

IMPLEMENTING REGULATION CONCERNING THE LAW TO PROTECT FAMILY AND PREVENT VIOLENCE AGAINST WOMEN NUMBERED 6284

FIRST PART

Objective, Content, Basis and Definitions

Objective and Content

ARTICLE 1 – (1) This regulation contains to protect the women, the children, the family members and the victims of stalking, who have been subject to the violence or at the risk of violence, to prevent the violence against those people and procedures and principles with regard to taking and implementing measures of preventing the violence about the perpetrator of violence and the persons that are likely to perpetrate violence.

Basis

ARTICLE 2 – (1) This regulation was prepared on the basis of the Article 22 of The Law No 6284 on The Protection of Family and Prevention of Violence against Women dated 8/3/2012.

Definitions and Abbreviations

ARTICLE 3 – (1) Certain terms used in this law are defined as follows;

- a) Informed Consent: The protected person is informed by explaining comprehensibly the reasons, stages and conclusions of the measures to be taken and a written statement of the relevant person regarding that s/he understand and accept these all points with his/her free will,
- b) Ministry: the Ministry of Family and Social Policies,
- c) Cases where delay is considered to be risky: As a result of the investigation and risk assessment of the law enforcement, the appearance of the occasions when violence act isn't prevented, the protection of the security of life, rights and freedoms of the person are imperilled, the protected person is damaged, traces, shadows, marks and evidences of the violence act are lost, the perpetrator of violence escapes or his/her identity isn't determined unit if any action isn't immediatey taken and the absence of the enough time in order to take a decision from the civilian authority or the judge ex officio or upon the request of the relevant person,

- ç) Temporary Protection: The measure implemented by the law enforcement officers with the aim of protecting the victim of violence, who has a life threatening danger, from the dangers to be resulted from the perpetrator of violence or the persons that are likely to perpetrate violence by means of the all forms of technical devices and equipments uninterruptedly according to the principle of 24 hours,
- d) Directorate General: The Directorate General on the Status of Women,
- e) Judge: The judge of family court
- f) Life threatening danger: The occasion when a person is subject to violence or liable to subject to violence that may result in death,
- g) Notification and Complaint: Notification means that the event is notified to the relevant institutions and authorities in written, verbally and by the other means; complaint means that the victim of violence applies to the relevant institutions or authorities on occasions when there has been violence or violence threat,
- ğ) Law: The Law No 6284 on The Protection of Family and Prevention of Violence against Women dated 8/3/2012,
- h) Law Enforcement Officers: Police, gendarmarie and coast guard units
- ı) Law Enforcement Chief: means the president/chief of the law enforcement unit that is competent and responsible of the issue pursuant to the procedures in the appointments by the Gendarmerie General Command, the General Directorate of Security Affairs, the coast guard command in the residential area of the persons, for whom the cautionary decision is taken or in the place where the measure will be implemented.
- i) Guesthouse: Social service organizations that protect the persons that are subject to phsysical, emotional, sexual, economic and verbal abuse or violence from violence, solve their psychosocial and economic problems, stregthen them and where the victims of violence can temporarily stay together with their children by meeting the needs and which are opened under the name of guesthouse, shelter, women's shelter, Women's home, compassion home and similar names.
- J) Protected Person: Victims of violence and their children, family members and victims of stalking that are protected within the scope of the cautionay decision,

k) Protective Cautionary Decisions: The decision regarding the measures to be taken for the protected person by the authorities specified within the scope of Law considering the nature of the case,

l) Directorate: Provincial or District Directorate of the Ministry of Family and Social Policies

m) Violence: All forms of physical, sexual, psychological, verbal or economic attitudes and behaviours, including all acts that result in or are likely to result in physical, sexual, psychological or economic harm or suffering to the individual, threats and pressure or arbitrary deprivation of liberty in social, private or in public life,

n) Victim of violence: The person who is directly or indirectly subject to or at the risk of the attitudes and behaviors which are defined as violence in this Law and the people who are affected by violence or at the risk of being affected by violence regardless of the nationality of the relevant person pursuant to the reciprocity principle,

o) Violence Prevention and Monitoring Centers (ŞÖNİM): The centers which operate on a 7/24 basis and where the strengthening and supportive counselling, guidance and direction and monitoring services are provided to the persons and where necessary qualified personnel especially the women are employed and perform a duty in order to prevent the violence and to carry out the protective and preventive measures efficiently,

ö) Perpetrator of violence: The people who exhibit or entail the risk of exhibiting attitudes and behaviors defined as violence in this Law,

p) Preventive cautionary decisions: The decision regarding the measures to be taken for the perpetrator of violence and the persons that are likely to perpetrate violence by the authorities specified within the scope of Law considering on the nature of the case.

r) Complaint Authority: Law Enforcement, civilian authority, Chief Public Prosecutor, judge, the related units of The Ministry

s) Cautionary Decision: The cautionary decision taken in regard to the victims and perpetrators of violence, upon a request or a complaint or ex officio by the judge, law enforcement officers and administrative chiefs within the scope of this Law,

ş) Stalking: Regardless of the family connection or relation, it means all attitudes and behaviours actually, verbally, in writing or using every kinds of communication instruments and restraining the protected person in a way to worry about the security of the protected person and cause fear and despair physically and psychologically.

