, the ultimate point of naturalized and normalized patriarchal practices is K.E.'s murder and covering of this murder as suicide. As the child's sexual abuse case was still under judgment, K.E. was found shot with a rifle, for that reason, another investigation file is launched. Although whether K.E. committed suicide or not is not clear yet, the Court conducting trial on child's sexual abuse admits K.E.'s suicide as certain information in its justified decision. The findings related to K.E.'s death in the justified decision is as follows: "*after she came to the village as a bride, her family did*

*not show any concerns for her, she had a miscarriage and her psychology was negatively affected from this situation, and her husband left to do his military service. Due to all these reasons, she fell into depression and committed suicide. A separate investigation on her suicide is being carried out..."*

**6.** The attorney of Ministry of Family and Social Policies attended the trial on January 13, 2014, that's to say, the attorney got involved in the case after K.E.'s death and after wide media coverage, yet the lawyer was not effective in the investigation on K.E.'s death.

### **18. K.G.**

#### **SUMMARY OF THE INCIDENT**

K.G. and I.G. got married in 2002 and had 4 daughters. K.G. were never schooled and was illiterate. Her husband I.G. was an irresponsible person, thus did not take care of his children and his wife. He did not pay the rent, sold some of household goods and spent the money on enjoying himself. There were rumors that he was having affairs with other women. Because he did not pay the rent, the owner of the house confiscated the remaining furniture on account of his debt. He rarely came home and when he came, he insulted K.G., resorted to physical violence, broke K.G.'s foreteeth, beat her up so badly that she was hospitalized. After Van Earthquake, Housing Development Administration of Turkey (TOKI) granted a house to I.G, yet I.G. sold the house. K.G. and the children still continues to live in the container city. K.G. sells her handcraft products and earns 100 Turkish Liras per month. When I.G. was jailed for cigarette trafficking, K.G. filed a divorce case with a request for legal assistance by the support of KAMER and claimed her children's custody.

#### **EVALUATION**

**1.** K.G.'s case reveals the importance of women's organizations in prevention of violence against women as well as in advocating women's rights. Due to her economic dependence and not knowing about her rights, K.G. had to live with violence and felt confined to the violent home. After she contacted a women's organization, she could file a divorce case. K.G.'s case is

exemplary in demonstrating the importance of civil society.

**2.** This case is significant in the sense that K.G. filed the divorce case with a request for legal assistance, learned about her rights and claimed these rights.

**3.** The fact that K.G. earns a very small amount of money through handcraft can be considered as an important step for her in claiming her right to live in a violent free environment.

### **19. L.D.**

#### **SUMMARY OF THE INCIDENT**

Provincial Police Chief of Batman requested the approval of the cautionary decision issued pursuant to article 5 of Law no. 6284 against Z.D. as perpetrator of violence in the document dated March 11, 2016 and the Court approved the cautionary decision.

The cautionary decision is as follows:

- For three months, the perpetrator must not exhibit attitudes and behaviors including the threats of violence, insult and humiliation against the victim of violence,
- He must not approach to the victim and other protected persons and to their dwellings,
- If deemed necessary, he must not approach the friends or relatives, witnesses and children of the protected person without prejudice to the decisions that allow the personal connection with children.

#### **EVALUATION**

**1.** This case is a positive incident taking place recently in the sense that law enforcement is taking cautionary decisions and submitting it to the Court for approval within its due time. It is important, still it is also an example of a routine cautionary decision issued. That law enforcement takes immediate action for preventing violence against women and for protecting them is significant. However, the fact that this printed cautionary decision on issues mentioned above is applied to every case without considering the characteristics of each incident does not serve its purpose most of the times. As each incident has its own characteristics, precaution should

be defined in accordance with these particularities.

**2.** Issuing routine cautionary decisions is far from serving to a restorative and transformative judicial system, and basically it is because of failing to fully grasp the intendment of law.

## 20. M.A.

### SUMMARY OF THE INCIDENT

M.A. and K.A. were married for 22 years. They had 3 daughters named B., Ö. and G. in this marriage. M.A. was despised, isolated, insulted and subjected to violence by her husband and his family for years for not giving birth to a male child but a girl. The children were also subjected to violence and were deprived of their right to education. K.A. and his relatives perpetrated physical and verbal violence against M.A. and the children. They threw them out of the house several times and attempted to leave them out by changing the locks of the house. Because M.A. reacted against her husband upon learning that he was cheating on her, she was beaten and injured. M.A. and children filed complaints many times. Because of these complaints submitted to judiciary and police, several stayaway orders were issued for K.A.. K.A. was sentenced to preventive imprisonment due to acting contrary to these cautionary decisions. Since K.A. threatened M.A. and the children with death repeatedly, they applied to police headquarters more than once on the grounds that they did not have life safety. On June 23, 2015, M.A. filed for a divorce case and claimed in her petition for putting an annotation of matrimonial house to the shared dwelling and requested allocation of this house to M.A. and children in common until the conclusion of the lawsuit. The Court acting as the Family Court overruled the claim for cautionary judgment, in this way; the Court gave the opportunity to the defendant K.A. for conveyance of the deed of mutual dwelling to his brother. Title deed of the house was transferred to his brother's name after the lawsuit was filed and K.A.'s brother as the new owner of the house asked M.A. and her children to leave the house. This time, the Court overruled the claim for annotating the shared dwelling as a family house

on the grounds that record information regarding the title deed registry was not reported. The children, who were deprived of their right to education, tried to continue their education via distance education, but again they were exposed to violence due to these attempts. When one of the children B. took a taxi to take the distance education exams, her father and her uncles stopped the taxi and beat the taxi driver, M.A. and B. with clubs and iron bars. District Gendarmerie Command issued a cautionary decision for the perpetrators of violence, K.A. and his brothers I.A. and R.A., and submitted it to the Court for approval. Because of the divorce case, M.A. and children were continuously threatened and beaten. Although protection orders were issued several times, the perpetrators continued to assault M.A. and the children; as a result, the woman and children were moved to another place.

### EVALUATION

**1.** This incident is an example of multiple discriminations women are exposed to starting from their birth. M.A. is discriminated and exposed to every form of violence because she gave birth to female children.

**2.** K.A. and his family deprived the female children of their right to education, and resorted to violence, as they wanted to go to school. When they tried to access education on their own, not only the father but also their uncles perpetrated violence.

**3.** Because of violence they were subject to, M.A. and her children applied to judicial authorities many times, but the cautionary decisions issued were violated. Until the last cautionary decision, the measures taken were not effective since the judicial authorities handled the incident as an ordinary judicial case.

**4.** Due to lack of effective mechanisms to help women exercise their right to access justice and lack of victim-centered approach among judicial authorities, the violence continued and the number of victims suffering from violence increased.

**5.** Although there are appropriate legal regulations, the Court handled the cautionary decision claimed for allocating a family dwelling as a

routine claim, and overruled the claim because the title deed registry was not submitted to the court. In this way, the Court punished the victims. In fact, it is not difficult to access registry information. Despite the fact that the Court could have accessed this information via an official letter submitted to land registry office, it overruled the claim leaving M.A. and her children without a dwelling.

6. At the end of the process where cautionary decisions were not effective and the assaults continued, the Court carried out a risk assessment and decided to move M.A. and her children to another place to protect them. This last decision is positive and effective in the sense that it is taken considering the particularity of the incident.

## 21. M.M.

### SUMMARY OF THE INCIDENT

On December 2, 2009, the police were informed that A.M. and F.M. killed M.M. and buried her under the henney at the backyard of the house. The ones who were alleged to kill and bury M.M. under the henney were the father and the grandfather. M.M. was 16 years old and was missing. By the judicial authorities, the concrete floor with a height of 10 cm under the henney was torn and at a depth of 1.60 meters, M.M.'s left hand was found. At a depth of 1.90 meters, M.M.'s dead body was found sitting with her knees pulled towards her chest, she had her clothes and headscarf on, and her hands were tied with a rope. According to forensic report, the cause of death was suffocation due to being buried under the ground alive. As stated by the report, there were small pieces of sand and soil in her alimentary canal, sand and soil in her right bronchus, traces of sand throughout lumen and these findings indicated that she was buried alive. It is understood that she died of asphyxia due to being buried alive. M.M. struggled underground to live and died suffering great pain. Her hands were tied with a rope as if handcuffed. Her teeth came out due to death agony she suffered from under the ground, two of her teeth were found in her mouth. Except for one of her fingernails, all were detached. It was found

that she struggled to survive underground and fought for her life with every possible human response. She tried to dig the soil, thus her fingernails came out, tried to breathe thus her teeth came out due to pieces of earth and rocks filled in her mouth, her lungs were filled with earth. She was murdered cruelly dying in agony and suffering great pain. M.M., her brothers, her mother and father all resided together with their grandfather F.M.. The grandfather F.M. was a highly aggressive and despotic person. Contrary to male children in the family, none of the female children were schooled and were deprived of their educational rights. They were even not allowed to go out. In January of 2009, the grandfather F.M. saw M.M. in front of the house talking to a male child. After this incident, he threatened M.M. with death, beat her up and tied her to the balcony of the house. Upon this, M.M. filed a complaint against her grandfather. Because of his act, the grandfather was sentenced to a 10-month imprisonment and his gun was confiscated with the verdict of Criminal Court of First Instance, numbered 2009/82 E and dated 2009/244 K. The grandfather F.M. turned against M.M. after this incident. He oppressed her and started to say, *"either kill yourself or I will make you suffer, I will kill you"*. One day before M.M.'s murder, the grandfather and the father sent the whole family to stay somewhere else except for M.M. Before they left, the grandfather asked M.M.'s mother to bring some pieces of wood telling her that he will fix the henney. The mother brought the wood and left them in the backyard. When the family came back home one day later, they realized that the henney's floor was concrete. When the mother couldn't see M.M., she asked to the grandfather and he told her that M.M. ran away, and they reported her to the police as missing. In fact, the police did not have any applications for this. F.M. wanted the family members to tell people that they sent her to her uncle-in-law in Antalya to avoid disgrace. The testimonies of the suspects, who used their rights to remain silent at the police station and prosecution office, are contradictory and inconsistent. During the prosecution, the suspect grandfather denied the allegations, but the other witnesses and suspects stated that the

grandfather F.M. oppressed and tortured M.M. extremely, repeatedly told her *"kill yourself, or I will do it if you don't"*, and when the lawsuit was filed, he forced his son and daughter-in-law to take the blame. The Court sentenced the grandfather and the father to aggravated imprisonment, did not grant good conduct time allowance and the verdict is finalized.

## EVALUATION

**1.** M.M.'s short life and her murder is an interesting and yet bitter example of the ultimate point naturalized and normalized patriarchal practices can reach. When M.M. was murdered, she was only 16 years old. She was subjected to excessive violence. During M.M.'s short life, not only she was deprived of her right to equality within the family, her right to personal security and personal freedom, her right to education, her right to a life without being humiliated or treated inhumanely and a life without punishment, but also in the end, her right to life was violated by using a monstrous method.

**2.** M.M. filed a complaint against her grandfather despite all these unequal relations and violence she was subjected to. However, the judicial authorities handled the complaint as an ordinary application instead of exercising due care and taking preventive measures considering the particularities of the incident. They filed a penal suit and sent M.M. to the site of violence leaving her to the mercy of the perpetrator.

**3.** Considering the difficulties women face especially in exercising their rights, particularly their right to access justice due to their normalized victimization based on social inequalities, it is courageous of M.M. to take the risk to file a complaint against her grandfather. The unwillingness of judicial authorities to detect the possible risks M.M. can face is nothing more than their tendency to normalize violence against women.

**4.** It is also observed in this incident that the family members remained silent about the murder and protected the perpetrators.

**5.** The Court did not grant good conduct time allowance to the perpetrators. In that sense, it is a positive decision.

## 22. M.K.

### SUMMARY OF THE INCIDENT

M.K. was married off to F.K. at an early age, was not schooled and could not speak Turkish. M.K. got pregnant as a child, had a preterm delivery and the baby died. As a result of this incident, she was subjected to violence, oppression and humiliation by her husband and his family on the grounds that she could not bear children. She gave birth second time at the age of 16. When she was pregnant with her third child, she was taken to hospital since she could not stand upright, yet because she did not receive the necessary treatment; she got worse and could not walk. M.K. could not get out of bed after her delivery. Within six months before her death, she was never taken to any health institution. Because of her illness, she had an incontinence problem. Owing to this problem, the suspects, father-in-law K.K. and mother-in-law N.K., forced her to live in the toilet of the house despite harsh winter conditions in the last three months before her death. In this way, she spent last three months of her life in the toilet confined to bed. Nobody took care of her or cleaned her, nor was she fed owing to her incontinence problem. Also, M.K.'s father did not take action on time although he knew about her daughter's illness and the fact that she did not receive any treatment. He didn't have her treated. In this case, the testimony of B.L., the headman of the village, is very important. According to his testimony, four or five years ago, M.K.'s father K.L. told the headman B.L. that his daughter M.K. had a miscarriage and the husband's family threw her out and the outside temperature was minus 40 degrees. Because he had a quarrel with father-in-law of M.K., he could not go to see her, therefore he asked help from the headman B.L. The next day her father K.L. and the headman went to the village M.K. lived and took her back to home after a long argument. The Headman told these exact words in his testimony: *"M.K. lost her psychological balance she had before she got married, she looked miserable. She looked like a person left without food and water and thus lost balance. She could not speak well. She looked me in the eye and said "Get me out of here". She could*

walk then. I took her to my home. Her mother and my wife bathed her, took care of her. The next day K.L. told that he would take her daughter to his village. I told him that I would give her neither to you nor to her husband. His father swore on Quran that he would not give M.K. back to her father-in-law. 10 days passed and I learned that they took the girl back." As understood from this testimony, despite M.K.'s call for help, her father sent her back to the home where she was subjected to violence. The rest of headman B.L.'s testimony is exemplary of revealing the approach and indifference of judicial authorities, administrative authorities, and health care workers to the issue in case of an emergency. Headman B.L. expresses these exact words in the rest of his testimony: "This year when we were traveling to Doğubayazıt, K.L. told me that his daughter was sick. He said that they cut her hair and locked her to the toilet. Meanwhile, my phone rang. I cannot tell the name since it is one of the relatives of the suspects. The person said, 'What kind of people are you? Your relative M.K. is in a very poor condition' and hung up. I called the gendarmerie station after this call, they told me that city center is police's territory, therefore gave me the number of chief police officer. I called the chief police officer, told him that M.K. was tortured and maltreated, explained the incident, and he told us to come. We went there. They told us that they could not give M.K. to us without calling district attorney. They called the district attorney again and again but could not reach. Thereupon, they said, 'Go and talk to the District Governor'. I went to see her. They told me that she was not available but she was informed about the situation. I insisted and they told me to wait again. Meanwhile, I called all the press members I knew and asked for help. When the press was involved, the District Governor told me to calm down and asked what the matter was. I told her that the girl was in a very poor condition. She repeated that they could not enter the house without District Attorney's permission. She called the Chief Doctor of the hospital. Chief Doctor told that whoever their family doctor was could enter the house. District Governor sent the Chief Doctor with me and we left. The Chief Doctor told me to wait there saying that he would come back with the family doctor and the nurses but he never came back. It was night time and dark out-

side. I came back home. They called me at 8 in the morning, told that they reached District Attorney, and that I could take the girl. I sent her father K.L. and our relative T.L.. They took M.K. and came back. I was moved when I saw her condition. We had her bathed in K.L.'s house and took her to the hospital to the emergency department. That day M.K. told me that they were torturing her." At Ağrı Hospital, wounds on her wrist and hips due to being bedded, traces of battering and coercion, fractures in her bones were detected. M.K. was sent to Ankara Dış Kapı Yıldırım Bayezit Training and Research Hospital on the grounds that she had a risk of death. On July 15, 2012, before she died, with the help of a translator, she told doctor F.Ç. that she was tortured, not fed, locked in the toilet and not bathed. According to forensic report, the function loss of whole body was 98 percent. As a result of being confined to live in the toilet of the home lying still on a piece of wood under poor conditions, it was detected that M.K. suffered from infected wounds on both sides of her buttocks, bruises on her legs and feet, severe anemia and squalor. The cause of death was identified as the infected wounds and spreading of this infection to whole body. It was concluded that if the medical care and treatment were provided, the recovery was possible medically; therefore, there is a causal relation between lack of providing the need for nourishment, medical care and treatment, and her death. The Court penalized the suspects for committing murder by means of acts of omission and granted good conduct time allowance. They were not penalized for the offenses of torture, maltreatment and oppression.

## EVALUATION

1. M.K. was not seen as an individual in any phase of her short life, thus could not benefit any of her rights. M.K. was deprived of her right to education, and her right to equality within the family, was married off when she was a child and sent to another village. Here, M.K.'s right to a life without torture, cruel, inhumane and humiliating treatment, her right to have a physically and mentally healthy life, her right to equal protection, nutrition, and treatment were violated and in the end, also her right to life was infringed.

M.K. was left to die in agony under inhumane conditions without food and water, and primarily her father and almost everyone around her watched her death.

**2.** M.K. begged to be saved from the site of torture but her father returned her to the site of violence although she did not want to go at all and as a result, he abetted her murder.

**3.** Unfortunately the headman B.L.'s efforts were in vain. Although judicial and administrative authorities, health care workers and doctors had the necessary legal instruments, they did not cooperate and take action.

**4.** The matters of not being able to reach the district attorney an entire day as well as officials passing the responsibility to each other demonstrate the extent of how negligibly, carelessly and insensitively public officials handle the issue.

**5.** On the other hand, there are adequate legal regulations, primarily Law No. 6284, that authorize the administrative chief and law enforcement to take cautionary decision under such circumstances. The District Attorney asserts the need for complaint to be able to intervene but this means violation of Istanbul Convention since providing these services cannot be dependent upon victim's complaint or testifying against the perpetrator.

### **23. N.B.**

#### **SUMMARY OF THE INCIDENT**

N.B. was married to A.B. since 1987 and had 3 children. The plaintiff husband was having an affair with another women, abandoned his wife and children, moved to another city and was living with his lover there. He did not contribute to the expenses of home and children, he did not send money, and he even did not call them. The plaintiff not only had a relationship with another women but also did not leave his wife and children in peace.

A.B. continuously perpetrated physical and verbal violence against his wife N.B. N.B. got into depression because of this and received a treatment in psychiatry department of state hospital. Although A.B. was the faulty party, he filed

a divorce case. The Court ruled the dismissal of the case on the grounds that there was not a single fault on the side of N.B. and the plaintiff could not make any claims since he was the faulty party and it issued a temporary alimony.

#### **EVALUATION**

N.B.'s case reveals that economically disempowered women do not prefer to divorce despite all the oppression, physical and psychological violence they are subjected to. Poverty and lack of education play an important role on women's choices and women with children usually do not prefer divorce and suffice with alimony claims.

