

TO STOP THE VIOLENCE REPORT THE PERPETRATOR, EXERCISE YOUR RIGHTS.



IN CASE OF AN **EMERGENCY:**



IN NON-URGENT CASES:



The legal aid offices and, if applicable, women's rights commissions within them provide legal support free of charge.



This line is managed by the Federation of Women's Associations of Turkey (TKDF).



This leaflet was last updated in December 2022.

**WHEN SUBJECTED
TO VIOLENCE
**HOW CAN YOU SEEK
OUT YOUR RIGHTS?****

FREQUENTLY ASKED QUESTIONS



1

WHERE SHOULD YOU VISIT IF YOU REQUIRE URGENT MEDICAL ATTENTION?



- If you have been subjected to physical or sexual assault, contact the nearest healthcare facility, the police or gendarmerie in your area or the public prosecutor's office inside your local courthouse (Adliye) to avoid losing evidence. Your physical and psychological examination should be performed by a forensic medical specialist.
- If a sexual assault has occurred, do not shower or wash/discard any clothes that you were wearing during the assault. Place them into a paper bag as these will constitute evidence and be examined by authorities.**



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IF YOU DON'T REQUIRE URGENT MEDICAL ATTENTION, HOW CAN YOU FILE A COMPLAINT AGAINST THE PERPETRATOR?

- Go to the local **police station** or **gendarmerie** if you are within the vicinity of one. If they wish to send you to another unit, ask them to take you to a **Domestic and Women's Violence Bureau Chief**, stating that there is a threat to your safety and wellbeing. This is a right given to you under Law No. 6284. If you are prevented from exercising this right, state that you will report this to the Presidency's Communication Centre (CİMER).

Domestic Violence Emergency Helpline

**0212 656 9696
0549 656 9696**

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- If you have not yet been examined by a forensic specialist, request to be referred to a **healthcare facility** to receive a forensic medical report as soon as possible so that physical evidence of the assault is not lost.
- If you do not get assistance from the police or gendarmerie, contact the public prosecutor's office at your local courthouse. When you go to the courthouse, first visit the **Directorate of Legal Support and Victim Services**, they will guide you through the procedures that will be carried out at the prosecutor's office.

Despite these, if you still cannot receive the support you need, call the **Domestic Violence Emergency Helpline**. This line is managed by the Federation of Women's Associations of Turkey (TKDF).

- If you are unable to leave your house and wish to contact the police or gendarmerie by phone, **call 112**. When you call 112, you will be asked to provide your address. If you can't provide your address, 112 may call you back. If you do not want to be called back, please make the emergency phone operator aware of this when you call 112.

- If you are unable to call 112 but have previously downloaded the KADES mobile application to your smartphone, use it to receive help from law enforcement agencies. When you use the KADES application, the relevant teams will be dispatched and you will receive a message informing you that they are on their way. If your location cannot be determined, they will call you.



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WHAT SHOULD YOU DO WHEN VISITING THE POLICE, GENDARMERIE OR PROSECUTOR'S OFFICE?



POLICE OR GENDARMERIE

- First, ask them to call the bar association to **have a lawyer assigned** to you. The lawyer appointed by the bar association may be able to assist you free of charge.
- Never make statements under duress without your lawyer present.
- Describe to your lawyer in detail the sequence of events concerning the incident. Following this, a report will be filed, and an incident and risk assessment form will be filled out. Be sure to read the transcript of your statement in detail before signing it; if there are any incorrect or incomplete statements, ask them to be corrected immediately. Be sure to ask for a copy of all the forms you have signed and their transaction numbers. **The police and gendarmerie are obliged to keep a transcript**, if necessary, remind them that they are legally obliged to keep it under the provisions of Law No. 6284.

- If you fear for your safety and you are being subjected to domestic abuse, you can ask for the perpetrator to be removed from your house and assigned temporary protection.** In this case, the violent partner will be immediately removed and the shared dwelling will be allocated to you. You will also be assigned a police officer to accompany you when you leave your house.



- If you are unable to return home and need shelter, ask for an injunction to be issued regarding housing for yourself and any children. You will be directed to the nearest **Violence Prevention and Monitoring Centre (ŞÖNİM)** so that you can be assigned to a guesthouse. If you have a son over the age of 12, you may not be able to stay together in the guesthouse. In this case, try to leave your son with a relative or friend who will be able to offer him a safe place to stay.



PROSECUTOR'S OFFICE:

- If you have been subjected to violence such as threats, insults, injury, sexual assault, you can apply to the prosecutor's office in the courthouse. Here **you can request the appointment of a lawyer from the bar association**.
- When you go to the courthouse, state that you want to meet with the **Directorate of Legal Support and Victim Services**. This unit will support you in the proceedings at the courthouse.
- With the support of your attorney, **file a complaint**. Include where, when and how the incident took place, and the names and addresses of witnesses, if any, and **keep a copy of it**.
- Upon your complaint, **the prosecutor may want to take your statement**. If your statement is taken, the prosecutor will then collect the evidence, hear the witnesses and then take the statement of the person you are complaining about.



- **If the collected evidence raises suspicion that a crime has been committed**, the prosecutor will draw up an indictment and send it to the court. If the indictment is accepted by the court, the lawsuit is filed. You will receive a notification by mail regarding the time of the hearing. You must attend this hearing. It will be in your best interest to **get support from a lawyer at all stages of this process**.
- **If the prosecutor decides after the investigation that a crime has not occurred** (i.e. there is no room for prosecution), then the case will not be filed. If you want to appeal this decision, you must consult a lawyer and appeal to the magistrate's office within 15 days.