THE SECOND PART

Notification and Complaint

Notification and Complaint

ARTICLE 4 - (1) If there has been violence or there is a risk of it, everybody can notify this situation to the relevant authorities and organs in written, verbally or by other means. The public institutions and organizations and the professional organisations with public institution status being aware of violence or the risk of violence are obliged to inform immediately the situation to the complaint authorities.

(2) On occasion when the victim of violence is subject to violence or risk of violence, s/he may notify the situation in written, verbally or by the other means to the complaint authorities.

(3) The complaint authorities are obliged to fulfill their duties without any delay within the scope of Law.

(4) Complaints and notifications made to Directorates or ŞÖNİM shall be notified to the law enforcement unit, the civilian authority, The Chief Public Prosecutor or judge according to the nature of case without any delay.

(5) Complaints and notifications, which are made verbally, shall be immediately written to an official report.

Actions To Be Taken

ARTICLE 5 – (1) The law enforcement officers take the necessary actions upon the notifications and complaints pursuant to the general provisions. In cases where delay is considered to be risky, the law enforcement officers submit the protective and preventive measures taken within the scope of the Law to the approval of the civilian authority or judge according to the nature of the measure. The Law enforcement unit gives information about every case to ŞÖNİM without any delay through the fastest channels.

(2) Upon the notification and the complaint, the Chief Public Prosecutor shall urgently send a copy of the document to the judge or the civilian authority according to the nature of measure in order to decide about the protective and preventive measures to be taken.

(3) Upon the notification and the complaint made to the civilian authority, the protective measures specified within the Article 3 of The Law, several of them or similar measures deemed appropriate shall be decided. In addition, the civilian authority shall notify the complaint and notification to the law enforcement unit or the Chief Public Prosecutor according to the nature of case.

(4) The decisions taken by the civilian authority or the judge shall be notified to ŞÖNİM urgently.

THE THIRD PART

Cautionary Decisions

The protective cautionary decisions to be taken by the civilian authority

ARTICLE 6 – (1) One of the following measures, several of them or similar measures deemed appropriate shall be decided upon request of the relevant person, application of The Ministry or the law enforcement officers or ex officio by the civilian authority without looking for proof or document in regard to the persons who are protected within the scope of this Law.

- (a) To provide an appropriate shelter to the person and if necessary to the person's children in the vicinity or in some other location
- (b) To provide financial aid to the person, without prejudice to other assistances provided within the scope of other laws.
- (c) To provide psychological, professional, legal and social guidance and counseling services.
- (ç) To provide a temporary protection upon a request of the relevant person or ex officio if there is a life threatening danger for the person.
- (d) If deemed necessary; four months of day care, maximum two months for those who have a job, is provided to children of the protected persons to support the person's integration into worklife; the amount which cannot exceed the half of the net minimum

wage paid to those older than 16 years of age with the condition of documenting is covered from the Ministry`s related budget.

Provision of a shelter

ARTICLE 7 – (1) The persons, for whom a decision for providing a shelter has been taken, shall be settled in places belonging to the Ministry or under the supervision of the Ministry. On the occasions when the shelters are not adequate; the protected persons are settled in the social facilities, dormitories or similar lodgings of the state institutions and organizations upon a request of district authority and in urgent cases, upon a request of the law enforcement officials or the Ministry until his/her secure transfer is provided.

(2) The protected persons and their children shall be temporarily settled social facilities, dormitories or similar lodgings of the state institutions and organizations by ŞÖNİM by reimbursing and by ensuring the security by the law enforcement unit of the place where a temporary shelter is provided until s/he is transferred securely to places belonging to the Ministry or under the supervision of the Ministry. Sheltering and food expenses shall be met by ŞÖNİM. The place where the protected person has been settled is notified to ŞÖNİM. ŞÖNİM determines an appropriate first receiving unit or a place serving as a guesthouse by considering the request of the person and ensures the protected person to be settled there.

(3) If there is a life threatening danger for the person and the person`s children, they shall be accompanied for settling securely to questhouse, the first receiving unit or other facilities by the law enforcement officers. A vehicle for transportation is provided in the transfers and transportation and necessary expenses of the protected person are met by ŞÖNİM.

(4) On occasions when the measure for providing a shelter is implemented by the law enforcement officers or when the protected person is in the police station, the person is urgently delivered to ŞÖNİM by the law enforcement officers. If this is not possible, temporary shelter is provided to the person and her company as specified in the paragraph 2 by covering the sheltering and food expenses from the Ministry`s related budget allocation.

(5) The victim of violence taken to the lodgings of the public institutions and organization upon the decision of the civilian authority or the law enforcement chief shall be immediately accepted to the sheltering lodgings without seeking any other decision or approval.

(6) On occasions when the protected person, for whom a decision for providing a shelter has been taken ex officio, doesn't want to stay in the sheltering lodging, the person is transported to the place, where s/he wants to stay, based on the person's informed consent by ŞÖNİM.

Temporary financial aid

ARTICLE 8 – (1) The temporary financial aid shall be made to the protected person pursuant to Article 17 of The Law.

(2) The cautionary decision is pronounced or notified to the relevant person and sent to ŞÖNİM to implement.