### **24. N.K.**

#### **SUMMARY OF THE INCIDENT**

N.K. was 15 years old and she was raped by her brother A.K. when she was sleeping. Because she was afraid, N.K. could not tell about the rape to anyone. When she realized she was pregnant, she told to her mother and her sister. The mother E.K. told her daughter, "Go and throw herself into haymaker or I will tell it to your father and he will kill you". By saying this, she not only refused to help her but also induced her to kill herself. Thereupon, N.K. first went to a teacherage in the village on September 5, 2008 and from there, she went to Kars and applied to police station filing a complaint. The brother was sued for the offense of child sexual abuse and the mother was sued for inducing the victim to suicide. During the judgment process, it was detected that N.K. was fifteen years old at the time of the offense. Due to sexual abuse she was subjected to, her bodily and mental health were impaired, and she was suffering from post trauma stress disorder. It was also determined by the forensic report that the biological father of the baby was her brother A.K. by 99,99 percent. The entire family rejected the allegation and tried to acquit the brother. At the end of the trial, the mother was acquitted, and the brother A.K. was sentenced to 24-year imprisonment for sexual abuse of the child. He received a penalty reduction pursuant to article 62 of Turkish Penal Code.

## EVALUATION

**1.** Women take the risk of a difficult process when they file a complaint due to rape. Especially if this rape is committed by one of the family members, it is almost impossible. However, in the present case, N.K. first took shelter in the teacherage in the village and filed a complaint after she arrived Kars. In that sense, it can be perceived as a positive example.

**2.** In a case of rape, it is the victim not the perpetrator who is blamed as a result of the inequalities between women and men, discriminatory practices and traditional prejudices. As a reflection of naturalized and normalized patriarchal practices, raped woman is induced to kill herself; if she doesn't, she is told that male members of the family will kill her. As a matter of fact, in plenty of cases we examined, either women committed suicide or men killed those who did not. In this case, the mother induced N.K. to suicide by telling her either to kill herself or her father would.

**3.** Despite all, N.K. decided to face the difficulties of this process and took the risks, left the house, and applied to judicial authorities. This is a rare courageous act. However, in the case filed upon N.K.'s complaint, it was obvious that the mother committed an offence by inducing her to suicide, yet she was acquitted. Judicial authorities' attitude is vital in eliminating the inequalities between men and women. The judicial executives are inclined to underestimate severity of violence, file a lawsuit, punish the perpetrator and close the case instead of transforming social relations that lead to violence with a restorative penal system. In this case, no cautionary decisions were taken for child N.K.'s treatment or rehabilitation.

## 25. N.R.A.

### SUMMARY OF THE INCIDENT

N.R.A. was a citizen of Syria, could not speak Turkish and was illiterate. She was married to R.M. for 11 years. They had three children aged 8, 7 and 5. Since polygamy is legal in Syria, she was staying in the same house with the other

wife. R.M. migrated to Turkey with his two wives and his children and they still reside in Batman. R.M. did not want to stay in Turkey, wanted to go to Europe, yet since European countries do not allow polygamy, he wanted to divorce from N.R.A. and go to Europe with the other wife taking the children with him. N.R.A. did not accept divorce and they argued. One day N.R.A. could not stand the pressure and took refuge in family friend A.H.'s house. R.M. came there and perpetrated violence against N.R.A., hit her on the head and stomach. According to A.H.'s statement, he swore, insulted her and got her on the ground by pulling her hair, and kicked her in the stomach. N.R.A. was taken to Batman District State Hospital. She recounted the incident in her testimony dated February 25, 2016 and filed a complaint against R.M. claiming a stayaway order. She also stated that she did not have shelter and divorce request. Batman Provincial Security Directorate issued a cautionary decision and the following day, submitted it to the Family Court. The cautionary decision included a 3-months stayaway from the victim, vicinity of the dwelling, and school as well as a ban for exhibiting behaviors including violence, threat and humiliation against the victim.

## EVALUATION

**1.** Batman Provincial Security Directorate issued a cautionary decision pursuant to Law. 6284 and submitted it to the Court within its due time.

**2.** However, the cautionary decision is again a routine printed decision disregarding the characteristics of the case. In fact, in this case, polygamy is legitimate and legal in Syria, yet it is against legal regulations of Turkey. When issuing the cautionary decision, the particularities of the incident must have been considered. Plus, its pursuance and execution should be monitored.

**3.** It is apparent that polygamous marriages and their family members will have problems in the areas such as civil code, family law, children's status, and inheritance law. Both law enforcement and the Court should have handled this issue from this perspective and made attempts for finding solutions to this problem. Law enforcement and Court adopted routine procedures and closed the case until the renewal of the

case.

4. Language problem of refugee women is a vital issue to be handled. In addition to not speaking the language, the fact that there are no expert independent translators prevents these women from claiming their rights.

5. It is highly probable that these issues will appear as great problems in the future due to Syrian women lacking of any kind of assurance as seen in this case.

## 26. N.C.

### SUMMARY OF THE INCIDENT

N.C. and E.C. got married on July 11, 2002, and had three children. N.C. lived in the same house with her husband's sisters, mother and father in the first years of her marriage. Within this period, E.C. continuously humiliated, insulted her, perpetrated physical violence, did not take care of his children and his wife, and used drugs. He was also gambling, and not coming home since he enjoyed nightlife. N.C. filed a divorce case on April 30, 2013 but withdrew the lawsuit on June 10, 2014.

### EVALUATION

This case shows the extent of women's disempowerment, thus presents a significant example to the issue. N.C. withdraws the lawsuit and continues to live with the perpetrator of violence despite being exposed to physical, psychological and verbal violence.

## 27. N.Ç.

### SUMMARY OF THE INCIDENT

N.Ç. and H.Ç. got married on June 21, 2006 and had two kids; B.R. was 7 and E.N. was 3 years old. H.Ç. was a teacher and one day he said "I don't want to live with you" and started not to come home. N.Ç. was not employed as she was a housewife. They learned that H.Ç. was living with another women. One month before the case was filed, H.Ç. asked for his appointment to another city behind his wife's back and abandoned the house after taking his personal belongings

and 5.999 Turkish Liras cash. He moved to the district of Yüksekova. N.Ç. filed a temporary alimony case with a request for legal assistance. The Court demanded the investigation of economic conditions.

**The rest of the case is missing in the file. We do not know what happened then.**

### EVALUATION

1. N.Ç. is economically disempowered and is dependent upon her husband. Therefore, she preferred to file a temporary alimony case instead of divorce.

2. We do not know about the course of the case and how it ended, yet since it was opened with a request for legal assistance, we at least know that she has some knowledge about accessing justice.

## 28. O.Y.

### SUMMARY OF THE INCIDENT

Born in 1999, O.Y. was a senior student in vocational school of health. She was a very successful student and since her family resided in the village, she was staying in the girls' dormitory. O.Y. was found dead by means of being hung in the dormitory. According to forensic report of O.Y., the cause of death was mechanical asphyxia due to being hung. In the investigation, it was understood that while she was doing internship in Ağrı State Hospital, one of her father's friend F.P. saw her talking to a male friend from her school as he was taking his own father to hospital. After that F.P. harassed and sexually abused O.Y.. O.Y. told about the abuse to his family in tears, she went to police station with her father and filed a complaint against F.P. In O.Y.'s testimony taken before a lawyer and a social worker from Police Department Children's Bureau, she recounted the events as follows: *"When I was doing my internship, I met one of my male friends from school and talked to him. My father's friend F.P. came to hospital for his father's treatment. He told me 'Is he your boy friend that you are talking to him?' I told him 'Uncle F., he is my friend from school.' He said 'I took your picture and will tell your father'. I begged him not to tell*

my father. He took my number, and told me that he would call me again. The same day, he called me again and told me to come in front of ER. He asked me to come to his car to tell me something. Since we know him as a family and he is my father's friend, I didn't think anything bad and got into the car. He drove the car to the car park, started to kiss, touch my legs and breasts, forced me to sit on his lap. I cried, I begged him not to do. When I cried a lot, he let me go." After this incident, it was revealed by the testimonies of the witnesses that O.Y. got into depression and attempted suicide before due to the fear that her family would remove her from school. The witness D.Ö. recounted that one of her father's friend abused her; therefore, she attempted suicide. After her attempt, she wrote this note to her notebook: "Please forgive me my God! I tried to kill my self, please help me finish my school." In the second attempt, O.Y. lost her life. F.P. is a member of a powerful tribe and is the Director of Education, Social Assistance and Solidarity Association and has a criminal record for inciting to commit crime. F.P. has been arrested for harassment. In the reason of arrest, the finding that O.Y. got into depression due to incident of harassment was included. The lawsuit was filed in Assize Court and still continues.

## EVALUATION

1. O.Y. was a very successful student who had an education life full of struggles. O.Y. was a victim of prejudices prevalent in her community and her biggest fear was being removed from school by his father due to sexual abuse she was exposed to.
2. She is a victim of prejudices and discriminatory practices that punish the victim rather than the perpetrator sexually abusing his friend's daughter who calls him "uncle".
3. She filed a complaint for the abuse, yet the social worker and judicial executives present in her testimony handled the issue as an ordinary complaint and after they completed the process, they continued with their daily lives. However, if they had been a little bit more sensitive and attentive, if they had distanced themselves from patriarchal mindset, they could have foreseen the risks threatening O.Y.'s life. In fact, in the

region they work and live, they have witnessed many incidents revealing what happens to sexually abused female children.

4. If they had been a little bit more attentive in providing O.Y. psychological and rehabilitative support considering her age and the trauma she went through, she would be alive today and could graduate from the school that she loved very much.

## 29. S.P.

### SUMMARY OF THE INCIDENT

S.P. got married to Ş.B. at the age of 16, after staying married for 25 years, she got divorced on November 17, 2014. She was killed with a gun by Ş.B. on July 28, 2015. The suspect Ş.B. not only perpetrated violence against S.P. throughout their marriage but also disturbed, stalked and threatened her saying "if I leave here, I will kill you." Once he attempted to throw S.P. from the balcony entering the house with the key while she was hanging out the laundry. At another time, he tried to kill her with a knife. They had three children in common aged 16, 14 and 10. Most of the time, the children prevented Ş.B. from killing S.P. On June 28, 2015, S.P. went to suspect's house and asked the suspect and his family to stop oppressing her saying "leave me alone, our marriage is over, we broke up". While she was walking down the stairs, she was shot by a gun 9 times and lost her life due to multiple organ injury. In S.P.'s fingernails, tissue sample of another male was found.

No gunshot residue was detected in the suspect's hand. In addition to the attorney of Ministry of Family and Social Policies, Children's Rights Center of Bar Association, Union of Office Workers (BES) got involved in the case. At the end of the trial, the Court sentenced Ş.B. to life imprisonment for intentional murder, and one year imprisonment for possession of unregistered firearm and did not grant good conduct time allowance pursuant to article 62 of Turkish Penal Code.

## EVALUATION

1. S.P. was subjected continuous violence by Ş.B. whom she was married off at an early age. After she started working, she was no longer economically dependent on her husband and with this self-confidence, she got divorced.
2. Despite their divorce, Ş.B. continued to stalk S.P. together with his brothers, disturbed her and resorted to physical violence since he did not see her as an independent individual but as his own property.
3. S.P.'s murder is a case made to seem like a suicide and this is a very common method for femicides that we face recently.
4. Effective investigation and prosecution is not carried out. For instance, there was tissue sample of another male found in S.P.'s fingerprints in addition to the suspect Ş.B.'s. This finding reveals that S.P. struggled with someone else before she died. The thing to do is to make a DNA investigation; in the first place all people in the site of murder as well as Ş.B.'s relatives must be checked. However, the Court chose to arrest and judge only one suspect instead of conducting a multifaceted investigation.
5. Besides, in this case, it is significant that both the prosecution and the Court made mitigating interpretations in the manner that it can be in favor of the perpetrator. For instance, it was clear that the perpetrator Ş.B. continued to harass and threaten the victim S.P. despite their divorce. Still, there were mitigating interpretations in favor of the perpetrators such as "while the parties were arguing, S.P. swore at the perpetrator and he felt humiliated and insulted, with a sudden decision, he fired his gun."
6. The attorney of Ministry of Family and Social Policies got involved in the case in the second hearing. That the claims of Bar Association and Union of Office Works to get involved in the case in addition to the attorney of Ministry of Family and Social Policies were recognized is vital and positive. It is a result of this cooperation that the suspect was not granted good conduct time allowance as per article 62 of Turkish Penal Code.

## 30. S.K.

### SUMMARY OF THE INCIDENT

The parties got married on September 6, 2002 and had two children, one girl, and one boy. S.K. was not employed and took care of housework and the children. The defendant N.K. met a Syrian woman while he was working at the cafeteria of Syrian refugee camp, and started to live with this Syrian woman although his marriage still continued. N.K. rented a new house and furnished it. He did not see his wife and children in this period and did not cover the expenses of the family at all. S.K. filed a lawsuit against her husband N.K. in the Family Court and claimed temporary alimony for herself and her children. The union of marriage is still valid and yet since N.K. resides in a different dwelling, the lawsuit petition and summons to the hearing were sent to N.K.'s new dwelling and he was notified in this address. The fact that notification was sent to another address shows that he was living in a separate dwelling. N.K. attended the trial and stated that he was unemployed since December of 2014, therefore he did not want to pay alimony. The Family Court dismissed the case in its verdict dated May 14, 2015 on the grounds that S.P. did not present evidence and witness to the court and ruled that S.K. paid the cost of proceedings.

### EVALUATION

1. According to legal regulations, as is in regulations of custody and personal connection, to rule for child maintenance does not require request. The judge is authorized to take a decision on his/her own. The purpose of all these regulations is to serve the best interest of the child and to nurture healthy children.
2. Both the Civil Code and Law No. 6284, Child Protection Law and international conventions state that considering the best interest of the child is a necessity in this and similar cases. However, in this decision, the judge ruled for the dismissal of the case since the plaintiff did not present evidence to the court. In the present case, it is evident from the notification address that the husband moved from the house and started to live in another dwelling and he also

came to the hearing and stated that he did not want to pay alimony due to being unemployed. The mother is a housewife and does not have any income. The judge who overruled the alimony claim did not even bother how the children would manage.

**3.** The fact that the judge gave such a grave decision might be because he handled the issue as a routine procedure or because he misinterpreted it. In either case, it is evident that the judge did not exercise due care for the issue and did not consider child's best interest.

### 31. S.Ö.

#### SUMMARY OF THE INCIDENT

The plaintiff and the defendant are siblings. Their father sold some of the immovable properties to male children before he died. The plaintiff S.Ö. asserted that the transactions their father made was fraudulent, they set it up in order not to give her rightful share in the inheritance, and therefore she claimed for cancellation of the title deed and requested equal portion of the inheritance. The Court issued an injunction for the immovable property of dispute, visited the spot and listened to the witnesses and made an appraisal via experts. Ultimately, the Court partially accepted the case and ruled for paying the value of a small share.

#### EVALUATION

**1.** Women are not perceived as the subjects of their rights, therefore cannot exercise their inheritance rights. This case is opened against such an incident. The traditional mindset and prejudices tend to ignore women's right to inheritance. The plaintiff S.Ö. and the defendants are legal heirs to their father's inheritance. For this reason, after their father's death, S.Ö. and her defendant brothers have their rightful equal share in inheritance. Since this is the legal regulation, the father wanted to disinherit S.Ö. by setting up a fake sale of the immovable property to his sons so that they could benefit and S.Ö. was disinherited.

**2.** The Court entirely ignored social prejudices and traditional practices and handled the

incident as an ordinary inheritance case and a routine case for cancellation of title deed. Ultimately, the Court found the sale of the property legal and gave a decision meaning S.Ö. would suffice with a little share.

### 32. Ş.E.

#### SUMMARY OF THE INCIDENT

The lawsuit was filed for changing the custody of young E.D. and appointing the grandmother Ş.E. as the guardian. Young E.D.'s mother and father got divorced, and the mother was awarded the custody. However, the mother resided in Kartal district of Istanbul, did not take care of her children and E.D. lived with her/his grandparents since infancy. The grandmother Ş.E. filed a lawsuit claiming for the change of custody and appointing herself as the guardian since the child had no relationship with the mother and the grandmother had serious problems during official proceedings. Social Worker interviewed E.D. and reported that the child wanted to live with the grandmother. According to E.D.'s statement, E.D. did not see the mother and the father. They never called the child and when the child went to the mother, she resorted violence. The case is continuously adjourned due to change of judges and still goes on. By the way, E.D.'s mother wanted the custody to be given to the father.

Decision?

#### EVALUATION

In this case, what the Court will rule in terms of the best interest of the child as well as the trauma of the child due to being abandoned by its parents is highly significant. We are following the developments of the case.

### 33. Ş.A.

#### SUMMARY OF THE INCIDENT

Ş.A., was not schooled and at the age of 16, she was married off to C.A. via religious ceremony. She gave birth to two children; E.C. and E.R. and yet, since she did not have civil marriage,

the children were registered under the name of C.A.'s mother and father. C.A. had an irresponsible personality; he did not take care and cover the expenses of the house and children and continuously perpetrated physical violence against Ş.A. and insulted her. Once, he did not give Ş.A. 1 Turkish Liras to go to the hospital and when she insisted, he assaulted and beat her. There are 4 complaints with the police related to beatings and violence incidents. He tried to smother Ş.A. by covering her mouth with a scarf as she wanted bread for the hungry children. The neighbors helped her and called the police, so Ş.A. was saved. Ş.A. filed a divorce case, claiming the custody of the children and alimony. The Court accepted the case and awarded the custody of children to the mother.

#### **EVALUATION**

- 1.** This case is an example of how women suffer from multiple victimizations. Ş.A. is not schooled, is not granted her right to equality within the family, deprived of her educational rights and married off at an early age via religious ceremony. At home, she is subjected to continuous violence; she is even deprived of her right to own the custody of children she gave birth to.
- 2.** This case is also an example of how judicial authorities and law enforcement do not conduct an effective investigation and do not handle the issue with a victim-centered approach. Although Ş.A. applies to police station four times, no cautionary measures are taken to protect Ş.A. and the children and to prevent violence.
- 3.** Ş.A.'s right to access justice is violated. There are no supportive mechanisms that can help Ş.A. who does not have any knowledge about the ways to access justice except for applying to the police station. However, the acceptance of divorce case and awarding the custody of children to the mother can be seen as positive decisions.

