**Questionnaire**

**For the following sections, please provide information about a law that has been selected as an exemplary case study of a "good practice" in eliminating discrimination and empowering women in your national context.**

**I. Identification of a law that has eliminated or substantially reduced discrimination and supported women's empowerment.**

*Background information on the Law*

**1. Name/Title of the Legislation:** Law No:6284 on Protection of Family and Prevention of Violence against Women

**2. Date the law passed and came into force:** 20.03.2012

**3. Was it a new law or an amendment of an existing law?**

New ( X ) Amendment ( )

**4. Is the legislation focused specifically on discrimination against women/gender equality, or is it part of a larger piece of legislation (i.e. Labour law with provisions around gender}? Please explain.**

The Law Nr.6284 is aimed at preventing violence against women.

It is evident from the statement in the objectives section of the Law, which reads *“It aims to set the rules and procedures as to the measures due for protection of women, children, family members and victims of stalking exposed to or under risk of violence and prevention of violence targeting them.” that it is a special law.*

**5. Please provide a summary of the content of the law, its preamble or explanatory note, policy measures, dissemination and implementation regulations, and provisions for access to justice, as well a link to where all these can be found online.**

The Lawincorporates some provisions parallel to the Istanbul Convention. The Law stipulates far-reaching provisions to serve the both prevention, protection purposes and the dimensions of punishment and indemnification in terms of combating violence against women and family members.

Some of the regulations brought by the Law No: 6284 on the Protection of Family and Prevention of Violence against Women are as follows;

* The concept of “violence” has been defined in the Law in a way compatible with the Istanbul Convention as will include physical, verbal, sexual, economic and psychological violence.
* Preventive and protective measures regarding the perpetrator and potential perpetrator are established in the Law in detail.
* Civilian authority will be entitled to rule protective orders such as identification of accommodation place, provision of temporary financial aids, delivery of psychological, vocational, legal and social support services, taking them under temporary ex officio protection, enabling them to enjoy from the crèches facilities; in presence of risky delays, the protection orders (accommodation and temporary protection) can also be ruled by the relevant law enforcement officer chief and no evidence or evidential document will be sought during the ruling of these orders.
* The Law establishes that the judge may rule protective orders such as changing workplace and residence location of the protected person and impose family dwelling annotation and change the identity and other relevant information documents of the protected person in framework of the Witness Protection Act in presence of life risk.
* The Law establishes that anyone who has a rational reason to believe that a violence act is in presence, she/he is supposed to report the case to the official authorities and officials; the civil servant who received the notification is obliged to inform the other officials of the case, who are to take necessary actions regarding the situation without any delay.
* The Law sets for the period that is envisaged to execute the measures adjudicated by the judge upon the request by Ministry, law enforcement officers or the Public Prosecutors on demand of the relevant person will cover a period of six month for the first time by. The period or the time of the order will be changed, continued or pulled up in accordance with the presence of violence and risk of violence.
* No evidence or evidential document testifying that a violence act is available will be sought for ruling a protective order, the order will be ruled and implemented without any delay and rejection to be made to protection order request will only be conveyed to the protected person.
* The Law states that the identity information of the protected person and of the family members of the protected person or the information and addresses which may reveal their identities will be kept confidential in the formal records.
* The law enforcement officers shall be in charge of and authorized for the location of protection order, the dwelling residence of the person upon whom a protection order has been ruled in accordance with the Law.
* Persons upon whom a provision of an accommodation order has been ruled shall be able utilize from the recreational centers, dormitories and similar facilities of public institutions and agencies in the event that the accommodation facility of the Ministry is insufficient on request by the local authority, in emergency situations by Ministry and law enforcement officers.
* The law establishes that the perpetrator shall be sentenced to forced imprisonment from three days to ten days in presence of violation by the perpetrator of protection order, fifteen days to thirty days in recurrence of violation however total period of forced imprisonment shall not exceed six months; in the event that the offence is in scope of another criminal act, the perpetrator shall be exposed to a separate investigation and prosecution.

**6. When was the first draft of this law introduced, and when was it adopted (please specify dates of first draft and adoption?**

The law was introduced on 24.02.2012 and it was adopted in the parliament on 08.03.2012

**7. In your view, does the law in question place a positive duty on the State to achieve
substantive equality for Women?**

Yes ( x ) No ( )

According to 10th Article of the Constitution, “Men and women have equal rights. The State is liable for translating this equality into practice. Any measures to be taken to this end shall not be contrary to the principle of equality”. This provision imposes affirmative responsibilities upon the state for making equality of men and women for real. The Article 1 of the Law Nr.6284 embodies among its provisions a clause which stipulates *“Delivery of services and support to survivors of violence shall follow a fair, effective and quick procedure that is based on fundamental human rights, responsive to equality of men and women and observes the principle of social state.*” and thus embraces the relevant constitutional procedure. The same article introduces affirmative responsibilities to the state by referring to the Constitution and international conventions, especially the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

**8. Does the law contain a definition of discrimination that is in accord with Article 1 of CEDAW?**

Yes ( ) No ( X )

**9. Does the law's definition of discrimination include and define both direct and indirect discrimination?**

Yes ( ) No ( X )

**10. How has the Constitution supported the process of adoption and implementation of the law? Does the Constitution have an equality and non-discrimination provision?**

See answer 7. Additionally, the Article 90 of the Constitution sets forth that international conventions applicable in due course shall be equivalent to a law and international conventions shall take precedence over the laws in case of conflict among them. Accordingly, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence signed and ratified by Turkey has the power of law and is applicable against the contradictory provisions of law.