(3) With financial aid decision, daily payment of one thirtieth of net minimum wage identified yearly is made for those over sixteen years of age. In cases where there are multiple protected people, an additional sum of twenty percent of this amount is paid to every additional individual. However, the amount to be paid cannot exceed one and a half times of the daily payment. If the protected persons are provided with shelter, the amounts stated in these provisions are applied by reducing fifty percent.

(4) The financial aid shall be paid by the prepared pay roll based on the statement of the protected person for the identity number and bank account number after the decision is notified to ŞÖNİM. The pay roll is prepared in the 15th and 30th day of each month and the accrued amount is put into the bank account of the relevant persons. In the cases where the decision is taken for making temporary financial aid to the multiple persons in the same cautionary decision, these persons are shown in the same pay roll and payments are made to the same bank account. A copy of the decision is added to the payment document. The payments regarding the temporary financial aid are continued during the validity of the decision. On occasions when a decision is taken for removing or changing the temporary financial aid, the payment is made as from the day that the decision is valid. Payment in person shall not be made to the protected person.

(5) The payments made for the temporary financial aid are covered from the Ministry's fund opened for temporary financial aids. The retrieval of the payments regarding the temporary financial aid are made pursuant to the principles specified in Article 42.

(6) The aids made pursuant to the other Laws shall not constitute an impediment to decide for a temporary financial aid.

(7) The payments within the scope of this article are exempt from income tax, inheritance and transfer tax; also, receipts of these payments are exempt from stamp tax.

Guidance and Counseling Services

ARTICLE 9 – (1) The protected person shall be provided the necessary services in collaboration with the relevant public institutions and organizations to make the protected person acquired knowledges and skills that are useful for developing on the issues like finding a job and similar issues and complying, making the necessary comments, choices and planning and deciding in a way to include the rights, the institutions to be taken support, the activities for the participation of the protected person into a vocational course and to provide them the psychological support by considering the psychological and social economic situation of the protected person

(2) In cases where the protected person needs the legal guidance, the necessary guidance and counseling services including taking part in the cases regulated by the Article 47 are provided.

(3) In fulfilling these services, the coordination shall be provided by ŞÖNİM.

Provision of a Temporary Protection

ARTICLE 10 – (1) The measure for providing a temporary protection shall be taken upon the request of the relevant person or ex officio by the civilian authority or in cases where delay is considered to be risky, the law enforcement chief by considering the nature of case, notification and complaint if there is a life threatening danger for the person.

(2) The law enforcement unit in the residential area of the protected persons for whom the protective cautionary decision is taken or its location or the place where the measures shall apply is responsible and authorized to implement the cautionary decision on providing a temporary protection. The protected person notifies the competent law enforcement of the place where s/he will go, immediately in the urgent cases and 24 hours in advance in other cases. The law enforcement unit in the place, where the protected person will go, shall be notified by the law enforcement unit without any delay and the cautionary decision is continued to be implemented.

(3) How the protected person will be protected, the physical protective measures specified in the Regulation on Basis and Procedures Regarding The Witness Protection Measures to be taken by The Chief Public Prosecutors and The Courts and published in Official Gazzette

dated 11/11/2008 and numbered 27051 shall be determined by the judge and the civilian authority and in cases where delay is considered to be risky, the law enforcement officers, by means of assessing the situation of the victim and the perpetrator of violence by considering the possible threat and risk against the victim of violence.

(4) The scope and basis of the temporary protection decision, the telephone numbers to be called in cases where the violence or the risk of violence exists, the responsibilities of the law enforcement officers, the situations that the information should be given to the law enforcement unit, the law enforcement unit being responsible for the temporary protection service and similar points are explained to the protected person, written to the official report and notified by the law enforcement officers.

The Provision of Day Care Opportunity

ARTICLE 11 – (1) On occasions when the protected person doesn't have a job, four months of day care is provided to children of the protected persons to support the person's integration into worklife, maximum two months for those who have a job; the amount which cannot exceed the half of the net minimum wage paid to those older than 16 years of age with the condition of documenting is covered from the Ministry's related budget and the measure for providing day care opportunity shall be taken.

(2) The protected person presents the monthly day care cost by the document showing that the child is registered to a public or private day care center or continues going to the day care center and submits the document to the Directorate. The Directorate shall fulfill the necessary procedures pursuant to the paragraph 1 and make payment per month for time to be taken service. If the child benefits from the service for a shorter time than a month, the payment is made by considering the day that service has been taken.

(3) In cases when the day care cost is less than the amount specified in the paragraph 1, the amount in the document is paid; if it is more than the amount specified in the paragraph 1, the amount in the paragraph 1 shall be paid. These payments shall be made to the day care center by the Directorate.

(4) If it is determined that the measure regarding the provision of day care has been violated, the amount paid shall be retrieved from the protected person.

The protective cautionary decision to be taken by the judge

ARTICLE 12 - (1) One of the following protective measures, several of them or similar measures deemed appropriate including the measures to be taken by the civilian authority depending on the nature of the case may be taken upon request of the relevant person, application of The Ministry, the law enforcement officers or Public Prosecutor or ex officio without looking for any proof or document by the judge in regard to the persons who are protected within the scope of this Law:

a) To change the work place.

b) To decide a house settlement different from the shared one if the person is married.

c) To put an annotation to the title deed as a family house if the conditions are applicable as contained within the Turkish Civil Code no.4721 dated 22/11/2001 and upon the request of the protected person.