#### **34. Ş.T. – Bebek T.**

##### **SUMMARY OF THE INCIDENT**

Ş.T. whose husband died in 2008 lived in a village of Eruh district in Siirt Province with her 7 child-

ren in total, three daughters and 4 sons. She was impoverished, did not have an income generating employment, had never been to school and could not speak Turkish. The village Ş.T. lived was known as village of guards. The suspect A.Ü. resided in the same village and had worked as a village guard, but actually he was a butcher. In March of 2012, A.Ü. raped Ş.T. while collecting brushwood in the stream down the police station and left the site threatening her not to tell anyone. Ş.T. kept the rape incident as a secret since she was terrified and yet she got pregnant. She thought that she would have a miscarriage so that nobody would know, thus she also kept her pregnancy as a secret. The perpetrator A.Ü. wanted her to have abortion. On October 31, 2011, the staff of Siirt Maternity Hospital called the police station and reported that a woman named Ş.T. fell off as she was harvesting grapes and got injured, and the baby died due to uterine rupture. When the incident was heard, A.Ü. ran away and yet after search warrant, he was caught and arrested. In the investigation launched thereupon, first Ş.T. only stated that she fell and got injured and there was a rupture in her uterine. She did not want to tell who the father of the baby was and did not file a lawsuit. In her statement she gave later on, she filed a complaint against the suspect, recounting that she was raped, the suspect tried to take the baby out of her belly but he failed to do, she ran away to her brother H.E.'s house and told him that she fell off a tree and got injured, because of her dress, they did not see the baby, and they thought that the blood on her dress was due to the injury, and they learned that she was pregnant at the hospital. All the witnesses heard verified Ş.T.'s testimony before the Court. The suspect A.Ü. denied all the allegations about rape and forcing her to miscarry the baby. The Court had molecular analysis conducted taking DNA samples from the plaintiff, the suspect and the baby. According to the forensic report prepared by Istanbul Forensic Medicine Institute, the suspect A.Ü. is identified as the biological father of the baby. The Court sentenced the suspect on the grounds of sexually assaulting Ş.T. by means of raping but acquitted him for forcing her to miscarry the baby. In the ruling dated November 05,

2014, the suspect were sentenced to 7 years imprisonment and were granted good conduct time allowance and ultimately, the punishment was reduced to 5 years 10 months.

### EVALUATION

**1.** This incident is one of the examples indicating how raped women cannot benefit their right to access justice and cannot apply to judicial authorities. In addition to social prejudices, the fact that the rapist is a "village guard" constitutes an impediment for Ş.T. to apply to judicial authorities. That Ş.T. cannot speak the official language and that she does not know her rights are among significant reasons why she keeps the rape incident as a secret.

**2.** The Court ruled for the punishment of the suspect for his offense of sexual assault upon the forensic report. However, despite the existing offense of forcing the victim to miscarriage, the Court did not conduct any investigation about this crime. The perpetrator of this offense was not searched. The findings that there is a clean cut on Ş.T.'s belly and the cut can only be made by someone with anatomy knowledge are not investigated, and ultimately an act defined as an offense is ignored. Despite the existing doubt that the butcher suspect could be a possible perpetrator of this crime, no investigation was carried out in this direction. It is possible to think that the suspect's being a village guard plays a role in this approach.

### 35. T.T.

#### SUMMARY OF THE INCIDENT

T.T. and Y.T. got married in 2014 and settled in Istanbul. Y.T. forced T.T. to watch the camera recordings of a sexual intercourse he shot with a woman he had an affair with before he got married to T.T. When T.T. resisted, he perpetrated physical, psychological and verbal violence against her. T.T. could not stand the oppression and violence she was subjected to, thus took refuge in her mother's house and filed a divorce case. Thereupon, Y.T. continuously threatened T.T. and her family with death and assaulted her in mother's house and resorted to physical violence.

Y.T. threatened T.T. and her family with death to make them withdraw their complaint submitted to judicial authorities. He repeatedly mentioned that she should make 2 meters of cerement ready unless she withdrew the complaint and alimony claim whose hearing would take place on February 24, 2016. He even started to say that he would kill his own relatives who get into touch with T.T. When T.T. and his mother were visiting his sick aunt Ş.Ç. in her house, he attacked this house with a gun, killed 4 people including T.T., his aunt and his aunts' child, wounded 2 children suffering from life threatening injuries and he ran away. The other day, T.T. went to his uncle M.T. who hosted T.T. in his house in Sam village and also killed 5 people in this house in total and then ran away. The prosecution joined the cases, the lawsuit filed for 9 homicides in total and 2 attempted murder still continues.

### EVALUATION

**1.** The murder of T.T. and other 8 people is a striking example of how judicial authorities handle the issue from a patriarchal viewpoint and assess each complaint as separate and ordinary applications instead of taking protective measures for women and preventive measures against violence. A careless and insensitive approach to the issue instead of a victim-centered viewpoint resulted in death of 9 people as well as 2 people with life-threatening injuries.

**2.** The suspect Y.T. threatened T.T., her family, his own relatives who got into touch with her with death in front of public eye including law enforcement and judicial authorities. By resorting to violence, he walked the path of murder without being interrupted and no body stopped him. Y.T. went to his relatives after committing murders and these people did not fulfill their obligation to notify, on the contrary, they harbored Y.T. in their houses. The relatives have an important role and responsibility in realization of the second series of murder.

### 36. V.Ç.

#### SUMMARY OF THE INCIDENT

A.Ç. and V.Ç. got married on November 17, 2002 and had six children. A.Ç. resorted to violence

continuously against his wife V.Ç. by means of battering, strangling, getting her on the ground by pulling her hair. V.Ç. could not stand violence anymore and took refuge in her father's house, yet the suspect A.Ç. attacked her father's house, fired at them, broke the window of his brother-in-law's car and damaged the car with his fists. V.Ç. filed a complaint with her family and at the same time filed a divorce case. However, later on, family elders got involved and reconciled V.Ç. and A.Ç.. V.Ç. and her family withdrew the complaint during the trial phase. Since they withdrew the complaint, the Court ruled for discontinuance of the cases filed for injury and property damage. While searching the body of the suspect, a flick knife was found. Since carrying it is a crime pursuant to article 4 of Law 6136 and it is not an offense dependent upon a complaint, the Court ruled 2 months imprisonment and 25 days punitive fine. This punishment was reduced by 1/6 by granting good conduct time allowance. Ultimately, the announcement of the verdict is deferred.

However, A.Ç. continued to exert violence. V.Ç. was hospitalized due to an attack in 2012 and was treated there. When discharged from hospital, V.Ç. turned back to her family's house and started to live with them. In the case filed for this incident, despite the existing judicial reports about violence V.Ç. was subjected to and despite being proven guilty as charged, the perpetrator of violence also received sentence reduction by 1/6 by granting good conduct time allowance. Since V.Ç. did not have a job and income, her siblings took care of her. Meanwhile, A.Ç. started to live with another woman and had children from this affair. He also resorted to violence against this woman with whom he lived illegally and legal action was taken against him due to offenses of injury, threatening and humiliation. A.Ç. did not let V.Ç. to see the children in common.

## EVALUATION

**1.** It is observed that V.Ç. was continuously subjected to violence and her right to lead a non-violent life was violated. She also could not exercise her right to access justice. She does not

know another way to struggle violence except for applying to police station and in fact, these applications are handled as routine complaints and when the victim withdraws the case, the lawsuit is dismissed. However, in the present case, it is obvious that the perpetrator continues to exert violence, yet an effective protection is not provided and an effective precaution is not taken.

**2.** It appears that despite the existing legal regulations for effective protection of women against violence, the issue is not handled from this perspective. For that reason, effective protection cannot be offered. Risk assessment is not carried out, and precautionary measures that can ensure coordinated protection and support to women in case of reoccurring violence as well as life threatening incidents are not taken.

**3.** During judicial processes, the problem is not handled with a victim-centered approach, an effective investigation is not carried with duty of care and the suspect.

## 37. H.K.M.

### SUMMARY OF THE INCIDENT

H.K.M. and E.M. got married in 2008 and had one child in this marriage. Although they had a companionate marriage, E.M. perpetrated physical violence against his wife H.K.M. continuously during their marriage. H.K.M. was subjected to physical and verbal violence even in the last days of her pregnancy, thus she took shelter in her family in bruises, filed a divorce case, claimed for custody, alimony and compensation. H.K.M. was not employed and did not have an income. As a result of the trial, the Court ruled for divorce, awarded the custody of the child to the mother and issued a small amount of alimony, overruled the claim for compensation. The verdict was appealed and the Court of Cassation reversed the decision on the ground that the claim was overruled despite the existing conditions for non-pecuniary compensation.

### EVALUATION

**1.** In this case, even though H.K.M.'s claims for divorce, custody and alimony were met, her cla-

im for compensation is overruled despite the existing conditions and contributing causes. In the case file, it is evident that E.M. resorted to verbal, physical and psychological violence against his wife continuously and yet the claim is overruled despite this fact. This means that women's personal rights are not taken into consideration.

**2.** H.K.M. benefits the legal aid in this case and the verdict is appealed thanks to legal aid lawyer, and the claim for compensations is met even if it is a small amount. This is a case in point revealing the importance of benefiting the legal aid.

### 38. P.B.

#### SUMMARY OF THE INCIDENT

P.B. and M.B. got married in 2011 and started to live together with M.B.'s parents in the same house. M.B. and his family perpetrated violence against P.B. in the second month of their marriage. Due to violence she was subjected to, P.B. wanted to go back to her family, yet her husband M.B., her mother-in-law A.B. and father-in-law R.B. told her to take off the bracelets and necklace and hand the jewelry to them. They said she could leave after giving these. When P.B. rejected to give jewelry that belonged to her, they beat and prevented her from going. P.B. wanted to call her parents and yet they grabbed the phone and broke it into pieces by throwing against wall. They got her on the ground holding her hands and arms and tried to take the jewels out forcibly. Due to P.B.'s resistance, M.B. and his family couldn't take the jewelry, thereupon, threatened her with a gun. By pointing the gun to her head, they seized the jewelry. When under attack, P.B. continuously shouted for help. One of the neighbors who heard the noise came to the house and saw P.B.. This person did not help, on the contrary, warned P.B. to cover her hair since her head scarf got loose and left. After the attackers took the jewelry, they released P.B. and she called her mother for help. P.B.'s mother called the gendarmerie, and they called P.B. asking whether she wanted to bring a complaint against them or not. When she said yes, they came

to the house. According to medical report; there were cuts and edema in P.B.'s head and neck, cuts and bruises on right and left hand. The suspects denied the imputed offenses in their testimonies. As a result of the trial held, the Court penalized three suspects for plundering, granted good conduct time allowance for mother-in-law and father-in-law, but did not grant good conduct time allowance to the suspect M.B. for being rude to the court board. The Court ruled acquittal of three suspects for the offenses of deprivation of liberty and intentional injury. The case was appealed but its examination by Court of Cassation is not finalized yet.

#### EVALUATION

**1.** This case is a striking example of how violence in the private sphere is ignored and how people turn a deaf ear to women's cry for help. Only one person came to the house hearing her screams. This person who was a witness heard in the trial was only interested in the headscarf of the victim rather than helping her and then left the house.

**2.** The attitude of gendarmerie is interesting. The gendarmerie who was notified called the women and asked her if she had a complaint and yet when they learned that she had, they took action. What would happen if the Gendarmerie could not reach her when they called? Probably, they would not intervene in this incident of domestic violence on the grounds of being a private sphere. This situation is against the norms and intendment of Law No. 6284 and Istanbul Convention.

**3.** The Court's decision on good conduct time is also interesting. As the Court ruled for sentence reduction for two of three suspects, it did not grant good conduct time allowance to the third on the grounds that the suspect disrespected the Court. The suspect who could not receive good conduct time kicked the desks in the hearing room at the end of the trial and shouted: "*What kind of justice is this?*". It seems that every suspect who behaves well during the trial will be granted this reduction. Disrespect against women, on the other hand, is not important at all.

### 39. D.K.

#### SUMMARY OF THE INCIDENT

D.K. and E.K. got married in 2003 and had one child. D.K. was subjected to physical and verbal violence by her husband and his family from the first day of their marriage. E.K. did not take care of his child and the house and got married to another woman with a religious ceremony and had another child from this relationship. D.K. was not allowed to see her own child, thus she filed a divorce case claiming that her child was provoked against her, that the child was instilled with negative thoughts towards her, that she was thrown out of the house upon defamations against her and she claimed for the custody of the child. The defendant E.K. asserted in the previous lawsuit he filed that the plaintiff did not take care of the child and the house, she was seeing someone on the internet, she was cheating on him with more than one person, she was seeing these people when the child was with her, and even she ran away with one of these people and lived with him for two months. The witnesses of the plaintiff D.K. stated that a separate house was not provided to the parties, the defendant and his family resorted to physical and verbal violence against the plaintiff, ultimately, they threw her out of the house by slandering her about being disloyal, they did not let her see her child, and the defendant seized her jewelry. The witnesses of the defendant stated that the plaintiff did not take care of the household chores and the child and she was cheating on her husband by means of seeing someone on the Internet. A pedagogue interviewed and examined the child and reported that the little child was staying with grandparents, the defendant father was working abroad, he could see the child once in two or three months, the needs of the child was taken care of, since the child had negative thoughts about the mother, awarding the custody of the child to the defendant father would be for the best interest of the child in terms of his/her psychosocial development. As a result of the investigation carried out for the plaintiff D.K., it was reported that she was staying with her family and her environment was suitable for raising a child.

#### EVALUATION

This case is significant in terms of considering the principle of healthy development and best interest of the child. The child is separated from the mother and staying with grandparents. As the father is working abroad, the child can see the father once in a few months and thus the child lives separated from both the mother and the father. It is clear that the father and the grandparents the child is staying with are continuously instilling negative thoughts against the mother. They try to influence the child against the mother claiming that she is leading a dishonorable life and having an affair with someone else. A divorce case was filed against the mother with these allegations and yet since these claims were not proven, the case was dismissed and the decision was finalized. The custody is awarded to the father on the grounds of the report submitted by the pedagogue stating that the child insistently wanted to stay with the grandparents. While giving the verdict that would result in child's separation from both the mother and the father, the Court must have ruled for rehabilitation of the child with psychologists and pedagogues regarding the fact that child's negative thoughts towards the mother would affect its entire life. A decision in this direction would be more suitable for considering the best interest of the child and in terms of implementing a restorative justice.

### 40. H.A.

#### SUMMARY OF THE INCIDENT

H.A. and M.A. got married on November 10, 2009, and had a daughter born on November 11, 2010. The parties filed divorce case against each other and claimed for divorce and custody of the child. Besides, they claimed compensation from each other. H.A. asserted that her husband did not fulfill the responsibilities of marriage, resorted to physical, psychological and economic violence against her, had an affair with another woman, had a criminal record in Germany, was deported due to the possibility of hurting himself and another person, used drugs, and abused the child. She claimed that

as soon as she realized this situation, she left the house. H.A. filed a criminal complaint against her husband for sexually abusing the child. On the other hand, M.A. asserted that his wife was retired due to being diagnosed “bipolar affective disorder” while working as a nurse, she was extremely jealous of him, she swore at and insulted him even while walking on the street, she did not take care of the child due to her psychological problem, she drugged the child with the knowledge she had about medicine and used ointment, for that reason, she caused problems in the child’s anus and genitalia. In the pedagogue’s report, it was stated that H.A. did not have any physical ailment and yet she suffered from psychological problems but she could take care of herself and express herself comfortably. In the interviews conducted with M.A.’s parents, they stated that they and M.A. took care of the child, thus they wanted to look after the child thereafter. In the report prepared upon the interview with the child, it was stated that the child could express herself clearly and wanted to stay with the mother; since the child was born in 2010, due to her age, she needed motherly affection and maternal care; being separated from the mother would affect her development negatively; H.A.’s family supported the plaintiff, child was not neglected; H.A.’s psychological problems would not pose an obstacle for the mother to take care of the child, thus it is proper to award the custody to the mother. In the report taken from Malatya State Hospital, it was informed that H.A. had “bipolar affective disorder”, and it would be proper to decide upon monitoring the patient after she stayed in a psychiatry clinic. The Court ignored the pedagogue’s report and awarded the custody to the father on the ground of Malatya State Hospital’s report. In fact, in the report, it was stated that the decision could be given after H.A.’s monitoring in a psychiatry clinic. The Court ruled for divorce and awarded the custody to the father.

## EVALUATION

**1.** This ruling is a typical example of how the Court does not consider the best interest of the child. In the justified decision, it is not explained

clearly why the pedagogue’s report stating that the mother’s sickness does not pose an obstacle for the mother in terms of child’s custody as well as child’s wish to stay with her mom is not accredited. Malatya State Hospital’s report does not present a final judgement and indicates that giving a decision is possible after monitoring the patient in the clinic. In such a highly sensitive issue as child’s custody, without conducting a proper investigation due to the complexity of the present situation, the custody was awarded to the father. Even this situation is all by itself is an indicator of how judicial executives do not handle the issue with due care and sensitivity.

**2.** The allegations against the father that he sexually abused the child, the child had problems with her anus and genitalia due to sexual abuse and that the child did not want to stay with the father were not proved. However, these allegations must have been investigated carefully by expert psychologists for a healthy development of the child and yet the case is concluded with a highly formalistic approach.

**3.** The girl was born in 2010 and needs motherly care and attention. This decision was given without investigating the reason why the father was deported from Germany and without considering his habit of using drugs and it might lead to irreparable damages for the child in the future. The Court must have investigated all the allegations thoroughly before deciding about custody between a mother with psychological problems and a father using drugs and must have ruled favoring the best interest of the child

## 41. K.A.

### SUMMARY OF THE INCIDENT

The lawsuit is related to marital rape. K.A. married to B.A. in 2010 and after the first months of their marriage, B.A. started to force his wife K.A. to anal intercourse. K.A. did not allow this because she did not want it as well as it was against her religious belief. However, B.A. resorted to violence and raped her anally and despite K.A.’s objections, even during her pregnancy, he continued to rape her and proposed her to record their intercourse and sell it. B.A. prevented

K.A. from packing and leaving home a few times and threatened her with death. K.A. could not stand this anymore and escaped to her family's house taking the child with her. When the child fell down the stairs and got injured, B.A. came to see his child at the hospital. They argued and K.A.'s family learned about the marital rape. When K.A.'s brother asked B.A. whether it was true, K.A. admitted the point in question. K.A. filed a complaint against B.A. with prosecution with the support of her family. The suspect B.A. denied the allegations indicating that his wife K.A. left the him and went to live with her family in Malatya, filed a divorce case and in order to prove herself right in this case, she asserted these claims. According to the report prepared by Forensic Medicine Institute Branch Office together with the diagnose and treatment documents from the hospital she was treated and the report submitted by Akdeniz University Forensic Medicine Department, it was stated that the problem might have been caused by anal intercourse and yet it might also occur due to inadequate hygienic conditions, obesity, use of antibiotics, systematic diseases such as diabetes and factors like sexual life with multiple partners. The Court issued a decision of acquittal for the suspect of the imputed offense, based on the principle of *in dubio pro reo* despite the existing substantial doubt that the suspect committed the offence charged.