**11. Does the law contain provisions that address discrimination against women from an intersectional perspective, taking into account a diversity of women's social identities, statuses and experiences?**

Yes ( ) No ( X )

**12. Whom of the following are bound by the law?**

The State Yes ( X) No ( )

Public Authorities/Bodies Yes ( X ) No ( )

Civil society organisations Yes ( X ) No ( )

Private companies Yes ( X ) No ( )

Individuals Yes ( X ) No ( )

**II. How the law came into being ad was implemented**

**1. What was the impetus for the development of this law (i.e. social movement activism, political platform, a Supreme Court ruling, an egregious case of discrimination, constitutional reform...)?**

The Law Nr.4320 and dated 1998 which aimed to prevent violence against women and provided a description of “domestic violence” in a legal document for the first time, was amended in 2007 and its scope was broadened. Despite the regulations, the implementation gaps raised the need for an immediate revision and reassessment of the Law to remedy existing gaps. As a result, the Law Nr.6284 was prepared by Ministry of Family and Social Policies. The signature and ratification of the Istanbul Convention by our country also played an important role in the preparation of the Law Nr. 6284

**2. Were there any conditions in the political context that made it possible for this law to be developed and adopted at the time that it was (i.e. a particular political party in power, a conflict/post-conflict situation, a recent ratification of an HR instrument, etc.)?**

 Yes (X ) No ( )

The Law Nr. 6284 was built on the Istanbul Convention.

**3. What actors were consulted and how were they consulted in the law's development and formulation? Check all that apply, and, where possible, provide names of involved individuals, agencies, organizations, etc.**

Legal Experts/scholars (please specify) ( x ) Heads of Bar Associations in sixteen provinces with a metropolitan municipality, Public Prosecutors working in the field of domestic violence in the Court of Ankara, Family Court Judges

Government Ministries ( x )

NHRI ( )

NGOs/CSOs ( x )

Other social groups (specify) ( )

**4. Was there opposition to the law?**

Yes ( ) No ( x )

**6. Were there other laws that needed to be reformed in order to enact this law?**

Yes ( ) No ( X )

**7. Were any international human rights treaties or mechanisms referenced in the Iaw's creation?**

Yes (X ) No ( )

According to the 2nd Article of the Law Nr. 6284 “In the implementation of this Law; the Constitution of the Republic of Turkey and the international conventions to which Turkey is a party, particularly the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and the other applicable legal regulations shall be based on”

**8. Did any international/regional/national human rights mechanism issue recommendations to the State in regard to amendment or formulation of this law, or regarding effective implementation? If yes, was this recommendation formulated prior, during or after the adoption of the law?**

Yes ( ) No ( X )

**9. What measures to support implementation were built into the law or developed immediately after (and as a result of) its passing? This could include such measures as budgetary and resource allocation, monitoring mechanisms, data collection, impact measurement mechanisms, independent monitoring, ete. Please list and explain, providing any relevant documents.**

The Law sets forth the establishment of ‘’Violence Prevention and Monitoring Centers’’, which provide support and monitoring services to enable the effective implementation of preventive and protective orders to prevent violence. They are in service in 47 provinces as of August 2016. Violence Prevention and Monitoring Centers are planned to be spread to all provinces.

**10. How was the law made accessible to the public? Did it include formal training on the new law for all stakeholders involved? Were specific groups of women targeted for these activities? Who was involved in these initiatives, and where did the funding come from? Please answer in detail.**

Following the taking effect of the Law No:6284, General Directorate on the Status of Women held publicity seminars in 16 cities between April and June 2012. The seminars reached out to 6.500 civil servantsworking at the public institutions and organizations in direct contact with the women subjected to violence. In addition to this, under the Project titled as “The Women Shelters for Combating Violence Project” which was implemented between 2014 and 2016 and financed by the IPA-2009 Programme, trainings are delivered for Violence Prevention and Monitoring Centers and Women’s Shelter employees, police officers, Justice department personnel, health workers, NGOs and local government employees.

Furthermore, trainings and seminars on equality of men and women and violence against women have been organized nationwide in Turkey, for the staff of the public institutions and organizations as well as university students to reinforce gender equality and prevent violence against women. During these activities information is provided about the Law Nr.6284.