ç) To change the identification and other related information and documents based on the informed consent of the relevant person as per the provisions of the Witness Protection Law No. 5726 dated 27/12/2007 if it is determined that there is a life threatening danger for the protected person and the measures to prevent this danger are inadequate.

Changing of the Work Place

ARTICLE 13 – (1) The judge can decide that the workplace is changed inside or outside of the city pursuant to the provisions of the relevant legislation that the protected person is subject to upon the request of the relevant person or by obtaining approval.

(2) The decision shall be notified to the workplace of the protected person considering the most appropriate conditions for the protected person by the judge.

(3) The decision shall be fulfilled by the authorized body or person. In the event that the decision for taking measure related to changing of the workplace is removed, the decision is notified to the workplace.

Determining a different house settlement

ARTICLE 14 – (1) The judge can determine a house settlement different from the shared one if the person is married upon the request of the protected person.

(2) Upon the application of the person that the cautionary measure is given for determining a different house settlement, the processes related to the address are fulfilled in compliance with the request of the person.

Family House Annotation

ARTICLE 15 – (1) The judge can decide to put an annotation to the title deed as a family house if the conditions are applicable as contained within the Turkish Civil Code and upon the request of the protected person.

(2) The decision shall be immediately sent to the title deeds registry office by the judge.

Changing the identification and other related information

ARTICLE 16 – (1) It is the cautionary decisions taken to change the identification and other related information and documents based on the informed consent of the relevant person as per the provisions of the Witness Protection Law if it is determined that there is a life threatening danger for the protected person and the measures to prevent this danger are inadequate.

(2) The decision shall be sent to The Chief Public Prosecutor by the judge to be implemented by The Ministry of Internal Affairs.

(3) This decision shall be immediately sent to The Ministry of Internal Affairs by The Chief Public Prosecutor's Office. The result of the action taken upon the decision is notified to The Chief Public Prosecutor by The Ministry of Internal Affairs.

The preventive cautionary decisions to be taken by the judge

ARTICLE 17- (1) One of the following preventive measures, several of them or similar measures deemed appropriate shall be decided by the judge with regard to the perpetrators of violence:

a) Not to exhibit an attitude and behaviors including the threats of violence, insult and humiliation against the victim of violence.

b) To move from the shared dwelling or the vicinity immediately and to allocate the shared dwelling to the protected person.

c) Not to approach to the protected persons and their residences, schools and workplaces.

ç) If there is a previous decision to allow having a personal connection, to have a personal connection with the children together with a company and to restrict the personal connection or to revoke it completely.

d) Not to approach the friends or relatives and children of the protected person even though they haven't been subject to the violence, without prejudice to the decisions that allows personal connection with children

e) Not to damage the personal belongings and household goods of the protected person.

f) Not to cause distress to the protected person by means of communication instruments or alternative channels

g) To hand over the officially permitted and authorized weapons to the law enforcement officials.

ğ) To hand over the weapon to the employing institution, even if the person is in a profession of public service that requires carrying a weapon.

h) Not to use alcohol, drugs or stimulants in places where the protected people are present or not to approach the protected people and whereabouts while under the influence of these substances and to ensure to have a medical examination and treatment including in-patient treatment in case of the addiction.

ı) To apply to the health centre for examination or treatment and to ensure having a treatment.

(2) With the measures identified within this Law, the judge is authorized to take a decision on protective and preventive measures as contained within the Child Protection Law no. 5395 dated 3/7/2005 and on the issues of guardianship, custody, alimony and personal connection as per the provisions of Turkish Civil Code.

(3) If the perpetrator of violence is the person who at the same time is the provider of or contributor to the family's livelihood, the judge may decide on a temporary alimony by taking into consideration of the living standards of the victim even without request provided that no decision on maintenance had been rendered priorly as per the provisions of Turkish Civil Code. The points regarding collection of temporary alimony shall be fulfilled pursuant to the procedures and principles in Article 43.

Not to exhibit an attitude and behaviors including the threats of violence or insult

ARTICLE 18 – (1) The judge may decide that the perpetrator of victim does not exhibit an attitude and behaviors including the threats of violence, insult and humiliation against the protected person.

To move from the shared dwelling and to allocate the shared dwelling to the protected person

ARTICLE 19 – (1) The judge may decide that the perpetrator of victim is moved from the shared dwelling and the shared dwelling is allocated to the protected person.

(2) The civilian authority or judge may decide on the delivery of personal belongings and documents pertaining to the protected person, the perpetrator of victim or the relatives of the persons to themselves through the law enforcement upon the request. The personal belongings and documents to be delivered shall be specified in the cautionary decision.

(3) Implementing these measures shall not constitute an impediment that the perpetrator of violence continue meeting rent, electricity, water, telephone, natural gas and similar expenditures of the house that s/he are moved from. The judge may decide that the perpetrator doesn't annul the tenancy contract of the family house, doesn't request for the removal of allocation of the public house during the protection order and the judge may also take other measures deemed as appropriate together with these obligations

(4) The cautionary decision regarding the tenancy contract shall be notified to the lessee and the cautionary decision for the removal of allocation of the public house shall be notified to the public institution.