The case is before the Court of Cassation.

#### **EVALUATION**

**1.** This decision is a striking example in terms of revealing the judicial authorities' attitude towards offenses related to coerced sexual intercourse in marriage. The Court acquitted the suspect as per the principle of *in dubio pro reo*, as the claim could not be proven despite the substantial doubt that the suspect committed the offence charged. In the offenses of sexual assault committed within marriage, requiring proof as in ordinary cases is in fact a reflection of a mindset that perceives women not as a subject of any right but as objects possessed by men. As is known, the difficulty of providing proof in such offences committed by the husband against the wife is greater than that in the cases of

sexual offences in general. Specifically traditional prejudices aggravate this difficulty.

**2.** In sex crimes, requirement of proof as in ordinary cases to be able to convict the offender is first of all against Istanbul Convention and against Law No. 6284.

#### **42. F.Ü.**

##### **SUMMARY OF THE INCIDENT**

F.Ü. was illiterate and lived in Malatya. She was the second wife of the defendant. She had two children and one of them is at the age of custody. F.Ü. also took care of 6 children from the defendant's previous marriage. F.Ü. was subjected to violence from the first days of her marriage. The defendant husband did not support his wife F.Ü. financially, thus she tried to earn money by herding livestock and selling milk and yogurt. The defendant husband resorted to violence continuously; therefore, F.Ü. escaped from home but had to come back after a while since she was not supported financially and morally by her family. However, the defendant husband started to exert more brutal forms of violence. F.Ü. had a lung cancer and one of her lungs was removed. Although the doctors restrained sexual intercourse, the husband did not pay attention to this. F.Ü. was beaten heavily even under these circumstances. The defendant resorted to psychological and sexual violence in addition to physical violence. In front of children's eyes, he dragged F.Ü. to bedroom and humiliated F.Ü. who could not have sex due to cancer by saying "What kind of a woman are you? You are not even a woman." F.Ü. had platinum plate in her arm. The defendant hit F.Ü. on her chest and her broken arm on purpose. F.Ü. had a medical report related to physical violence she experienced. One day, when she was beaten, her daughter took her to the hospital, she filed a complaint here and a month protection order was issued. However, the defendant did not abide by the protection decision and attacked F.Ü. at home. F.Ü. left the house taking her children and yet due to her economic disempowerment, she had to come back home. The divorce case was filed during the protection order. While

F.Ü. was crying in the courthouse in bandages, the lawyers saw her and took her case free of charge. In addition to divorce case, they claimed alimony, compensation and another protection order that covered the children and injunction on the property. Besides, the lawyers helped F.Ü. to receive social aid. The Court ruled alimony for F.Ü. and her minors, accepted the claims for protection order and injunction on property and yet did not reach a verdict about divorce.

### EVALUATION

**1.** This case is exemplary of the victimizations experienced by an illiterate and economically disempowered woman. It reveals the victim F.Ü.'s helplessness against physical and psychological violence she is exposed to in bandages and plaster cast. Despite the excessive violence she is subjected to, she does not have any other choice but to return to site of violence and to the perpetrator of violence. She does not know her rights, and cannot exercise her right to access justice. She could only file a lawsuit and benefit social aid by the support of women lawyers who are sensitive to the issue and whom she met by coincidence.

**2.** This case is also a striking example to the issue of execution and monitoring of protection orders. Protection order was issued yet F.Ü. was subjected to violence during the protection order since the execution and monitoring of the order was not carried out.

### 43. S.Ü.

#### SUMMARY OF THE INCIDENT

S.Ü. was 91 percent visually impaired and suffered from diabetes to the highest degree. While she was residing in Istanbul together with her family, she was anally raped by her father's male cousin and she filed a complaint. As the lawsuit filed upon this incident continued, her father died, thus she moved to their hometown Elazig with her mother. Her father was a village guard. During the procedures for getting her father's death indemnity, she met A.T.. A.T. was the headman of the village. A.T. took S.Ü.'s phone number to help and inform her about the

proceedings and from this date on, he called her continuously, visited their home and tried to earn their trust and impressed S.Ü. by saying that he fell in love with her. S.Ü. trusted A.T. and believed that he was in love with her, and told him about the rape incident in Istanbul. One day, A.T. went to her house knowing that her mother was not at home and she was alone, and raped S.Ü. anally. S.Ü. told A.T. that she would file a complaint against him but A.T. threatened her to tell the rape incident in Istanbul to everyone. The perpetrator raped her more than once. Systematically raped S.Ü. told her mother about the rape and her mother turned to prosecution. According to report of Firat University Medical Faculty Sex Crimes Board of Health, S.Ü. was in a condition where she could not defend herself physically and she was mentally depressed. Besides, in S.Ü.'s underwear and on tissue paper, DNA samples that belonged to the suspect were identified. A lawsuit was filed against the suspect for sexual assault and the attorney of Ministry of Family and Social Policies got involved in the case, yet lawyer did not defend the victim effectively nor did he appeal the verdict of acquittal. In this way, the verdict was finalized. The Court justified the decision of acquittal on as follows: "That the suspect did not commit the imputed act by force appeared in the Court, and there was no sufficient, convincing proof beyond a shadow of doubt."

### EVALUATION

**1.** In this case, the victim is a disabled woman who cannot defend herself physically and psychologically. She was a victim of sexual assault repeatedly and yet she is the one who is punished. The suspect, the headman of the village, committed this crime repeatedly by means of his power and position. However, since he is acquitted, the victim will pay the attorney's fee. The judges acting with the patriarchal mindset do not handle the case considering the victim's rights and the decision is far from being victim-centered. An effective investigation is not carried out and ultimately, the perpetrator is acquitted.

**2.** The suspect is a headman and public official. The attorney of Ministry of Family and Social

Policies got involved in the lawsuit, and yet was not effective in the hearings and did not make necessary interventions. For instance, s/he did not object to the ruling in a trial where the plaintiffs, the victim and her mother, did not attend the hearing, and s/he did not even appeal the ruling.

#### 44. B.S.

##### **SUMMARY OF THE INCIDENT**

B.S. and M.S. got married in 2000 and they had two children named Ş. and A.. B.S. filed a claim for alimony for herself and her children on the grounds that her husband did not fulfill his responsibilities towards the house, did not contribute financially, resorted physical and verbal violence, and she tried to earn a living by selling handicraft and cleaning the houses, she couldn't stand the violence against herself and her children anymore, thus left the house and moved to her parents' home. The defendant husband denied the allegations, asserted that he loved his wife, his financial situation was not sufficient for paying alimony, thus he claimed for dismissal of the case. According to the investigation of economic conditions carried out it was revealed that B.S. was a housewife and did not have an income.

The lawsuit still continues.

##### **EVALUATION**

This case is an example of how economically disempowered woman claims for alimony instead of divorce despite having left the house and living separated from the husband. B.S. could leave the site of violence together with her children with the support of her family and yet she does not prefer divorce.

#### 45. B.Ö. - N.Y.

##### **SUMMARY OF THE INCIDENT**

B.Ö. got married to Ç.Ö. in 2011 and they had a child named A.P. Ç.Ö. and B.Ö lived together for a while before the civil marriage. After marriage, they started to live together with B.Ö.'s family since Ç.Ö. did not have a regular job. It can be

understood from the case that the drug and alcohol addict Ç.Ö. battered and attacked his wife, his child, and his father-in-law with a knife, resorted to physical and verbal violence and threatened them with death under the effect of these substances. Due to injuring his father-in-law with a knife, Ç.Ö. was penalized for intentional injury by the Penal Court of Peace. Besides, Civil Court of First Instance issued a stayaway order from the mutual dwelling for one month due to battering and threatening B.Ö. In addition to these, Ç.Ö. was penalized for intentionally injuring and threatening his wife B.Ö. by Criminal Court of First Instance. On the day of the incident, Ç.Ö. came to house drunk, started to shout and swear at his mother-in-law and B.Ö., and threatened both of them with death. The child was scared and started to cry and while B.Ö. was breastfeeding to calm the child down, he strangled her and tried to tear her mouth apart with his fingers. B.Ö.'s mother N.Y. went out to balcony to call the police, this time, Ç.Ö. attacked his mother-in-law, pulled her inside and prevented her from calling the police. While B.Ö. was taking care of the child in another room, she heard a noise and run to the room and saw that her husband and her mother were fighting and he had a knife in his hand. When she tried to take the knife away, she realized that there was blood on the knife. When she shouted that there was blood, both parties pulled themselves together and left the knife. During the incident Ç.Ö. was injured from his belly and right side of his left breast, he was taken to the hospital and yet died. The suspect N.Y., tried for murder, stated that it was Ç.Ö. who first took out the knife and she took the knife from his hand to defend herself. After she took it, she started to wave it around randomly by closing her eyes, and she opened her eyes when her daughter screamed and then she realized Ç.Ö. was injured. The suspect N.Y. was sentenced to life imprisonment for intentional homicide. As per provisions of unjust provocation, her sentence was reduced to 15 years and the Court granted good conduct time allowance for her behaviors and attitude during trial and in the end, she was sentenced to 12 years 6 months imprisonment.

The case is still before Court of Cassation.

## EVALUATION

**1.** This incident is an example of lacking an effective mechanism of complaint in prevention of violence against women as well as lack of a woman-centered perspective in her protection despite the adequate legal arrangements. Effective and careful measures were not taken in order to protect B.Ö. and her family who applied to police station, prosecution and to the Court. Although it was known that Ç.Ö. was a drug and alcohol addict and lost his control when he used these substances, no rehabilitative measure was taken or treatment provided. As a result, this tragic incident occurred and Ç.Ö. lost his life. In fact, pursuant to Law No. 6284, there are rehabilitative measures to be taken to prevent this incident.

**2.** If an effective and careful protection had been provided to B.Ö. and her family who applied to police station, prosecution and court, Ç.Ö. would not have died and N.Y. would not spent rest of her life in prison.

**3.** Law enforcement officers, prosecutors and judges approach to violence cases or violation of women's rights as ordinary trials, therefore they implement the usual and formal decision making processes. This is an example to this situation. Judicial executives investigate the cases as if they are files to be closed not as files to be examined through viewpoint of victim's rights. And the closed cases are put into the archive.

**4.** The issue is not handled with a victim-centered approach and the precautionary decisions specific to the cases are not taken. As a result, in the following phases of the process, the judicial authorities have to handle these as murder cases. As a matter of fact, the course of events in this case ran in this direction.

**5.** In these cases, it is also obvious that the institutions, individuals and even judicial authorities that are supposed to be effective in preventing violence against women do not exercise due diligence and sensitivity towards these cases; besides, cooperation among institutions and governmental bodies does not exist.

## 46. S.O.

### SUMMARY OF THE INCIDENT

Ö.A. and S.O. got married in 2008 and had a child named M.E.. Ö.A. was an irresponsible person and resorted to violence continuously against his wife S.O. If her family supported S.O., Ö.A. also perpetrated violence against them. Once, Ö.A. beat his mother-in-law and broke her nose. He did not have a regular job. S.O. moved to her family's house since she could not stand violence anymore. Ö.A. filed a divorce case against S.O. for leaving home. S.O. stated that she did not want to divorce, yet she would only accept it if alimony is granted. The plaintiff Ö.A.'s witnesses including his mother and father testified that S.O. was subjected to violence and was battered. Meanwhile, while the case proceeded, S.O. gave birth to her second child. The Court ruled for divorce of both parties, and awarded the custody to the mother, granted child maintenance and alimony for the mother. However, Ö.A. was insistent not to pay the alimony despite the execution for debt of alimony was started.

### EVALUATION

This case reveals that economically disempowered S.O. does not prefer divorce despite all the oppression, physical and psychological violence she is subjected to. Poverty and lack of education, prejudices of the community and children play an important role on S.O.'s choice. Although the fact that she was exposed to violence is explicitly stated even by the witnesses of the plaintiff husband, S.O. stated to the Court that she did not want to divorce.

## 47. N.A.

### SUMMARY OF THE INCIDENT

N.A. and Ü.K. got married in 2005. They had one child in common. The parties applied to the Court for an uncontested divorce. In the divorce protocol, both parties stated that they reached a mutual fair agreement on decision of divorce, on awarding the custody of child to the mother. They do not have claims for alimony and com-

pensation. The Court, taking the protocol and statements of the parties into consideration ruled for divorce and awarded the custody of the child to the mother N.A.. The Court ruled issuance of a notification writ to the Family Court on duty in order to file a lawsuit regarding protection of child's property when the case is concluded. The decision was finalized and a lawsuit was filed by Erzurum Family Court for protecting the child Z.'s property. In the aforementioned case, the defendant mother N.A. stated that she provided for the child herself, that she did not have any property, if she owned a property or a opened a deposit account for the child, she would report it to the Court. N.A. was notified by the Court regarding the written notification she had to submit to the court within one month after acquiring the property and the case was finalized.

#### **EVALUATION**

Among divorce cases examined, this case is the only example of an uncontested divorce where parties requested approval of the protocol they submitted to the Court by reaching mutual agreement beforehand.

#### **48. H.Ö.S.**

##### **SUMMARY OF THE INCIDENT**

H.Ö.S. and A.Ö. got married in 2003 and had two children. A.Ö. did not fulfill his responsibilities towards the household and perpetrated violence against his wife. In 2013, he was sentenced to 18 years of imprisonment for intentional homicide and is still in prison. H.Ö.S. filed a divorce case. In the interviews with the pedagogue, the children in common stated that they wanted to stay with their mother. The Court ruled for divorce considering H.Ö.S.'s claims, testimonies of the witnesses and existing evidence and awarded the custody to the mother regarding A.Ö.'s imprisonment and children's statements. Since there was not any claim for alimony and the fact that A.Ö. is in prison, the court did not rule for alimony.

#### **EVALUATION**

This case is an example of how economically disempowered H.Ö.S. could decide for a divorce only after her husband was sentenced to imprisonment for murder despite the physical and psychological violence she was subjected to. If the husband had not been sentenced to imprisonment for a long time, we could assume that the marriage, therefore violence would continue. Poverty, lack of education, the prejudices of the community and children play a significant role on women's choices.

#### **49. E.B.**

##### **SUMMARY OF THE INCIDENT**

E.B. and R.B. wed through arranged marriage and had three children. R.B. had a personality prone to violence and before he murdered his wife E.B., he had a criminal record of 13 filed cases and had some penalties from these cases. During their marriage, E.B. was exposed to continuous violence, thus she applied to police station many times. Once, she was even sent to a women's shelter but she could not take her children to the shelter. Her sister-in-law came to the shelter and tried to convince E.B. to return home. E.B. could not stand being separated from her children, thus came back home. R.B. started to influence his children to kill their mother saying "you are a child, you do not get punished". E.B. forced her to withdraw the lawsuit filed upon her complaint. E.B. withdrew it, still he continued to attack her. R.B. killed his wife E.B. with a gun by firing 4 or 5 times while she was lying in her bed. R.B. defended himself saying that he argued with E.B. and E.B. shouted at him, thereupon he took his gun out of the wardrobe, pointed at E.B., meantime, E.B. did not get out of bed. In the police record for site of murder and bill of indictment, the suspect's statements were given as facts. However, the claim that a person will continue to stay in the bed without any reaction is against the natural course of life. E.B.'s body was found on the bed. The witness F.G.'s testimony stating E.B. being killed while sleeping is consistent with the course of the incident. The Ministry of Family and Social Policies

and We Will Stop Femicides Platform requested for involvement in the case. The Court recognized the claim for involvement of Ministry of Family and Social Policies and yet overruled We Will Stop Femicides Platform's claim. It was observed that attorney of Ministry of Family and Social Policies was effective and concerned in this case in contrast to other cases. At the end of trial, the Court sentenced the suspect R.B. to aggravated life imprisonment.

## EVALUATION

**1.** R.B. has a personality prone to violence. According to his criminal record, 13 cases were filed against him and had some penalties from these cases. E.B. applied to police station many times in order to stop violence as the only way she knew and yet law enforcement and judicial authorities did not issue any effective protection orders and E.B.'s route to death was simply overlooked.

**2.** Despite the existing legal arrangements ensuring women's effective protection against violence, the issue is not handled from this perspective, for that reason, effective protection is not offered. Risk assessment is not carried out, and precautionary measures that can ensure coordinated protection and support to women are not taken. Although R.B. needs to be hospitalized for a psychological treatment, he is not directed to a health institution and as a result, E.B.'s right to life is violated.

**3.** It is observed that E.B. is sent to a women's shelter upon her request. However, she is not admitted to the shelter with her children. Under these circumstances, it is obvious that she cannot stand being away from her children and will return to perpetrator of violence. In fact, there are legal regulations ensuring E.B.'s accommodation in the shelter together with her children as well as providing alimony to her and her children. She was not offered any of these. On the contrary, E.B.'s sister-in-law came to the center and convinced her to go back home. This shows that everyone knows location of women's shelter and surely sister-in-law knows it as well. This incident eliminates the benefits sought from woman's shelters.

**4.** Another fact this case reveals is that law en-

forcement and judicial authorities do not carry out an effective investigation and prosecution in cases of violence against women. Additionally, there are problems with language and interpretation of laws. R.B.'s narration of the events is admitted as facts despite being completely inconsistent with the course of events. With the language used and interpretations made, R.B.'s act is attempted to be extenuated. For instance, despite the existing substantial proof that E.B. is murdered when she is sleeping, that they argued is accepted as a fact and R.B.'s narration about E.B.'s misconduct is credited.

**5.** The advocate of Ministry of Family and Social Policies gets involved in the case. What makes this case different from others is that the advocate of the ministry effectively got involved in the case and attempted to reveal the truth.

## 50. E.K.

### SUMMARY OF THE INCIDENT

The case is a divorce case. E.K. and H.K. got married five years ago. According to E.K.'s testimony, she filed the divorce case with the help of her uncle on the grounds that she did not bear children for two years since her husband deceived and cheated on her and resorted to violence, she mentioned about the problems she had with her husband to her family but they did not support her, she repeatedly took shelter in her family, and yet each time, her husband convinced her family and she returned home, she found her husband's lover through his text messages and phone calls, she talked to the woman and the woman told her that she did not know H.K. was married, still continued her relationship with H.K., when the families interfered, the woman left H.K., subsequent to this, he came back home, yet one night, H.K.'s phone rang, he handed the phone to herself and told her to speak, she did not know who was on the phone, when she asked who he was, he answered "Don't you know? Didn't your husband tell?", she hung up the phone, later on she understood that her husband started to prostitute her to other men, that night she passed out and when she wake up, she asked her husband what he was

trying to do, he apologized cagily, thereupon, she left the house in the morning.