**11. Have there been any barriers to the law's full and successful implementation?**

Yes ( x) No ( )

The results of the project on “The Impact Assessment of Implementation of the Law Nr.6284” demonstrate that the Law Nr.6284 is compatible with international obligations regarding violence against women and is a highly robust legal arrangement to prevent and eliminate violence.

Moreover, meetings were held and coordinated activities conducted on confidentiality, security, id details change, access to general health insurance coverage and health care opportunities etc. with the Ministry of Interior, Ministry of Health, Ministry of Labor and Social Security, Ministry of Justice and other relevant institutions/ organizations to improve efficiency of the Law Nr.6284 and the Implementing Regulation thereof in implementation. Efforts have been maintained in cooperation with the relevant institutions and organizations to remedy the problems in implementation of the Law Nr.6284.

**12. What kinds of roles are being carried out by civil society/vvomen's organizations in
supporting the implementation and impact of the law? How are these activities being financed?**

Among the duties of the Violence Prevention and Monitoring Centers envisaged to be set up in pursuant to the Article 14 of the Law Nr.6284 is *“to cooperate with the relevant non-governmental organizations working to end violence against women as defined under the Law Nr.6284”* which is envisaged in the Article 15 thereof. Accordingly, VPMCs and NGOs work in collaboration.

**III. The impacts that the lavv has had for vvomen on the ground**

**1. Did the adoption of the law result in the creation of any policies?**

Yes ( X) No ( )

The National Action Plan on Combating Violence against Women 2012-2015 designed after the Law took effect took into consideration the provisions of the Law and the policies aimed at eliminating the problems in its practice.

Due to expiry of “The National Action Plan on Combating Violence against Women 2012-2015”, efforts have been taken up to prepare **“The National Action Plan on Combating Violence against Women (2016-2019)”**. The new action plan has been developed taking strength from international conventions, particularly Istanbul Convention, and our national legislation.

Pursuant to the Article 12 of the Law, technical tools and methods shall be applicable upon judicial decision. The protocol entitled “Protocol of Cooperation on Pilot Scheme for Applicability of Audio Surveillance Systems in Combating Violence against Women” was signed on 8th March 2015 among the Ministries of Justice, Family and Social Policy and Ministry of Interior to implement the concerned article was renewed on 18th April 2016. In scope of the Protocol, the pilot scheme has been applicable in Ankara and Izmir to keep track of both the perpetrators and victims of violence together using the audio surveillance database set up within the Ministry of Justice General Directorate of Prisons and Detention Houses Department of Probation and electronic bracelets.

**2. Have court cases/decisions resulted from the law? Has this data been systematically collected? If so, please provide details about the number of cases, convictions, decisions made.**

The Law has been implemented by the courts, civilian authorities and law enforcements units since it has taken effect.

As of June 2016, the number of protective and preventive injunction orders ruled nationwide in Turkey in scope of the Law Nr.6284 is 20.568 and 307.227 respectively.

**3. What specific and measurable outcomes showing the impact of the law on society and on women's enjoyment of their rights have been recorded as a result of the adoption and implementation of the law? How have these been monitored and by whom?**

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The National Research on Domestic Violence against Women in Turkey conducted in 2014 in cooperation with our Ministry and Hacettepe University revealed that women’s rate of satisfaction with temporary protective injunctions ruled in their favour was 80 percent, suspension of perpetrators from communal house was 91 percent and other injunction orders was 78 percent.

**4. Are there other impacts of the law that have been observe?**

Yes ( x ) No ( )

It is concluded from the outcome of the project on “The Impact Assessment of Implementation of the Law Nr.6284” that the Law is compatible with international obligations regarding violence against women and is a highly robust legal arrangement to prevent and eliminate violence.

**5. What mechanisms have been set up to review and assess the implementation of the law?**

The Regulation on Violence Prevention and Monitoring Centers effective as of 17th March 2016 provides for constituting a Provincial Coordination, Monitoring and Evaluation Committee for Combating Violence against Women. The committee convenes every six months chaired either by the Governor or Vice Governor. The members of the Committee are metropolitan mayors or general secretaries or heads of departments responsible for social services in cities defined as metropolitan areas; mayors or assistant mayors, Gendarmerie Provincial Commanders, Provincial Directors of Security Affairs, Provincial Directors of Family and Social Policy, Provincial Directors of Education, Provincial Directors of Health, Provincial Directors of Immigration Authority, Provincial Directors of Population and Citizenship Affairs and Provincial Directors of Social Assistance and Solidarity Foundation in other cities. Efforts have been started to set up commissions and reports on setbacks in implementation of the Law Nr.6284 are drafted at the end of the meetings and submitted at the Ministry. The Ministry evaluates the reports and revises as necessary.

**6 . Is there data on how the law has affected some groups of women differently (i.e. based on race, ethnicity, religion, social class, age, ete.)?**

Yes ( ) No ( x )

**7. Has there been independent monitoring of the law?**

Yes ( ) No ( x )

Please provide information.