Not to approach to whereabouts of the protected persons

ARTICLE 20 – (1) The judge may decide that the perpetrator of violence doesn't approach to the protected persons and their residences, schools and workplaces and other places that the protected persons may be situated.

To restrict a personal connection with the children

ARTICLE 21 – (1) The judge may decide to have a personal connection with the children together with a company and to restrict the personal connection on the nature of the case or to revoke it completely if there is a previous decision to allow having a personal connection.

Not to approach the friends or witnesses and children of the protected person

ARTICLE 22 – (1) The judge may decide that the perpetrator of violence does not approach the friends or witnesses of violence and children of the protected person even though they haven't been subject to the violence, without prejudice to the decisions that allows personal connection with children.

Not to damage the belongings

ARTICLE 23 – (1) The judge may decide that the perpetrator of violence does not damage the personal belongings and household goods of the protected person.

Not to cause distress by means of communication instruments

ARTICLE 24 – (1) The judge may decide that the perpetrator of violence doesn't cause distress to the protected person by means of visual, audial, written, such communication instruments and internet or alternative channels with the aim of protecting the victim of violence.

To hand over weapons

ARTICLE 25 – (1) The judge may decide to hand over the weapons belonging to the perpetrator of violence to the law enforcement officials and entrust them until the termination of the measure term with the aim of protecting the victim of violence.

To hand over weapons carried because of public service

ARTICLE 26 – (1) The judge may decide that the perpetrator of violence hand over the weapon to the employing institution, even if the person is in a profession of public service that requires carrying a weapon.

(2) The institution chief continues to implement the cautionary decisions taken pursuant to the provisions of the Paragraph 1 if a new decision regarding the termination of the decision process, modification and abolition of the measure is not taken.

(3) Taking delivery and return of the weapon are fulfilled by an official report signed among the chief of the institution, the perpetrator of violence and a witness.

Not to use alcohol, drugs or stimulants and to ensure examination and treatment in case of the addiction

ARTICLE 27 – (1) The judge may decide that the perpetrator of violence doesn't use alcohol, drugs or stimulants in places where the protected people are present or not to approach the protected people and whereabouts under the influence of these substances and to ensure to have a medical examination and treatment including in-patient treatment in case of the addiction.

(2) The provision of examination and treatment for the person, for whom the preventive cautionary decision is taken, in a health center and its results and the effects of the measure on the person shall be followed by ŞÖNİM in collaboration with the relevant institution and organization. ŞÖNİM may request for the aid of the law enforcement unit depending on the nature of the event during implementing this decision.

(3) In occasions when the protected person, for whom the cautionary decision is taken, rejects to be treated in a health center, the situation shall be determined by an official report and urgently notified to The Chief Public Prosecutor and ŞÖNİM.

(4) The expenses regarding the implementation of this measure are met pursuant to the procedures and principles in the paragraph 3 of the Article 44.

Examination and Treatment in a Health Centre

ARTICLE 28 – (1) The judge may decide that the perpetrator of violence applies to a health centre for examination or treatment and treatment of the relevant person is ensured in order to prevent the behaviours of the perpetrator of violence causing the tendency to violence.

(2) In occasions when it is decided for ensuring examination and treatment of the perpetrator of violence, it is obliged to apply to the provincial directorates for public health in the provinces and to the community health centers in the districts.

(3) The perpetrator of violence shall be dispatched to the public health institution by the provincial directorates of public health, the mental health department of provincial directorates in the provinces and by the community health centers in the districts. Whether the relevant person continues to treatment and the results of process are notified to ŞÖNİM by these units.

(4) In occasions when the protected person, for whom the cautionary decision is taken, rejects to be treated in the health center, the situation shall be determined by an official report and urgently notified to The Chief Public Prosecutor and ŞÖNİM.

(5) The expenses regarding the implementation of this measure are met pursuant to the procedures and principles in the paragraph 3 of the Article 44.

The measures to be taken by the law enforcement chief

ARTICLE 29 – (1) The measures for providing a shelter and a temporary protection taken by the civilian authority may be taken by the relevant law enforcement chief in cases where delay is considered to be risky. The law enforcement chief shall present the document to the administrative chief for approval not later than the first work day after the decision is taken. The measures which are not approved by the administrative chief within forty-eight hours shall be per se abolished.

(2) The preventive measures specified in the Articles 18, 19, 20 and 22 and to be taken by the judge may be taken by the relevant law enforcement chief in cases where delay is considered to be risky. The law enforcement chief shall present the document to the judge for approval not later than the first work day after the decision is taken. The measures which are not approved by the judge within twenty-four hours shall be per se abolished.

(3) Holidays are included into the period. If a public holiday and the weekend coincides with the expiry of the period, the period expires on the following first work day.

FOURTH PART

Taking a cautionary decision, implementing and other procedures

Taking a cautionary decision

ARTICLE 30 – (1) The cautionary decision is taken either upon a request of the relevant person, directorate, ŞÖNİM or law enforcement officers or public prosecutor. The cautionary decisions may be requested from the judge, administrative chief or law enforcement unit, whichever is in the nearest and easiest location.

(2) The cautionary decision is taken for the six months period at most initially. However, if it is determined that there is a continued risk of violence, the measures shall be extended, modified, abolished or kept ex officio or upon a request of the protected person or the directorate, ŞÖNİM or law enforcement officers.