### EVALUATION

This case shows the despair this woman is in. Despite being humiliated, cheated, and subjected to violence, E.K.'s family does not support her. E.K. accepts all these negativities and yet she can only leave the house with the support of her uncle and files a divorce case when her husband prostitutes her to other men.

### 51. A.D.

#### SUMMARY OF THE INCIDENT

A.D. was married off to M.D. at the age of 16. She had a child in this marriage. Her husband M.D. was an irresponsible person working in temporary jobs. M.D. forced economically disadvantaged A.D. to prostitution when she asked for money and resorted to violence continuously. M.D. took men that she did not know to home, forced her to have sex with these men, when she rejected, he perpetrated violence. M.D. gave A.D.'s phone number to men she did not know and these men kept calling her making nasty propositions. A.D. filed a divorce case with the support of her family and KAMER and claimed for divorce, custody, alimony and compensation.

**What happened in the case? There is no decision made. Did she benefit legal aid?**

#### EVALUATION

1. A.D.'s physical and mental development was hindered and she was deprived of her right to education by an early marriage. In addition to these, she became economically dependent upon her husband

2. A.D.'s right to a free and willful marriage, right to choose her partner, right to education is violated; she is deprived of her most basic rights, and is exposed to violence, still she continues her marriage. Only when she is forced into prostitution by her husband M.D., she files a divorce case with the support of KAMER. This incident shows the importance of women's organizations.

### 52. E.Ş.

#### SUMMARY OF THE INCIDENT

In 2012, Ç.Ş. married to E.Ş.. He was working in a shopping mall. The couple could not have children. They learned from the doctor that Ç.Ş. was infertile. When Ç.Ş. learned that he was infertile, he started to come home late, exerted violence against E.Ş. using minor problems as an excuse and quitted his job. In January 2015, Ç.Ş. tried to kill his wife E.Ş. by means of strangling her. E.Ş. did not file a complaint against her husband and yet told him that she wanted to divorce. Thereupon, Ç.Ş. grabbed E.Ş.'s phone and bag by force, drew out a knife and threatened her with death. Upon this incident, E.Ş. filed a complaint against him and filed a divorce case. This time, Ç.Ş. perpetrated violence against E.Ş.'s sibling, and threatened her with death. Since she sheltered in her father's house, he attacked her father's house. Due to these events, E.Ş. and her family filed complaints against Ç.Ş. more than once. On E.Ş.'s birthday, Ç.Ş. made a surprise to her saying that he hired a house, that he would change and wanted to start over. The night E.Ş. went back to home, he perpetrated violence against her again. E.Ş. moved to her family's house again and she could not leave the house because of Ç.Ş.'s threats. She even could not get to the hearing of her divorce case. On the day of incident, when E.Ş. was in her car, Ç.Ş. approached her with the car he rented and wanted E.Ş. to open her window to say something. E.Ş. stopped the car due to fear and could not start it again. She saw the gun in Ç.Ş.'s hand, she desperately held her head with both hands and leaned down the seat next to her. The suspect fired 7 times and 6 bullets hit E.Ş.. Subsequently, Ç.Ş. called E.Ş.'s mother, saying "I killed your daughter, go and get her from the hospital" and he hung up. According to forensic report, E.Ş. was shot from body parts of vital importance and she had a risk of death. An investigation against Ç.Ş. was launched for offences of attempted murder and using unregistered gun and bullets. In Ç.Ş.'s pretrial testimony, he told that because E.Ş. spoke to him with humiliation, he shot to scare her; he left the site of incident with the car he rented and on the way, he threw the gun and two bullets out of

the car. When he was before the Court, he asserted that his wife cheated on him. He claimed that she said, “*whoever I sleep with is none of your business*”. Thereupon, he fired. The Court ruled a remission for aggravated life imprisonment Ç.Ş. got for “attempted premeditated murder towards wife” since the act remained as an attempt; as a result, the court reduced it to 18 years. Besides, the Court also reduced the penalty to 13 years 6 months on the grounds that the act was committed under unjust provocation. The Court also granted good conduct time allowance by considering his behavior during the court as “good conduct” and reduced the penalty to 11 years 3 months. The Court ruled 2 years of imprisonment for using unregistered gun. However, the wife E.Ş. filed criminal complaint against Ç.Ş. with police and prosecution 25 times before the last incident. 5 of these complaints became criminal cases. Besides, E.Ş. who filed a divorce case clearly expressed Ç.Ş.’s violent attitude and acts in the case. Nonetheless, judicial authorities did not take any preventive and protective measure except for taking Ç.Ş.’s statement, and no risk assessment was carried out. In the last incident, E.Ş. survived the attack by chance and she still lives in fear.

### EVALUATION

**1.** E.Ş. and her family applied to police and prosecution 25 times for protection from violence and 5 of these complaints turned into criminal cases and yet, no effective protection order was issued since each complaint was not handled from with a victim-centered approach No risk assessment was carried out as well. As a result, E.Ş. survived by chance despite the injuries she got during the attack.

Law enforcement officers, prosecutors and judges approach to cases of violence against women and violation of women’s rights as ordinary trials; therefore, they implement the usual and formal decision making processes. E.Ş.’s case is an example to this situation.

**2.** Contrary to other cases, in this file, sentence reduction due to unjust provocation is offered and the reason behind this reduction is that they credited the suspect’s testimony and ignored victim’s statements. Starting from the law en-

forcement phase of the process, assertions that the suspect made in order to benefit sentence reduction for unjust provocation are taken as facts and they are interpreted as if to extenuate the suspect’s acts. In addition to that, good conduct time allowance is granted. The previous acts and offenses of the suspect are ignored.

**3.** Underestimating the severity of violence experienced, the reluctance to perceive it and even the tendency to normalize it are indicators of how judicial authorities handle the issue from a patriarchal point of view and cannot leave behind patriarchal mindset.

### 53. S.T.

#### SUMMARY OF THE INCIDENT

S.T. was 14 years old. She was raped by her relative Ş.T.. Ş.T. threatened S.T. not to tell about the rape to anyone. Thus, S.T. could not say anything about the rape incident. S.T. got pregnant but did not realize that. When she started bleeding, she gave birth in the ambulance called by her family while being taken to hospital. In the bill of indictment prepared upon investigation, it was requested that Ş.T. was punished for sexual abuse of the child.

#### In the case file, the rest is missing? What happened?

#### EVALUATION

S.T.’s case is an example of how child abuse is committed by the closest circle of children. This abuse case made a 14 year-old girl’s life miserable physically and psychologically. In the pre-term delivery that took place in the ambulance, S.T. nearly died, and the baby was stillborn. The prosecutor requested S.T.’s referring to an health institution for treatment, yet this decision is not pursued yet. In cases as such, it is of vital importance to cooperate between restorative judicial institutions and health personnel; therefore, restorative and rehabilitative measures should immediately be taken.

#### 54. E.E.

##### SUMMARY OF THE INCIDENT

E.E. was 16 years old and was a student. E.E. was a male child who was raped by K., owner of the grocery in his neighborhood, whom he called "uncle" when he was 13 years old. Until 2015, he was sexually abused by this man several times. Besides, from 2014 to 2016, until the investigation was launched, he was sexually abused by 4 men by means of frightening or threatening with a knife repeatedly. When one of these men physically attacked him, he went to the police filing a complaint first against him, then against all of them. In the investigation launched, only the suspect K. admitted the act, and showed repentance, yet other suspects denied the allegations. According to forensic report received during investigation, E.E. suffered from post trauma stress disorder and personality change as well as had anal fissure resulting from anal intercourse. At the end of the trial, the Court ruled heavy penalties for three suspects and did not grant good conduct time allowance to any of the suspects pursuant to article 62 of Turkish Penal Code. However, the suspects applied to Appeal Court and the Appeal Court reversed the judgment.

##### EVALUATION

1. The men who sexually abused E.E., who was born in 2000, from 13 years of age to 16 are his acquaintants and he even calls them "uncle". This case is another example of how sexually assaulted children are abused by their closest circle. The suspects denied their acts, yet the grocer of the neighborhood who abused E.E. at the age of 13 said that the boy had consent, claiming that the child even forced him to do it.
2. Although the suspect is a child, E.E. had to testify at the police station, prosecution and during trial again and again. He was asked to tell the sexual abuse he was subjected to explicitly and in detail. It is clearly stated that E.E. is suffering from post trauma stress disorder during the trial as well as in the forensic report received during the investigation. As a result of these, E.E. had to suffer from further trauma each time his testimony about the sexual assault is taken.

3. This case is one of the six files where the suspects are not granted good conduct time allowance.

#### 55. S.D.

##### SUMMARY OF THE INCIDENT

S.D., married to A.D. with a religious ceremony in 2011 at an early age. She had two children named M.N. and G. A.D. suffered from chronic schizophrenia resistant to treatment. For that reason, he could not work, thus could not fulfill the responsibilities of the household, care for his children and provide maintenance. S.D. was in a financial difficulty and on one hand, she was trying to take care of his husband, on the other, she tried to find a job and worked. She filed a divorce case with a request for legal assistance on the grounds that she was oppressed by her husband's family instead of getting support, they seized her phone and salary debit card and did not let her see her children. In this case, she claimed for custody, alimony and compensation. The court recognized her claims and awarded the custody of the children to the mother. S.D. received financial aid from Ministry of Family and Social Policies and started to work in multi-purpose community center (ÇATOM).

##### EVALUATION

1. S.D. is married off at an early age, in this way, her right to a free and willful marriage and right to choose her partner are violated. If she could exercise these rights, she would not choose a husband with an incurable illness and would not be condemned to an unhappy life. S.D. tries to continue her marriage despite all. She both works and undertakes the responsibility of her children and her husband.
2. S.D.'s efforts are in vain and she cannot escape psychological and economic violence exerted by her husband's family. Desperate S.D. files a divorce case with a request for legal assistance and claims for the custody of her children.
3. This case can be seen as a positive example for implementation of provisions of Law No. 6284. That the Ministry of Family and Social Policies provides financial aid for S.D. and the

children as well as employs her to enable her economic empowerment is highly important.

#### 56. D.D.

##### **SUMMARY OF THE INCIDENT**

D.D., was married to C.D. since 2012 and they had a child born in 2013. C.D. perpetrated physical, verbal and economic violence against her wife D.D. C.D. did not have a regular job and wanted his wife to give all her income to him. When she did not give, he resorted to violence. C.D. tried to kill her by means of strangling as his wife D.D. wanted to divorce. D.D. had to leave the house in despair leaving all her belongings behind and sheltered in one of her relative's house. C.D. attacked D.D.'s workplace and tried to get her fired, and threatened to kidnap the child. D.D. applied to Family Court and claimed for protection order and alimony for herself and her child. The Court issued a stayaway order of 6 months, banning C.D. from approaching vicinity of D.D.'s dwelling, disturbing her and her relatives, exerting verbal violence. The Court also ruled for payment of alimony for D.D. and the child in common.

##### **EVALUATION**

What makes this cautionary decision different from other decisions included in our project is that it is taken pursuant to Law. No. 6284 without the need for proof. In that sense, it is a positive example.

#### 57. M.A.

##### **SUMMARY OF THE INCIDENT**

M.A. and O.A. got married in 2013 and had a 5 months baby at the time of the incident. O.A. perpetrated physical and sexual violence against his wife M.A. starting from the first days of their marriage. As they stayed with O.A.'s family, his family exerted economic violence. M.A. asserted that her husband O.A. collected pornographic visual material in a USB stick, forced her to watch porn, forced her to anal intercourse closing her mouth with a pillow; she had medical

problems due to this; he wanted to have group sex and forced her to intercourse during her pregnancy and afterbirth. M.A. moved her mother's house taking the child with her and filed an alimony case. After the alimony case, O.A. filed a divorce case claiming that M.A. started arguments continuously, left home and moved to her mother's house; she did not want his family, their marriage actually ended. In addition to divorce, he claimed for compensation for pecuniary and non-pecuniary damages. M.A. requested for consolidation of two cases, claimed custody of children, alimony and compensation. She also requested being referred to Forensic Medicine Institute to determine the findings of anal intercourse.

The case still continues.

##### **EVALUATION**

In this case, M.A. files an alimony case instead of divorce despite sexual, physical and economic violence she is exposed to. The party who files the divorce case is the perpetrator of violence. Each of O.A.'s violent acts is defined as offenses in the penal code, yet the woman files only an alimony case. That M.A. felt economically disempowered in addition to the traditional prejudices is thought to have a role in this choice. Women's empowerment will affect the way she decides and chooses freely and independently.

#### 58. N.E.

##### **SUMMARY OF THE INCIDENT**

N.E. got married to A.R.E. in 2013 and had three children in this marriage. N.E. was continuously exposed to violence and filed complaint against her husband with the prosecution and police 12 times. Additionally, she applied to Family Court and the Court issued a protection order. Despite protection order, A.R.E. continued to attack her. He perpetrated verbal and physical violence against N.E., threatened her to withdraw her complaints and the protection order and started defaming her. He was a drug addict and provoked the male children in common against their mother to withdraw cases; the children attacked their mother, broke the win-

dows and beat N.E.. The elder child F.E. threatened to kill her unless she withdraws the cases. The Family Court issued a 6-month protection order banning A.R.E. from resorting to violence, humiliation and insult. N.E. objected to this order and asserted that her husband lived in a separate house with another woman; she was threatened since 2015 and continuously beaten; because a stayaway order was not issued she could not go to grocery due to fear and she lived under continuous threat of death. Her husband had been the headman of the village since 2009. As he was acquainted with the police officers, she did not feel safe. Her husband threatened her before the judge in the hearing of a case in 2009 and was punished for that. Due to these reasons, she claimed for issuing the stayaway order. The Family Court revised the objection, and ruled that it was not legally possible to issue a protection order in addition to the objected decision, hence the victim should apply to the Family Court with a new petition. As a result, the Court overruled the objection.

#### **EVALUATION**

- 1.** N.E. who is continuously subjected to violence files 12 complaints against the perpetrator. She tries all the possible ways she knows in accessing justice, still effective measures are not taken for N.E.'s protection. Cooperation among institutions as well as risk analysis is not carried out and precautions considering the characteristics of the case are not taken.
- 2.** In the case where 12 complaints are filed against the perpetrator of violence with judicial authorities, these complaints are handled as ordinary incidents and a formalistic legal procedure is followed.
- 3.** The final verdict of Family Court is a striking example of the formalistic approaches of the judges in these cases. The Court overrules N.E.'s claim for protective order due to formal procedures and yet since the Court handles the incident as an ordinary case, the burden of another application falls on N.E.'s shoulders. In fact, if the judge had carried out risk assessment in the present case, he would have seen N.E.'s struggle and would have ruled for cautionary decision considering the particularity of the incident.

#### **59. S.Ç.**

##### **SUMMARY OF THE INCIDENT**

S.Ç. and N.Ç. got married in 2000 and had 4 children. N.Ç. was a drug and alcohol addict, perpetrated extreme physical and psychological violence against his wife and children, the violence intensified every other day especially when he used drugs and took alcohol. Approximately one year before the last complaint, upon the insistence of family elders, N.Ç. was convinced to see a psychiatrist. However, he used the prescription medicine taken on the permission of Ministry of Health together with alcohol and drugs. As a result, violence intensified. S.Ç. had medical reports regarding the physical violence she was exposed to. On May 25, 2016, N.Ç. undressed and beat his wife S.Ç. in front of children; when children tried to interrupt, he chased them with a cup of boiling water. When children ran away and took shelter in their neighbors, the neighbors called the police. He even attacked the police. Thereupon, police issued a cautionary decision pursuant to Law No. 6284 and yet it was not submitted to the judge for approval within its due time, so the decision was nullified. S.Ç. who was staying with her 3 children in her relative's house claimed for alimony and protection orders in addition to her husbands treatment in a medical institution on the grounds that she herself, her children and her relatives were under threat and she did not have an income of her own. The Court issued a 3-month routine cautionary decision and did not give any verdict of either approval or refusal regarding the claim for treatment of the perpetrator of violence in any health institution. S.Ç. filed a divorce case and in this case, she claimed for alimony and custody of their children in common in addition to divorce. Meanwhile, two cases against N.Ç. were filed for battering, threatening and humiliating. S.Ç. applied to the Family Court again submitting the investigation of prosecution against N.Ç. together with the medical report. She claimed for issuing a 6-month stayaway order, and protective and preventive cautionary decisions on the grounds that she was being threatened not to attend the hearings of the cases. In addition to this, she claimed for referring N.Ç. to a

health institution on the grounds that he had a personality prone to violence. The Court recognized her claims yet, regarding the treatment of the perpetrator in a health institution, the Court ruled for a 6-month ban on use of alcohol, drugs or stimulants in places where the protected people are present and a ban on approaching the protected people and whereabouts while under the influence of these substances and ensuring to have a medical examination and treatment including in-patient treatment in case of the addiction. However, until the date of this report being written, there were no developments in terms of pursuing the decision on perpetrator's treatment neither by the Ministry of Family and Social Policies nor by law enforcement. Actually, a copy of this decision is sent to these institutions to do the necessary

#### **EVALUATION**

This case is different from others in terms of the cautionary decision issued. In her first application, S.Ç. states that N.Ç. has alcohol and drug addiction as well as a personality prone to violence and requests for his treatment in a medical institution. Yet, the judge does not issue the cautionary decision and takes routine measures. Nonetheless, upon S.Ç.'s insistence on issuing the cautionary decision, the Court issued the decision in her second application. However, in terms of its execution, this decision involves ambiguity. The judge rules for ensuring to have a medical examination and treatment including in-patient treatment in case of the addiction, but in this decision, it is not certain who is going to decide whether N.Ç.'s has an addiction or not. Instead, the judge him/herself could ask the referral of the perpetrator to hospital for his treatment. Provincial Directorate of Ministry of Family and Social Policies and Prosecution are notified about this decision as prescribed by law, yet until the date this report is written, none of the institutions took any steps in terms of execution and pursuance of the decision.