4 YOU HAVE EXPERIENCED DOMESTIC ABUSE, WHAT CAN YOU DO TO PREVENT THE PERPETRATOR FROM APPROACHING YOU AND, IF APPLICABLE, YOUR CHILDREN?

- Under the provisions of Law No. 6284 you can request some, or all, of the following injunctions be established by the family court, the police and the gendarmerie. When you seek assistance from these authorities, **you can also request that a lawyer be appointed by the bar association** to provide you with legal assistance free of charge.
- If deemed appropriate by the family court, the police, and the gendarmerie, within the scope of the following injunctions, the perpetrator:
 - will be prohibited from subjecting you to words and behaviours that would be considered violent threats, insults, humiliation, or belittlement,
 - will immediately be removed from any shared dwelling and any shared residence will be allocated to you,
 - will be prevented from approaching you, your residence, your workplace and, if applicable, your children or their school,
 - will be prohibited from approaching your witnesses and relatives.
- In addition to the above injunctions, **you can request that the family court issue the following additional restrictions:**
 - Changing your workplace.
 - If you are married, a new place of residence will be determined or a family residence annotation will be placed on your shared property (in this case, the perpetrator will not be able to sell, rent or make any other arrangement without your knowledge),
 - If there is a decision to establish a personal relationship with your children, the personal relationship should be accompanied by a chaperon, the personal relationship may be limited or completely removed,
 - Prohibiting the perpetrator from damaging your personal belongings and household items,
 - Preventing the perpetrator from disturbing you through communication channels or in various other ways.
- If the family court deems it necessary, it may also issue additional rulings depending on the nature of the situation.
- Injunctions will only be applicable for a certain period, so follow the deadlines and make sure to request an extension of any injunctions.

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WHAT OTHER MEASURES CAN YOU REQUEST FROM THE FAMILY COURT AGAINST THE PERPETRATOR?



- Weapons that he is legally permitted to carry or possess must be **surrendered to law enforcement**,
- If the perpetrator performs a public duty that obligates him to carry a weapon, his public duty also requires that he **surrenders all weapons** under his possession to his institution,
- If the perpetrator has not been removed from your vicinity, he should be prohibited from consuming alcohol, drugs or stimulants in your area. If he has been diagnosed with any form of **substance addiction**, he can be required to **have a medical examination and receive treatment**, including hospitalisation,
- The perpetrator to receive psychological treatment.



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IF YOU REQUIRE FINANCIAL AID HOW CAN RELEVANT ORGANISATIONS ASSIST YOU DURING THIS PROCESS?



- You can request temporary financial assistance from the governorship or district governorship. They will direct you towards the Social and Charitable Foundation in your province. Within the provisions of Law No. 6284, temporary financial assistance is a right granted to you, regardless of whether you receive any other social benefit. You can also get information about the various financial support options from **Alo 144** or from your local **ŞÖNİM**.
- If you would rather stay in your own residence than at a shelter, you can apply for multi-level support (**katlı destek**) from the Ministry of Family and Social Services' Social Service Centre.
- You can also apply for social economic funding (**sosyal ekonomik destek**) to support your children.
- If your child goes to day-care, you can request the governorship or district governor's office provide **day-care support**. This support will be provided for two months if you are working and for four months if you are currently unemployed.
- If you fulfil certain criteria, you can apply to the family court to request **temporary alimony** from the perpetrator.
- If you do not have any health insurance, **you can still have access to health services using a general health insurance**.
- You can request psychological, professional, legal and social **guidance and counselling services** from the governorship or district governorship.



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WHAT CAN YOU REQUEST IF YOU BELIEVE THERE IS A THREAT TO YOUR LIFE?



- If it is believed that other measures will not be sufficient at deterring the perpetrator and you provide your explicit consent, **you can request the family court to change your identity and other information and documents in accordance with the provisions of the Witness Protection Law**. A lawyer will be able to guide you with these matters.

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WHO SHOULD YOU CONTACT REGARDING MATTERS CONCERNING, CUSTODY, TRUSTEESHIPS, ALIMONY AND CHILD VISITATION RIGHTS?



- The family courts are the decision-making authority in these matters. **Be sure to act in consultation with a lawyer**. Each case has its own characteristics; a lawyer will be able to support you by examining your specific situation to ensure that the most appropriate actions are taken.
- If you fulfil certain criteria, **the legal aid board of the bar association in your province will provide you with legal aid free of charge** for the opening of divorce, alimony and custody cases.

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HOW SHOULD YOU PROCEED IF YOU HAVE NOT YET DECIDED WHETHER TO FILE A COMPLAINT, BUT STILL WISH TO BE INFORMED?



- You can apply to the **Legal Support and Victim Services Directories** in courthouses and **non-governmental organisations** that specialise in supporting women.

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WHAT CHALLENGES MAY YOU EXPERIENCE DURING THE LEGAL PROCESS?

- During the complaint process, there may be people who pressure you into dropping your charges. If this ever occurs find support, ask for help and do not be intimidated.
- There may be those who do not believe you. Be sure to gather evidence and/or witnesses about the violence that you experienced.
- If the institution you apply for during the complaint process does not keep a record despite your request, remind them that this is mandatory under the Law No. 6284. If necessary, tell them that you will file a complaint to **CİMER**.
- Legal processes are long and complex. Be sure to ask for help from a lawyer. Also, stay in touch with relevant NGOs and ask for their guidance.