(3) No evidence or report proving the violence is required in order to take protective cautionary decision. The preventive cautionary decision is taken without delay. This decision cannot be delayed as to endanger the realization of the aim of this Law.

(4) In the event that the judge or administrative chief understand that violence or risk of violence are removed ex officio or upon a request of the relevant person, directorate, ŞÖNİM or law enforcement officers, the removal of measures may be decided by the decision making authority. If the measures are decided to be removed, this decision is notified to the protected person.

Notification of the Cautionary Decision

ARTICLE 31 – (1) The cautionary decision is pronounced or notified to the protected person and perpetrator of violence by the decision making authority. This decision shall be sent to the agency or institution that is responsible for implementing.

(2) The decision regarding to the refusal of the request for a cautionary decision is notified only to the protected person.

(3) In the event that the competent authority doesn't approve the measures taken within the scope of the first paragraph of the Article 29 in the specified time, the removal of the cautionary decision is notified to the protected person and the related law enforcement unit.

(4) In cases where the delay is considered to be risky, the perpetrator of violence is immediately notified with an official report on the cautionary decision taken by the related law enforcement unit and ŞÖNİM and the court are notified of this situation.

(5) The legal warning stating that the person is subject to the preventive imprisonment in the case of acting contrary to the the cautionary decision is specified in the decision. In addition, this legal warning is issued when the cautionary decision is pronounced and notified.

Confidentiality

ARTICLE 32 – (1) If deemed necessary, in addition to the cautionary decision, the identification information of the protected person or other family members or the information to reveal their identification, their addresses and the other information important for the efficiency of protection shall be kept confidential within records upon a request or ex officio.

The person who illegally gives, reveals and discloses the information to somebody else is subject to the related provisions of Turkish Penal Code no. 5237 dated 26/9/2004

(2) The confidentiality processes regarding the victim of violence in the judicial procedures are fulfilled by The Chief Public Prosecutors and The Courts pursuant to the provisions of the Regulation on Basis and Procedures Regarding the Witness Protection Measures to be taken.

(3) The address informations belonging to ŞÖNİM are used for the notifications to the protected person.

(4) The informations of the protected person, whose informations are decided to be kept confidential pursuant to the provision of the paragraph 1, are kept confidential in the Ministry of National Education, The Central Population Administration System, The Social Security Institution, The National Judiciary Informatics System, The law enforcement units, banks, Health Institutions and Organizations and similar all records

(5) On occasion when a confidentiality decision is taken for the protected person, the decision is put on the population register of the relevant person by the director of ŞÖNİM in the directorates of the civil registration where the cautionary decision will be implemented. The name of the authority taking the decision, date and number of the decision are included in the confidentiality annotation. In this case, the address statement shall not be requested while fulfilling the formal application, processes and procedures of the protected person. The records, for which the confidentiality decision is taken, are kept just in the electronic environment.

(6) The confidentiality annotation put on the population registration of the protected person is deleted from the data base of MERNIS in the fifteenth day following the termination of the period of the cautionary decision. On occasion when the cautionary decision regarding the confidentiality is abolished or modified, the decision shall be implemented without any delay by the civil registration directorate.

Appealing to the Decisions Taken By the Civilian Authority

ARTICLE 33 – (1) The decisions taken by the civilian authority as per the provision of the Law may be appealed to the family court by the relevant persons within two weeks after the date of pronouncement or notification. If there is not a family court, the processes are conducted pursuant to the procedure specified in the paragraph 2 of the Article 34.

(2) The judge may decide that the cautionary decision are abolished or modified with another measure as deemed appropriate or kept.

(3) The decision about appealing is taken without holding a hearing. However, the relevant persons may be listened if the judge deems necessary. The decision is given within a week. The decisions taken for appealing are final.

Appeling to The Cautionary Decisions and Preventive Imprisonment Decisions taken by the Judge

ARTICLE 34 – (1) The protective and preventive cautionary decisions taken by the judge as per the provision of the Law and decisions for the preventive imprisonment given due to acting contrary to the cautionary decisions may be appealed to the family court by the relevant persons within two weeks after the date of pronouncement or notification.

(2) Upon a complaint, if there is more than one family court, the file is transfered to the numerically succeeding family court; if the court taking the decision is numerically the last court, it is transfered to the numerically first court; if there is one family court in that area, it is transfered to the court of first instance; if the judge of family court and judge of the court of first instance are the same person, it is transferred to the nearest court of first instance without delay.

(3) The authority that will examine the appealing to the cautionary measures may decide that the the request for the measure is rejected or accepted, the cautionary decisions taken is abolished and modified with another measure deemed as appropriate or kept.

(4) The decision about appealing is taken without holding a hearing. However, the relevant persons may be listened if the judge deems necessary.

(5) The decisions regarding the original case and decisions taken for the measures requested may be opposed pursuant to the procedures specified in the paragraph 2 as independent from the original case.

(6) In appealing to the decision taken for the preventive imprisonment, the processes shall be taken pursuant to the procedure specified in the paragraph 2.

(7) The decision is given within a week. The decisions taken for appealing are final.