#### **60. Ş.S.**

##### **SUMMARY OF THE INCIDENT**

Ş.S. and A.S. got married in 1992 and had th-

ree children. A.S. was an irresponsible person who did not fulfill the responsibilities of marriage, and caused trouble for his family by getting into debt repeatedly. From time to time, he left home for 15-20 days. One day, Ş.S. saw the text message from a woman in A.S.'s phone and they argued and Ş.S. wanted to divorce. Thereupon, A.S. came to her workplace and stabbed her with a knife in 6 places including her face, head, hips and calf. When Ş.S. shouted, he escaped from the site of crime. Ş.S. was taken to hospital with life-threatening injuries and treated there for a long time. The Forensic Medicine Institution reported that Ş.S. was wounded fatally by means of a sharp object injury and its effects on the person could not be cured with simple medical interventions. A lawsuit was filed against A.S. for attempted murder of a close relative. The perpetrator of violence A.S. testified that he went to his wife's workplace to talk, yet his wife insulted him, thereupon, he got mad and drew out the knife in order to frighten her and did not remember the rest of the events and he regretted. Ş.S. stated that she would not bring a complaint against him in her testimony in the hearing. The case was finalized and A.S. was sentenced to 3 years 9 months imprisonment for intentional injury. Ş.S. filed a divorce case and claimed the custody of children below age 18 and did not claim for alimony and compensation, furniture in the mutual dwelling and legal costs. The case was filed as uncontested divorce but the Court handled it as a contested divorce due to the incident of fatal injury and adopted the procedures for a contested divorce, received the opinion of pedagogue and ruled for divorce and awarded the custody of children aged below 18 to the mother.

#### **EVALUATION**

This case is an example of how women are not perceived as free individuals who have a right to make their own decisions. Although Ş.S. undertakes all the responsibility of the household, its maintenance and children's care, she does not have any rights since she is not seen as an individual. Her claim for divorce almost costs her life and she escapes it by chance. The offense of attempted murder is converted to injury upon

victim's withdrawal of her complaint, thus the perpetrator of violence receives less penalty.

## 61. A.Ç.

### SUMMARY OF THE INCIDENT

A.Ç. was around 14-15 years old. After her father's murder by his enemies, she collected pieces of his body scattered on the ground. A.Ç. told that she was deeply affected by this incident. Due to dispute occurring under the name of blood feud, she was sent to her uncle. Her uncle had a lengthy criminal record and he forced A.Ç. to marry M.Ş.D. for a bride price with religious ceremony at an early age. A.Ç. gave birth to a child. Her uncle this time attacked the guests in her father-in-law's house, injured A.Ç.'s father-in-law and one person died. Thereupon, M.Ş.D. started to mistreat A.Ç. due to hostility occurred upon this incident and A.Ç.'s family start to force her to come back leaving her child behind. A.Ç.'s mother filed a complaint with the police claiming that her daughter was subjected to violence and was held forcefully. In the investigation carried out, the prosecutor realized her young age and referred A.Ç. to Forensic Medicine Institute for age assessment and it was revealed that when A.Ç. married to M.Ş.D., she was not 15 years old. A lawsuit for sexual abuse of the child was filed against M.Ş.D., M.Ş.D.'s parents, A.Ç.'s mother and her uncle. The identity of the imam who performed the religious ceremony could not be identified as in the other cases. At the end of the trial, M.Ş.D. and A.Ç.'s uncle were sentenced for the offenses of sexual abuse of the child and forceful holding and they were granted good conduct time allowance.

### EVALUATION

A.Ç., is shaken psychologically by her father's death as a child and is sent to her uncle's house due to lack of her life safety. A.Ç. is deprived of her educational rights and is forced into marriage with someone she does not know at all for a bride price by her uncle. She gets pregnant at an early age and gives birth to a child. When hostility arouses between families, this time she is exposed to psychological violence. This case is

an example of how children's lives are made miserable by being forced into marriage at an early age through a series of discriminatory practices and how they are forced to sexual intercourse and bearing children despite not being ready physically and psychologically.

If the hostility had not taken place between families and A.Ç.'s mother had not complained to the police, this marriage would still last today. As clearly revealed by this case, these acts defined as offenses in the penal code are practiced commonly and penal code is continuously violated in terms of sexual abuse of child. It is seen that punitive measures are not effective in solving the problem. Under these circumstances, it is clear that extensive, holistic and coordinated policies are needed. The power, which will plan and implement these policies, is the power of the State.





## REPORT ON HOUSEHOLD VISITS

In 2016, 22.864 women in 22 provinces of Eastern and Southeastern Anatolia Regions were visited and asked various questions about their families, marriages and children. The language for interviews was 85,6 percent Turkish, 14,2 percent Kurdish and the remaining were in Arabic and Zazaish. The mother tongue of women was 56,8 percent Kurdish, 33,1 percent Turkish, 7,2 percent Zazaish and 2,8 percent Arabic. The average age of women interviewed was 36, the youngest was 13 and the oldest was 89.

75 percent of women we visited were married, the remaining were single. 96,2 percent of marriages were both civil and religious marriages. Among single women, the percentage of women that never married were the highest, 362 women were divorced and 1094 women lost their husbands.

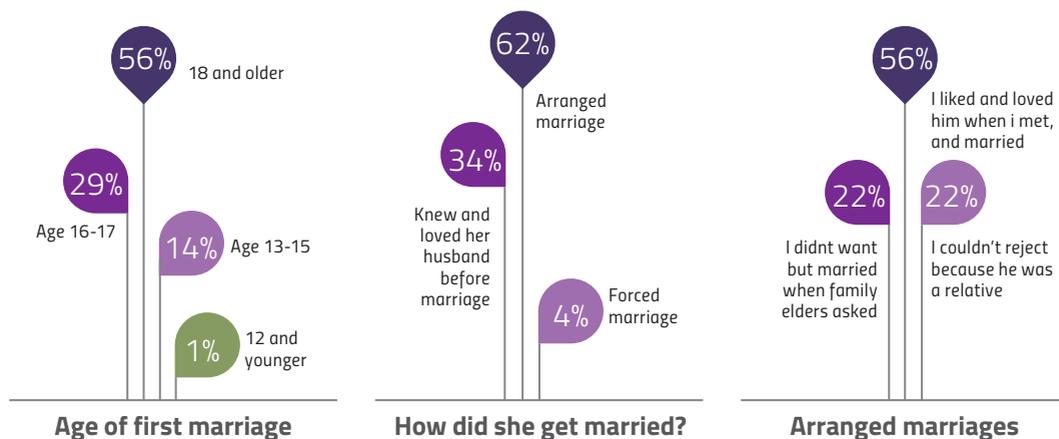


Married	Number	%
Only religious marriage	374	2,2
Only civil marriage	183	1,1
Both civil and religious marriage	16.484	96,1
Living together (unmarried)	25	0,1
Married, living separated	79	0,5
<b>Total</b>	<b>17.145</b>	



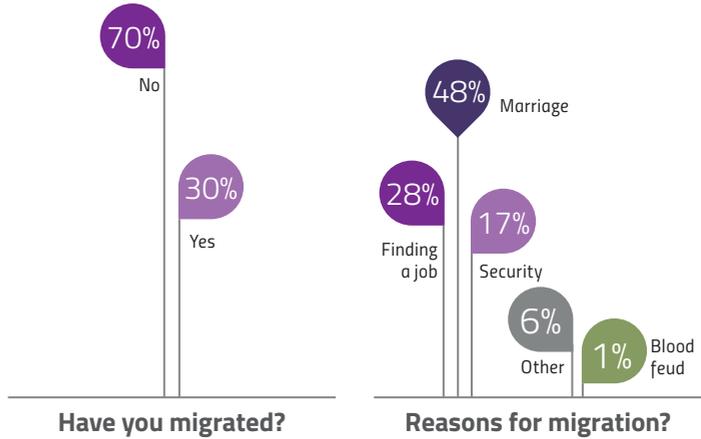
Single	Number	%
Never married	4.263	74,6
Divorced	362	6,3
Husband deceased	1.094	19,1
<b>Total</b>	<b>5.719</b>	

**In terms of age**, 44 percent of women expressed that they married before they were 18 years old. In terms of marriage form, 62 percent had arranged marriages, 4 percent had forced marriages while 34 percent had known and loved their husbands before marriage. Forced marriages were mostly marriages with relatives, co-wife marriages and bride exchange marriages.

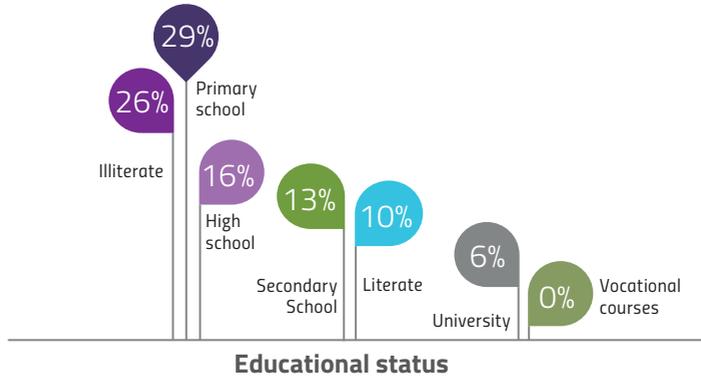


Forced marriages	Number	%	
Kin marriage	350	53,0	
Married with brother-in-law	13	2,0	
Co-wife	115	17,4	
Bride exchange	156	23,6	
Blood feud	9	1,4	
Betrothed in the cradle	17	2,6	
<b>Total</b>	<b>660</b>		

**30 percent of women we visited expressed that they migrated.** The most common reason for migration was marriage, followed by employment and security reasons.

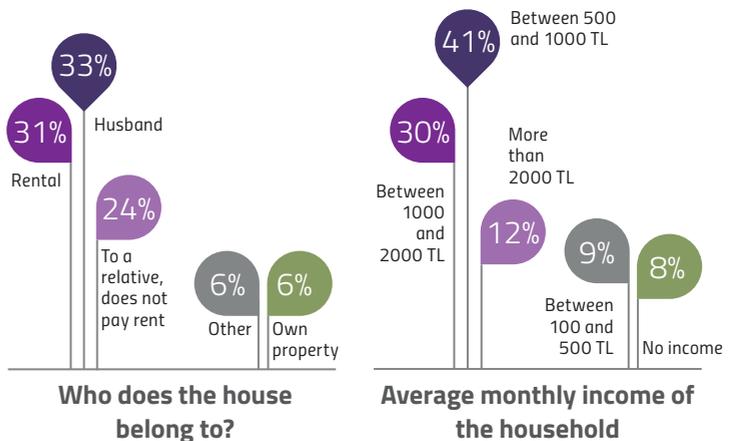


**26 percent of women we interviewed were illiterate.** 64 percent had the opportunity to go to school; however, nearly half of these women couldn't continue their education after primary school.

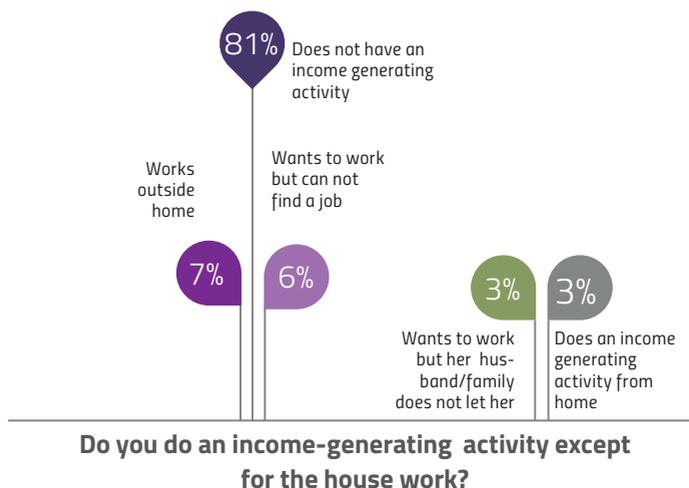


**In the houses we visited, the number of the rooms** was 3,1 and 5,3 people on average lived together in these houses.

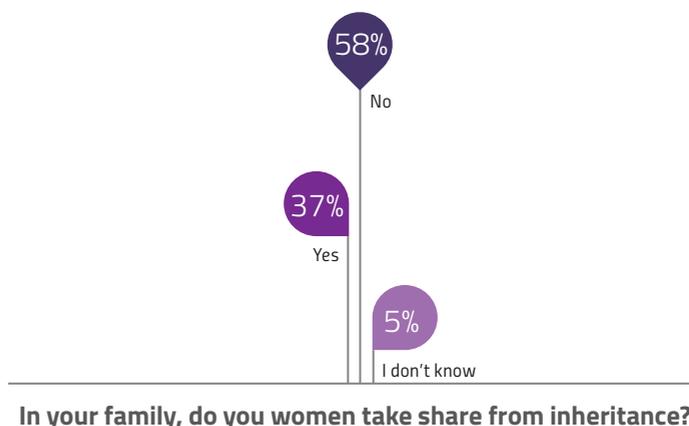
The income of the houses we visited mostly ranged from 500 to 2000 Turkish Liras.



**Approximately 6 percent of the houses were women's own property.** The percentage of women working outside their homes was 7 and 3 percent of women were working from their homes.



**37 percent of women could take their share from inheritance.** In a detailed analysis of the provinces, it could be said that the more women are educated and participate in working life, the more percentage of inheritance share they take. 65,7 percent of women who take their share from inheritance stated that this sharing was conducted according to the civil code and usually it was an equal share.



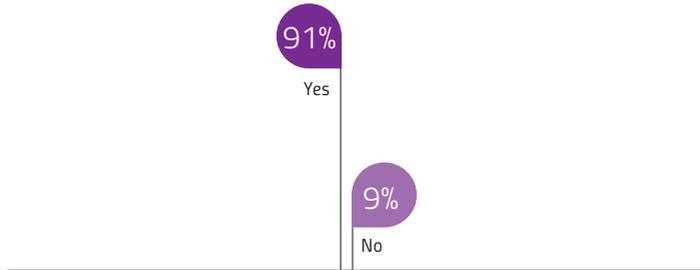
What is the basis of distributive share of inheritance?	Number	%
Civil code	5.626	65,7
Customs (religion, beliefs etc.)	2.836	33,1
I don't know	107	1,2
<b>Total</b>	<b>8.569</b>	

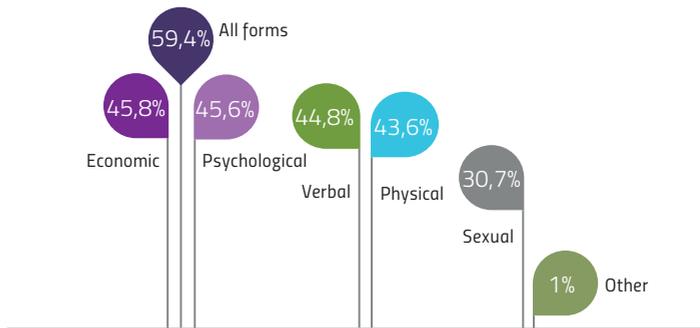
How is the inheritance distributed?	Number	%
Equal to men and women	5.604	66,2
Two shares for men, 1 share for women	1.973	23,3
Three shares for men, 1 share for women	742	8,8
Other	140	1,7
<b>Total</b>	<b>8.459</b>	

**91 percent of women we visited think that women are subjected to violence.**

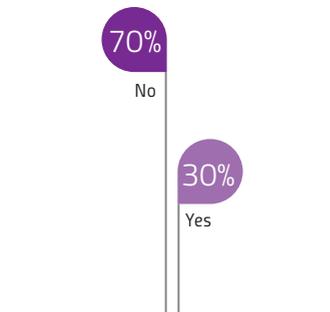
Generally, these women think that women are subjected to all forms of violence, sexual violence being less. 30 percent of women we interviewed told that women who are subjected to violence are struggling to end violence in their lives. To end violence, women consult to their families in the first place. The second choice would be police stations, prosecution office or friends. The most important reason for majority of women not struggling against violence in their lives is fear from the perpetrator. The succeeding reasons are giving in to violence, language problems in some of the provinces and not knowing where to apply.



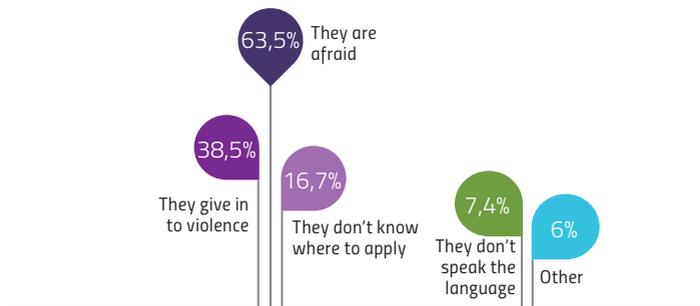
**Do you think that women are subjected to violence?**



**What forms of violence are women subjected to?**

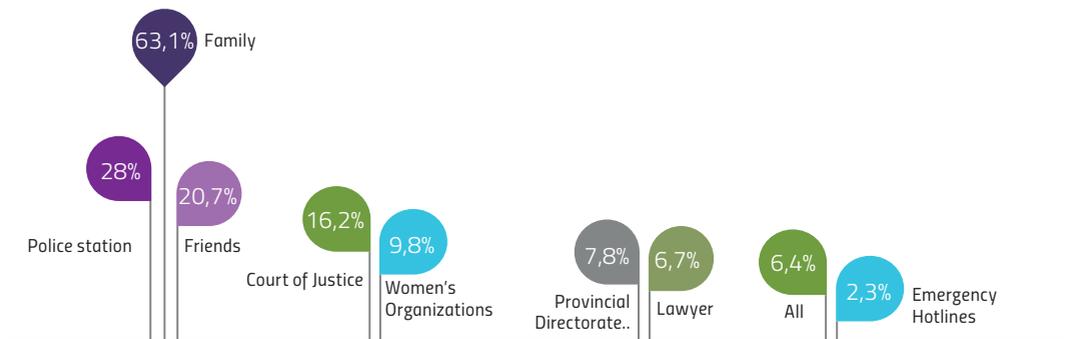


**Are women trying to end violence in their lives?**



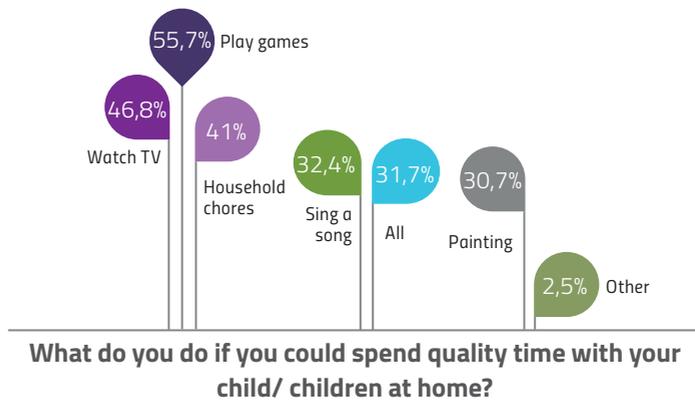
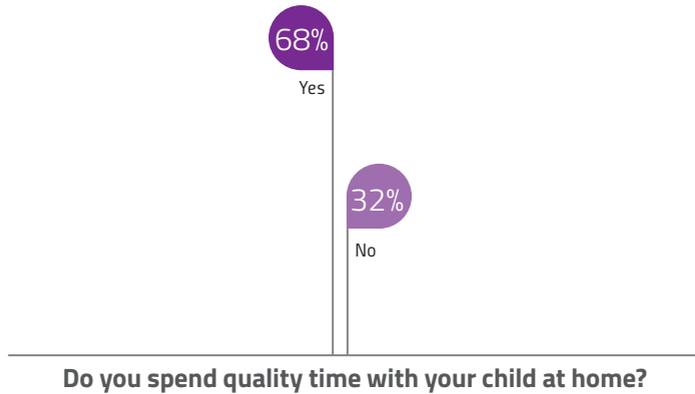
**Why do women not make an effort to end violence in their lives?**

*\* The respondent might have chosen more than one answer*

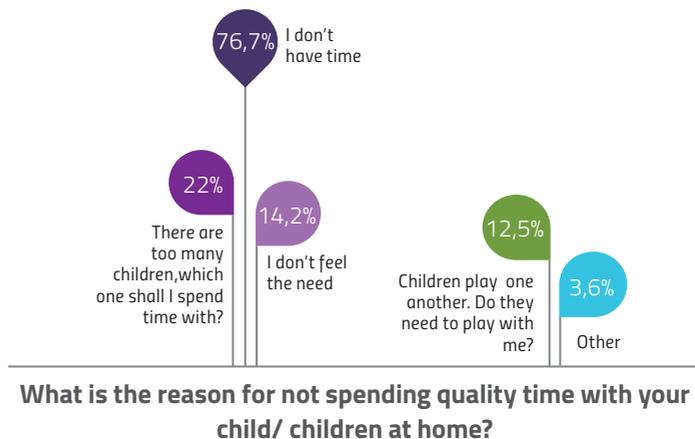


**Where do women apply to end violence in their lives?**

17447 of women we visited have 3.6 children on average and the age for bearing the first child is 19,9. 68 percent of women could spend quality time with their children at home. Those who could not spend quality time with their children expressed mostly lack of time as a reason. 14,2 percent of mothers expressed that they did not feel the need to spend quality time with their children.