Notification of the cautionary decisions to the relevant authorities and implementation

ARTICLE 35 – (1) The cautionary decisions are notified to the public prosecutor, law enforcement unit or directorates depending on the nature of decision through the fastest channels.

(2) The decisions of acceptance or refusal of the applications made to the related authorities within the scope of this Law shall be immediately informed to ŞÖNİM by the authority applied for the cautionary decision.

(3) The cautionary measures shall be immediately implemented depending on the nature of the decision in cooperation with ŞÖNİM by the public institutions and organizations. A conciliation or mediation between the victim of violence and the perpetrator of violence shall not be recommended at the stage of taking and implementing the protective and the preventive cautionary decisions.

(4) The law enforcement unit in the residential area of the protected persons about whom the protective and preventive measures shall be taken or its location or the place where the measure shall be applied is responsible and authorized to provide the temporary protection for the protected person, to implement the protective cautionary decision on providing a temporary protection and the preventive cautionary decision taken for the perpetrator of violence in cases where delay is considered to be risky.

(5) Preventive cautionary decision shall be immediately notified to the competent law enforcement unit by the public prosecutor and its implementation is monitored by law enforcement officers. If necessary, the applicators are allowed to deliver the cautionary decisions to the law enforcement unit by the public prosecutor. Whether the preventive cautionary decision is implemented or not shall be controlled by the law enforcement unit. This control is implemented as follows;

- a) To visit the residential area of the protected person at least once a week,
- b) To communicate with the relatives of the protected person including collateral relatives,
- c) To ask for the information of the neighbours,
- ç) To obtain information from the headman in the residential area,
- d) To research in the vicinity of the residence of the protected person,

In case of acting contrary to the the cautionary decision, an official report shall be taken about this issue and delivered to the Public Prosecutor.

(6) The stages and results of the procedures related to taking and implementing the cautionary decisions shall be notified to ŞÖNİM until 16.00 at the latest within the same day through the fastest channels by the related institution.

(7) When the protected person go to an another place except for the place where s/he is protected, the relevant person give information to the law enforcement unit about the place to be gone. In the event that the protected person acts contrary to the cautionary decision, this point is determined with an official report by the law enforcement chief.

(8) The fact that the cautionary decisions haven't been pronounced or notified to those concerned shall not constitute an impediment to implement the decision.

Law enforcement duties

ARTICLE 36 – (1) The law enforcement duties, in regard to the services specified within this Law, shall be implemented by an adequate number of personnel who are assigned by the related law enforcement units in central and provincial organization.

(2) These officers are chosen among the personnel who have training on the human rights for the children and women and the equality of men and women.

Monitoring with technical methods

ARTICLE 37 - (1) The judge may decide on using the technical means and methods while implementing the cautionary decisions. However, the audio-visuals of the persons cannot be recorded, the persons can't be listened and monitored by using the technical means.

Acting Contrary to the Cautionary Decisions

ARTICLE 38 – (1) The official report taken in the event that the violation of the cautionary decision has been determined by the law enforcement officers shall be delivered to The Chief Public Prosecutor. This official report shall be urgently sent to the family court by The Chief Public Prosecutor. On occasion when the violation of the cautionary decision has been determined by the family court, a decision regarding ex officio the preventive imprisonment shall be given without any another procedure.

(2) If the violation of the cautionary decision is in the jurisdiction of the court deciding for measure, the decision for the preventive imprisonment shall be taken by this court. However, if the measure is violated in the jurisdiction of an another court, an information regarding whether there is a previous decision for the preventive imprisonment about the same measure shall be requested from the court giving the decision in order not to cause repeating. According to the information that is given, the violation shall be assessed and a decision is given.

(3) In order to decide on the preventive imprisonment, the cautionary measure including the legal warning stating that the person is subject to the preventive imprisonment in the case of acting contrary to the the cautionary decision is necessary to have been pronounced or notified to the perpetrator of violence.

(4) The decisions regarding the preventive imprisonment shall be taken without holding a hearing. However, the relevant persons may be listened if the judge deems necessary.

(5) The perpetrator of violence acting contrary to the requirements of the cautionary decisions as per the provisions of this Law shall be decided to be subject to the preventive imprisonment from 3 to 10 days by the judge depending on the nature and severity of the violated measure even if the act constitutes another crime.

(6) In each recurring action contrary to the requirements of the cautionary decision, the period of the preventive imprisonment shall be from fifteen to thirty days depending on the nature and severity of violated the measure. But the period of the preventive imprisonment cannot be more than six months.

(7) The decisions regarding the preventive imprisonment shall not form basis for recurring, the provisions of the release on probation shall not be implemented and it shall not be recorded on the criminal registers.

Establishing the Violence Prevention and Monitoring Centers

ARTICLE 39 – (1) The Ministry shall establish the Violence Prevention and Monitoring Centers (ŞÖNİM), where the strengthening and supportive counselling, guidance and direction and monitoring services are provided to the persons and where necessary qualified personnel especially the women are employed and perform a duty, where the studies are conducted on a basis of seven days and twenty- four hours to prevent the violence and

efficiently implement the protective measures to be taken for the victim of violence and preventive measures for the perpetrator of violence.

Inter-agency coordination

ARTICLE 40 – (1) The ministry is charge of interagency coordination and the coordination with the non governmental organizations in implementation of the provisions of this Law.