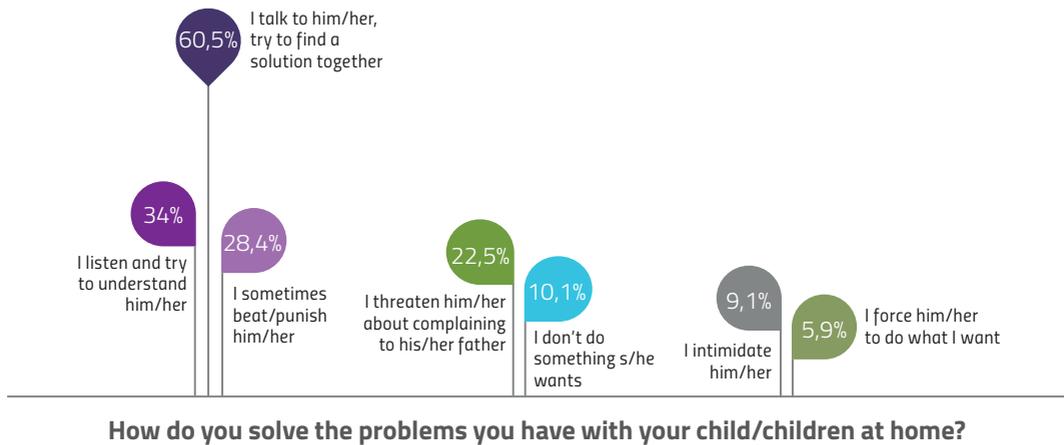
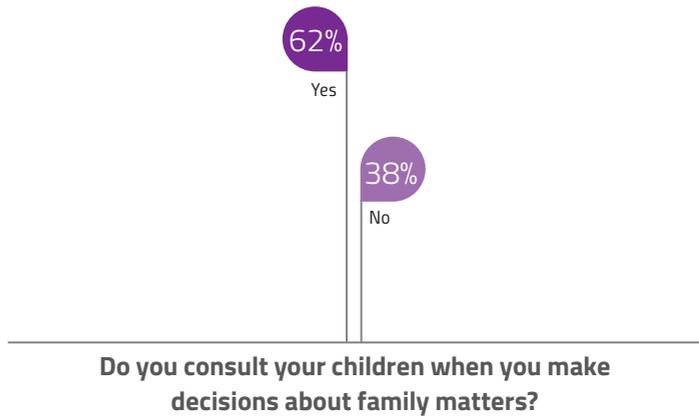
\* The respondent might have chosen more than one answer



\* The respondent might have chosen more than one answer

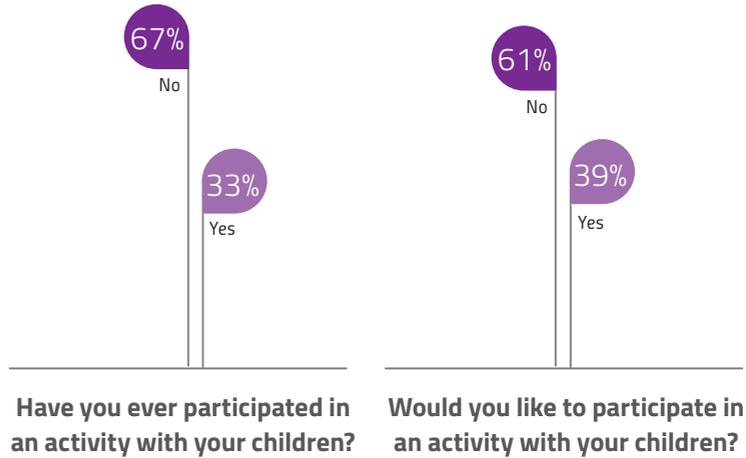
**60,5 percent of women expressed that they solved problems with their children through talking and listening to them.**

Less than 30 percent solved problems through punishment and intimidation. 62 percent of women who have children consult to their children when they are making a decision about family matters.

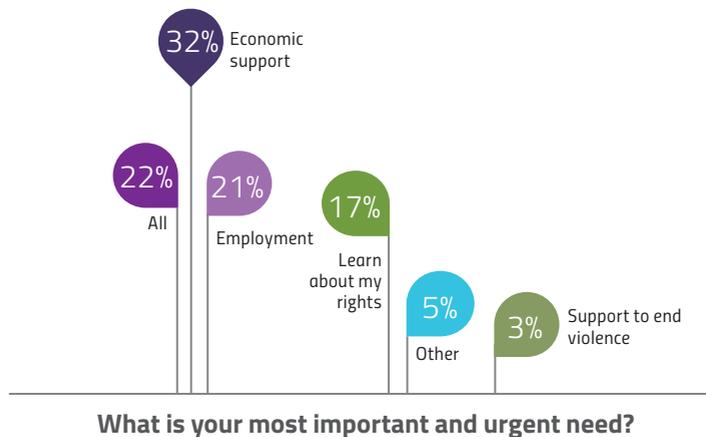
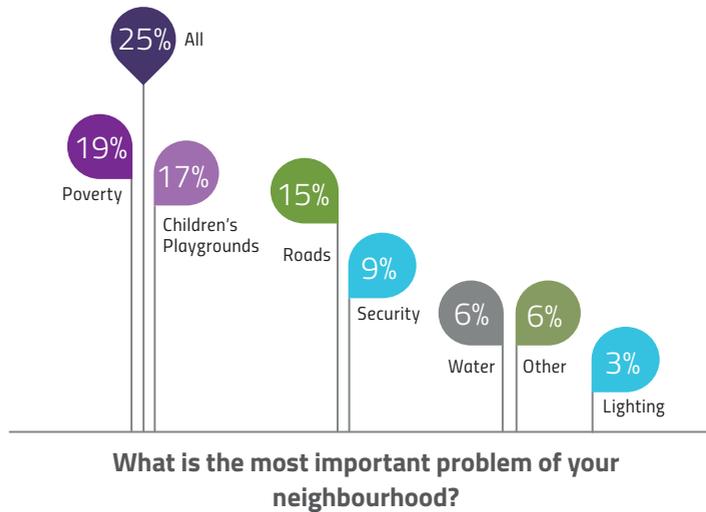


How do you react if your children state their opinion without you asking them?	Number	%
We take into consideration	11.915	68,3
We get angry with her/him for interfering in things s/he is not supposed to	4.794	27,5
Other	730	4,2
<b>Total</b>	<b>17.439</b>	

33 percent of women who have children we visited stated that they participated in an activity with their children and only 39 percent expressed that they would like to participate in activities that will be carried out in the future. Both percentages seem quite low. Previously, families may not have the opportunity to participate in an activity with their children due to lack of opportunities; however, the low rate of the unwillingness to participate in future activities cannot be explained with the available data.



**Women who answered our questions expressed that in the neighborhoods they lived, they have problems of poverty, insufficient infrastructure, lack of children’s playgrounds and security.** They stated that their most important need is economic support and employment. 17 percent wanted to learn about their rights, 3 percent asked for support to struggle against violence.





## REPORT ON APPLICATIONS TO END VIOLENCE

**726 women from 22 provinces of Eastern and Southeastern Anatolia who were subjected to violence and came to KAMER for support in the year 2016 were interviewed and violence monitoring forms about these women were filled.** 93,3 percent of the first interviews with women were conducted face-to-face and 6,7 percent were conducted via telephone. The average age of women interviewed was 34,4, the youngest was 12 and the oldest was 74 years old.

### Age of Applicants

Average	34,4
The youngest	12
The oldest	74



**Number of the respondents** **726**

**The mother tongue of majority of women was Kurdish.** In terms of educational status, 28 percent of women were illiterate. Only nearly 20 percent of the women who came to KAMER had access to high school education or a higher degree.

### Mother Tongue

#### Number

#### %

Turkish	134	18,5
Kurdish	473	65,2
Zazaish	36	4,9
Arabic	80	11,0
Russian	0	0,0
Farsi	2	0,3
Other	1	0,1
<b>Total</b>	<b>726</b>	



### Educational Status

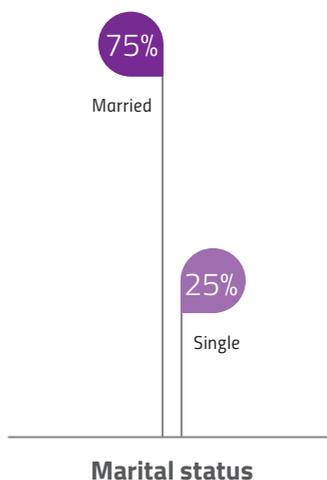
#### Number

#### %

Illiterate	203	28,0
Literate	74	10,2
Primary School	191	26,3
Secondary School	116	16,0
High School or its equivalent	102	14,0
College /University	38	5,2
Vocational Course	2	0,3
<b>Total</b>	<b>726</b>	



**75 percent of women were married and 80,9 percent of these marriages were both civil and religious marriages, while 8,3 percent were only religious marriages.** Among single women, the percentage of women that never married was the highest; 35,7 percent of them were divorced, and 21,4 percent lost their husband. 54,3 percent of women who are still married or have been through a marriage expressed that they married before they were 18 years old. 573 women have 3,4 children on average.

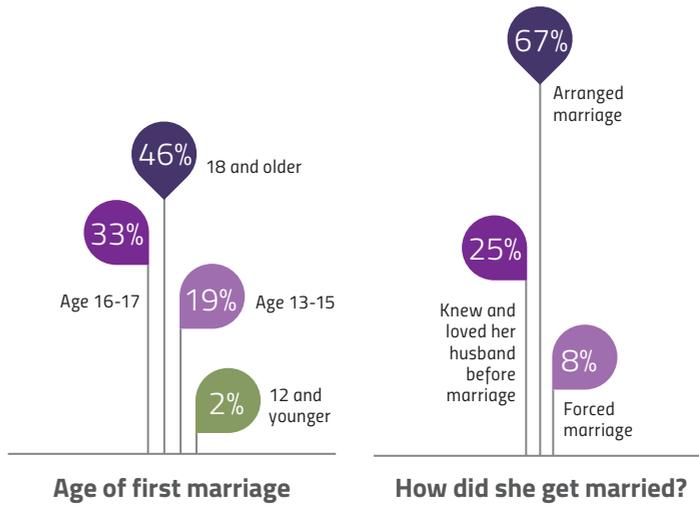


Marriage status	Number	%	
Only religious marriage	45	8,3	
Only civil marriage	7	1,3	
Both civil and religious marriage	440	80,8	
Living together (unmarried)	2	0,4	
Married, living separated	50	9,2	
<b>Total</b>	<b>544</b>		

If single	Number	%
Never married	78	42,9
Divorced	65	35,7
Husband deceased	39	21,4
<b>Total</b>	<b>182</b>	

**In terms of marriage form, 67 percent of women who applied had arranged marriages, and 8 percent had forced marriages.**

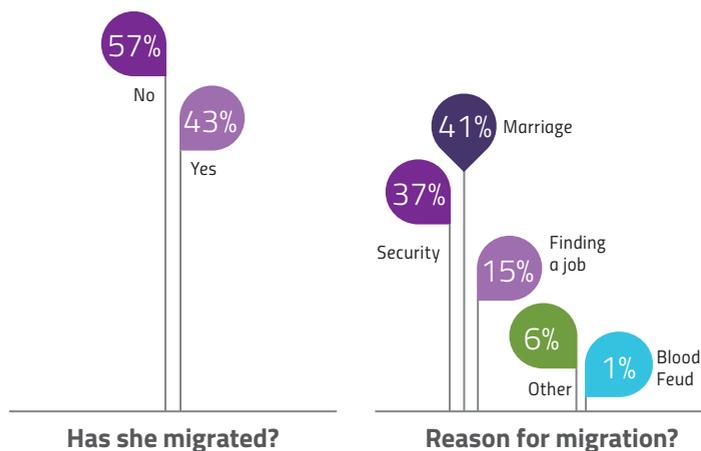
Nearly half of women who had arranged marriages expressed that they loved their husbands after they met. 45 women in forced marriage were married off to mostly relatives or forced to co-wife marriages while 4 women were forced into bridal-exchange, 1 woman was forced to marry with her brother-in-law and 1 woman was betrothed in the cradle.



Arranged marriages	Number	%	
I didn't want but married when family elders asked	165	37,7	
I liked and loved him when I met, and married	200	45,8	
I couldn't reject because he was a relative	72	16,5	
<b>Total</b>	<b>437</b>		

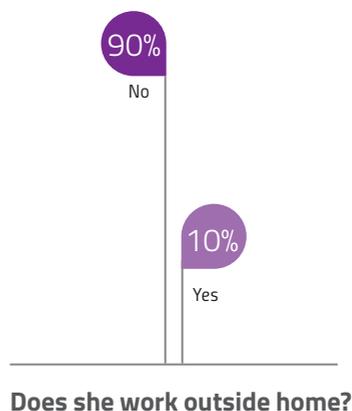
Forced Marriages	Number	%	
Kin marriage	28	62,2	
Married with brother-in-law	1	2,2	
Co-wife	11	24,5	
Bride exchange	4	8,9	
Blood feud	0	0,0	
Betrothed in the cradle	1	2,2	
<b>Total</b>	<b>45</b>		

**43 percent of women who came to KAMER expressed that they migrated** and 19,4 percent of these women said that they migrated in the recent year. The most common reason for migration was marriage and security.



Time of migration	Number	%
Less than a year	60	19,3
1-5 years	89	28,7
6-9 years	47	15,2
More than 10 years	114	36,8
<b>Total</b>	<b>310</b>	

**Only 10 percent of women who came to KAMER for support against violence worked outside home.** 44,2 percent of women who do not work expressed that they didn't want to work, 40,9 percent could not find a job, and 14,9 percent were not allowed to work. 84 percent of women who came to KAMER did not have an income of their own, and 36,6 percent did not have any health insurance.



Why doesn't she work outside home?	Number	%
She wants to work but her family/husband does not let her	51	14,9
She wants to work, but cannot find a job	140	40,9
She does not want to work	151	44,2
<b>Total</b>	<b>342</b>	

Does she have social security?	Number	%
She has health insurance	271	37,3
She benefits her father's health insurance	63	8,7
She benefits her husband's health insurance	123	16,9
She is a retired civil servant or worker	3	0,4
She does not have social security	266	36,7
<b>Total</b>	<b>726</b>	

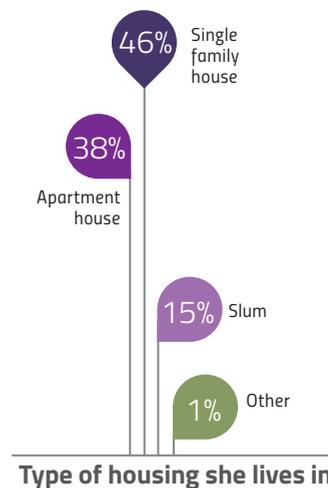


Sources of Income	Number	%
She does not have an income of her own	610	84,0
She has an income of her own	93	12,8
She benefits her father's income	10	1,3
She has an income by way of her deceased husband	5	0,7
She is babysitting	4	0,6
She receives alimony	4	0,6
<b>Total</b>	<b>726</b>	



**15 percent of women who came to KAMER lived in the slums.** Only 21,6 percent of the houses they lived in belonged to women or their husbands and the majority of women lived in a rented house.

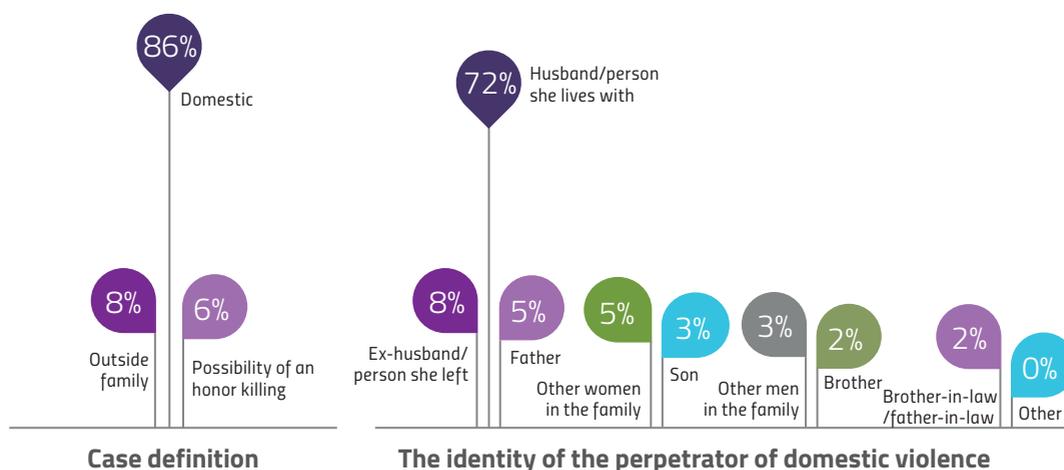
Who does the house belong to?	Number	%
Her own property	33	4,5
Husband	124	17,1
Rental	315	43,4
Her father's/farther-in-law's/relative's, she does not pay rent	233	32,1
Other	21	2,9
<b>Total</b>	<b>726</b>	



Number of the households members	Number	%
1-5 people	407	56,1
6-10 people	265	36,5
11-20 people	49	6,7
More than 20	5	0,7
<b>Total</b>	<b>726</b>	



**7,7 percent of women who applied to KAMER expressed that violence they were subjected to came from people outside of family and the remaining were subjected to domestic violence.** 5,6 percent of women talked about the possibility of an honor killing. The perpetrators of domestic violence were 72 percent husband or the person she lived with and 8 percent ex-husband or the person she left. Violence women were subjected to outside home was mostly coming from state institutions.