(2) Public institutions and organizations and other natural and legal persons are responsible for implementing the cautionary decisions without delay and cooperating and assisting to each other in issues related to their agencies in regard to the implementation of the Law. Natural and legal persons are encouraged to support the studies of the Ministry and conduct joint studies within the scope of the Law.

(3) The informative materials on the integration of women into the work life, the mechanisms and policies to fight against the violence especially related with children and women are prepared by the ministry or prepared by other agencies with the consent of the ministry with the opinions of universities, related vocational organizations and NGOs. These materials are broadcast at least 90 minutes each month by Turkish Radio and Television Corporation and the private radios and television channels broadcasting national, regional and locally. These broadcasts are made between 08.00 and 22.00 o'clock including at least 30 minutes broadcasting between 17.00 and 22.00 o'clock and the copies of these broadcasts are submitted monthly to Supreme Board of Radio and Television. Any broadcast before or after these hours are not considered within the monthly 90 minute timeframe. These hours are inspected by the Supreme Board of Radio and Television.

(4) During the practice of the duties stated in this Law, the staff of public institutions and organizations assists the Ministry personnel.

Training

ARTICLE 41 – (1) For an effective implementation of this Law, the public institutions and organizations and professional organizations with public institution status ensure their personnel and members to attend educational courses prepared and coordinated by the Ministry on the human rights for women and the equality of women and men.

(2) The Educational courses on the human rights for women and the equality of women and men are integrated into primary and secondary education curriculum. The content of the

courses integrated into the curriculum are prepared by the relevant unit of The Ministry of National Education and The General Directorate.

(3) The students in the secondary and higher education shall be supported to form the social responsibility project on the issues related to the Ministry's agencies or participate in the current projects. On the date when these students graduate, a certificate prepared by the Ministry and The Ministry of National Education and The Higher Education Institution shall be given to these students.

THE FIFTH PART

Financial and Other Provisions

Recourse for temporary financial aids

ARTICLE 42 – (1) To collect the payments made for the temporary financial aid, the payment amount, the place where the payment will be made and the point that the amount is paid within a month as from the date of notification are notified to the perpetrator of violence. On occasion when the payment is not made in due time, this sum is tracked and collected by tax offices as per the provisions of the Procedures of Collection of Public Receivables Law No. 6183 dated 21/07/1953.

(2) On occasions when a protected person is identified as giving false statement upon the notification made to the Directorate, in the law enforcement unit or while the implementation of the decisions is monitored by ŞÖNİM, an official statement is prepared and a social study report is arranged. The payments that are made shall be retrieved from the payee as per the provisions of law no. 6183.

(3) On occasions when a protected person is identified as giving false statement, the total amount retrieved from the perpetrator of violence shall be returned as per the provisions of the paragraph 1.

Alimony

ARTICLE 43 – (1) On occasions when the alimony decision is taken as per the provisions of this Law, a copy of the verdict is sent to directorate of bailiff and execution where the alimony recipient ex officio or payer resides.

(2) If there is a previous confidentiality order, the informations of the protected person shall be kept secret in the processes of the directorates of bailiff and execution within the scope of Article 32, Paragraph 2.

(3) In case of an occasion where alimony payer has any ties with Social Security Institution, the alimony is collected from the payer`s salary, wage or earnings by directorate of bailiff and execution without seeking the application of the protected person.

(4) The related mailing expenses of directorate of bailiff and execution on alimony collection is covered from Chief Public Prosecutor`s reimbursement pool. In addition, no fees and etc. are required.

Health expenses

ARTICLE 44 – (1) The health expenses of the protected person shall be met within the scope of general health insurance. As per the provisions of this law, those for whom the protective cautionary decision is taken but who do not have general health insurance, who cannot benefit from a dependent insurance, who cannot benefit from general health insurance as a result of due payments and those who cannot benefit from treatment assistance for other provisional reasons are regarded as having general health insurance without an income test within the scope of article 60, paragraph 1, clause C and sub clause 1 of the Social Security and General Health Insurance Law no. 5510 dated 31/05/2006.

(2) If there is a previous decision to hide the identity and address informations of the protected person, it is necessary to keep the application of the relevant person secret, not to await turns, complete the processes primarily and as soon as possible while benefiting from the health services.

(3) As per the provisions of this law, if the person under the preventive cautionary is also decided to take rehabilitation or treatment, the rehabilitation expenses which are not covered by general health insurance and the cost of other health expenses required by rehabilitation services are covered from the related budget of the Ministry.

Exemption from the fees, expenses and taxes

ARTICLE 45 – (1) No court expenses, fees, mailing expenses and etc. are required for applications and for other processes during the execution and implementation of the decisions within the scope of this Law.

(2) As per the article 17 of this law, the payments are exempt from income tax, inheritance and transfer tax; also, receipts of these payments are exempt from stamp tax.

Participation to the case

ARTICLE 46 – (1) The ministry can, if deems necessary, participate in an administrative, punitive and judiciary lawsuit or ex parte proceeding that are opened and heard about in any way due to the violence or violence threat against women, children and family members.

Effective Date

ARTICLE 47 – (1) This law takes effect on its publication date.

Executive

ARTICLE 48 – (1) The Ministry of Family and Social Policies executes the provisions of this Law.