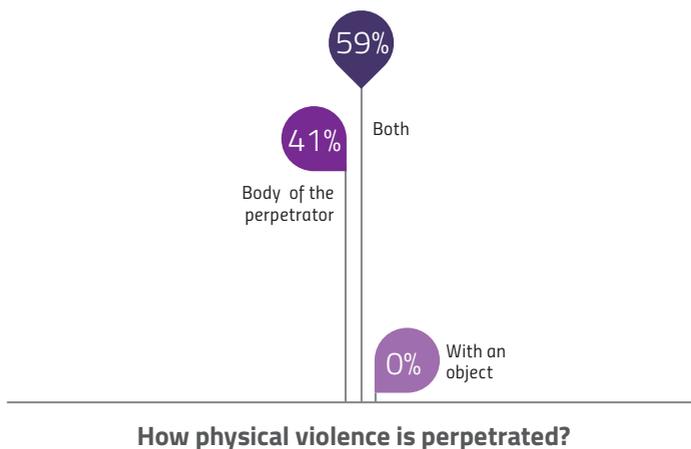
Identity of perpetrator outside family	Number	%
Chief in her workplace	3	5,4
Colleagues in her workplace	3	5,4
In the streets	8	14,3
In custody	0	0,0
In a state institution/organization	22	39,2
Other	20	35,7
<b>Total</b>	<b>56</b>	

**In terms of forms of violence, physical violence,** by 89 percent, is the most common type of violence, followed by economic violence and verbal violence. 48,3 percent of women expressed that they were subjected to physical violence and 38,3 percent were subjected to sexual violence.

Forms of violence	Number	%
Physical	351	48,3
Economic	601	82,8
Verbal	500	68,9
Sexual	282	38,8
Psychological	646	89,0
<b>Number of respondents</b>	<b>726</b>	

\* The respondent might have chosen more than one answer

**90,5 percent of women who applied to KAMER due to violence they were subjected to did not have any physical marks on them.** 7,4 percent had pain in various parts of her body while 8 women had cuts and bruises, 3 had deeper cuts and 4 suffered from a severe trauma.



Physical condition of applicant woman	Number	%
No physical marks	657	90,5
Cuts and bruises	8	1,1
Deeper cuts and bruises (that need stitches)	3	0,4
Broken bones	0	0,0
Injury that needs operation, head trauma etc..	4	0,6
Pain in the body due to violence (waist, arm, neck etc.)	54	7,4
<b>Total</b>	<b>726</b>	

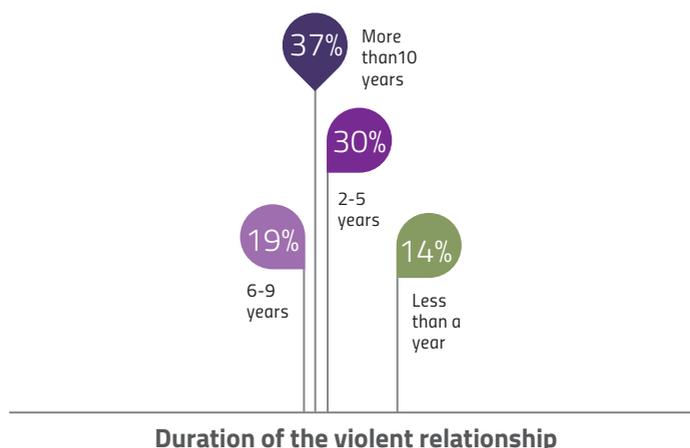
Does the applicant woman have a medical report or a forensic report?	Number	%
Forensic report (Less than 10 days)	16	2,2
Forensic report (More than 10 days)	13	1,8
Medical report	40	5,5
Rape report	1	0,1
No report	656	90,4
<b>Total</b>	<b>726</b>	

**Only less than 10 percent of women** who were subjected to violence could have the chance to evidence it with a medical report. 12 percent of women expressed that the perpetrator also threatened her with death, and 2,3 percent had miscarriages.

Is the applicant woman threatened by death?	Number	%
Yes	87	12,0
No	639	88,0
<b>Total</b>	<b>726</b>	

Miscarriage	Number	%
Yes	17	2,3
No	709	97,7
<b>Total</b>	<b>726</b>	

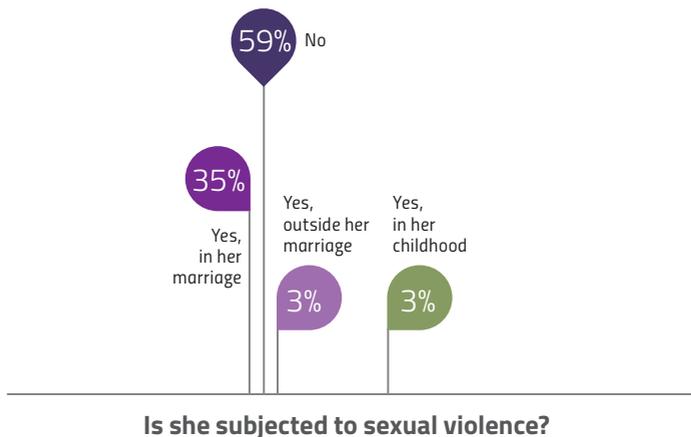
**37,5 percent of women expressed that violence started a few years after their marriage** and 32,6 percent said violence started from the first day of their marriage.



When was she first subjected to an act of violence?	Number	%
In her childhood	46	6,3
Before marriage	37	5,1
In the first days of marriage/relationship	237	32,7
In her first pregnancy	24	3,3
When the first child was born	25	3,4
In the later years	272	37,5
A short period before the application	67	9,2
Other	18	2,5
<b>Total</b>	<b>726</b>	

**41 percent of women who came to KAMER expressed that they were subjected to sexual violence.**

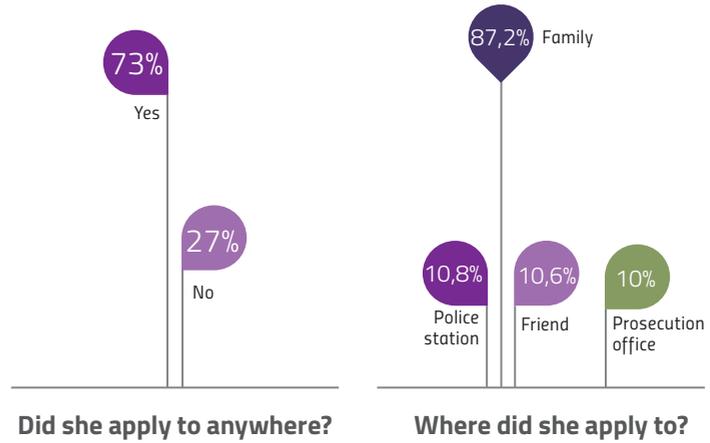
The most common form of sexual violence was being indifferent, by 49.5 percent. 35,8 percent of women were forced to sexual intercourse by beating, 21,8 percent were cheated and 18,4 percent were raped.



Forms of sexual violence	Number	%
Rape	54	18,4
Forced to sexual intercourse by beating	105	35,8
Forced to anal sex	6	2,0
Forced into prostitution	8	2,7
Sexual bullying with the use of an object	4	1,4
Incest	3	1,0
Forcing to watch pornographic movies, pictures etc.	3	1,0
Cheating on her	64	21,8
Forcing her to watch him having an intercourse with another woman/ group sex	20	6,8
Forcing her to have intercourse in front of her children's eyes	3	1,0
Harassment	27	9,2
Indifference	145	49,5
Other	8	2,7

\* The respondent might have chosen more than one answer

**73 percent of women looked for support in struggling against violence they were exposed to.** 87,2 percent of women went to their families for support while 10 percent of women went to police stations, friends and prosecution office asking for support against violence. Those who did not apply to any institution or organization expressed that they were afraid of the perpetrators or families prevented them from applying.



Why didn't she apply to anywhere?	Number	%
She was afraid of man's occupational status	58	29,6
Husband/children prevented her	15	7,7
Family prevented her	40	20,4
Man's friend/acquaintance/relative prevented her	13	6,6
No answer or other reasons	70	35,7
<b>Total</b>	<b>196</b>	

**87,7 percent of women** who applied to police stations said that she was taken care of and more than 90 percent of women answered that they were taken care of in the prosecution office. The percentage of support for women who went to their friends and families was less than others. This percentage was 78,6 among friends and 30,5 percent among family.

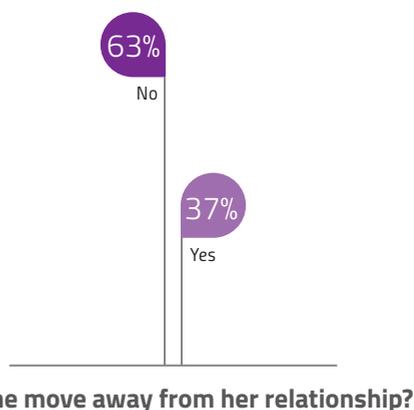
Applications to police station	Number	%
They supported the perpetrator	3	5,3
They reconciled and sent back home	4	7,0
They made fun of her, humiliated, dismissed	0	0,0
They were interested and sent to the relevant institution (hospital, prosecution, KAMER)	50	87,7
<b>Total</b>	<b>57</b>	

Support asked from friends	Number	%
They reconciled and sent back home	11	19,6
They humiliated and got rid of	1	1,8
They were interested and sent to the relevant institution	44	78,6
<b>Toplam</b>	<b>56</b>	

Applications to the prosecution office	Number	%
They made it difficult not to put the application in process	4	7,5
They humiliated/dismissed	1	1,9
They put the application in process	45	84,9
They sent her to the hospital	3	5,7
<b>Total</b>	<b>53</b>	

Support asked from family	Number	%
They are indifferent	168	36,4
They supported	141	30,5
They are against divorce	29	6,3
They asked to leave her children and then come	13	2,8
Men in the family approve of violence	6	1,3
They want to support but are afraid of the perpetrator	21	4,6
They want to support but cannot due to economic difficulties	82	17,7
Other	2	0,4
<b>Total</b>	<b>462</b>	

**37 percent of women who were subjected to violence moved away from their relationships,** 60 percent of this distancing lasted less than a year. 15 percent of women received treatment due to violence she was subjected to, 4,1 percent were hospitalized, and 5,1 percent attempted suicide at least once.



If so, for how long did she move away from her relationship?	Number	%
Less than a month	68	25,4
Less than a year	91	33,9
More than a year	109	40,7
<b>Total</b>	<b>268</b>	

Did she receive any treatment?	Number	%
Yes	109	15,0
No	617	85,0
<b>Total</b>	<b>726</b>	

Was she hospitalized?	Number	%
Yes	30	4,1
No	696	95,9
<b>Total</b>	<b>726</b>	

Does she still receive a treatment?	Number	%
Medicine	78	79,6
Therapy	13	13,3
Other	7	7,1
<b>Total</b>	<b>98</b>	

Suicide attempt	Number	%
She attempted once	24	3,3
She attempted more than once	13	1,8
She thought of/planned but not attempted	96	13,2
She is not suicidal	593	81,7
<b>Total</b>	<b>726</b>	

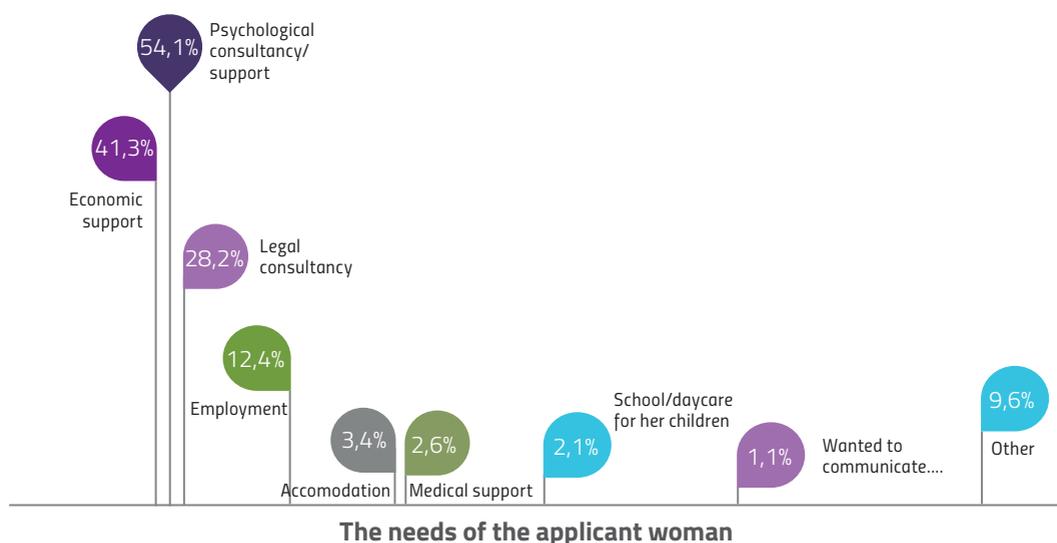
**In families where domestic violence occurred,** only 26,2 of perpetrators were interested in their children. Women who were exposed to violence expressed that they could not take care of their children well, were angry with them, beat them and wreaked their anger on their children.

How does the perpetrator treat his children?	Number	%
Interested	164	26,2
Indifferent	352	56,2
Uses violence on children	88	14,1
Beats girls	4	0,6
Beats boys	1	0,2
Beats children and humiliates them	1	0,2
Beats children and throws them out	0	0,0
Beats the daughter who protects the mother	0	0,0
Beats the son who protects the mother	0	0,0
Beats stepchild	0	0,0
Intimidates them	16	2,5
<b>Total</b>	<b>626</b>	

What do you think of how do we, women, treat our children?	Number	%
We get angry since we think they don't listen to us	142	21,4
We beat them since we think they don't listen to us	24	3,6
We wreak our anger on them when we are exposed to violence	149	22,4
We might disrupt their daily care and nutrition	109	16,4
All	213	32,1
Other	27	4,1
<b>Total</b>	<b>664</b>	

**Women came to KAMER after they learned about it in the neighborhood meetings.** When women came to KAMER, they mostly applied for psychological, economic, legal support and employment and it is significant that KAMER could provide majority of the support needed.

How did she reach KAMER?	Number	%
Via KAMER's Centers	24	3,3
NGOs	19	2,6
Directed by state institutions	13	1,8
Women who participated in awareness groups	82	11,3
Young people they met in the streets	4	0,6
Media (TV, newspapers, fliers) channels	66	9,1
During neighborhood meetings	456	62,8
Other	62	8,5
<b>Total</b>	<b>726</b>	



What did KAMER do?	Number	%
Directed to medical support	17	2,3
Directed to legal support	201	27,7
Directed to psychological support	323	44,5
Supported in finding a job	61	8,4
Directed her children to psychological support	11	1,5
Sent her children to school/daycare	10	1,4
Participated in awareness groups	75	10,3
Accompanied (police station, hospital, court)	14	1,9
Aid in kind	9	1,2
Directed to women's shelters	23	3,2
Provided support from Social Assistance and Solidarity Foundation	213	29,3
Other	166	22,9
<b>Number of respondents</b>	<b>726</b>	

\* The respondent might have chosen more than one answer



## REPORT OF VIOLENCE MONITORING FORM - 2

According to the 2<sup>nd</sup> violence monitoring form we used with 106 women who were subjected violence, women applied to Provincial Directorate of Family and Social Policies the most for support in the first place. The percentage of women who expressed that they were taken care of in this institution is 98.

Age of the Applicants	
Average	35,3
The youngest	13
The oldest	62
<b>Number of the respondents</b>	<b>106</b>

Women applied for support to	1st Institution		2nd Institution		3rd Institution	
	Number	%	Number	%	Number	%
Provincial Directorate of Family and Social Policies	35	33,0	4	12,5	2	16,7
Police station	3	2,9	3	9,4	0	0,0
Prosecution office	1	0,9	1	3,1	0	0,0
Governorship	19	17,9	8	25,0	1	8,3
Bar association	27	25,5	2	6,3	1	8,3
Other	21	19,8	14	43,7	8	66,7
<b>Total</b>	<b>106</b>		<b>32</b>		<b>12</b>	

How was she treated in the institutions she went?	1st Institution		2nd Institution		3rd Institution	
	Number	%	Number	%	Number	%
Interested	97	98,0	29	90,6	10	100,0
Indifferent	0	0,0	0	0,0	0	0,0
Accusing and rude	0	0,0	1	3,1	0	0,0
Tried to seem interested but did not put the application in process	2	2,0	1	3,1	0	0,0
Tried to send back home	0	0,0	1	3,1	0	0,0
Other	0	0,0	0	0,0	0	0,0
<b>Total</b>	<b>99</b>		<b>32</b>		<b>10</b>	



## REPORT OF VIOLENCE MONITORING FORM - 3

### Age of Applicants

Average	37,4
The youngest	26
The oldest	48

**Number of the respondents** **8**

### What were the results if the applicant went first to Provincial Directorate of Family and Social Policies for support?

	Number	%
Her demand for shelter was met	0	0,0
Education support for children was given	3	75,0
Took action on rental expenses	0	0,0
All	0	0,0
No action was taken	0	0,0
Other	1	25,0
<b>Total</b>	<b>4</b>	

### What were the results if the applicant went second to the police station for support?

	Number	%
Sent to the prosecution under protection	0	0,0
Contacted with shelter	0	0,0
Provided her security	0	0,0
No action was taken	0	0,0
<b>Total</b>	<b>0</b>	

What were the results if the applicant went third to the Governorship?	Number	%
Applicant was directed to prosecution	0	0,0
Disciplinary punishment was inflicted to the perpetrator	0	0,0
In kind aid/monetary aid was given to the woman who was exposed to violence	2	100,0
No action was taken	0	0,0
<b>Total</b>	<b>2</b>	

What were the results if the applicant went fourth to the bar association?	Number	%
Legal aid was given	4	80,0
Asked to come back later	1	20,0
No one was interested	0	0,0
<b>Total</b>	<b>5</b>	