



BALKAN
CRIMINOLOGY

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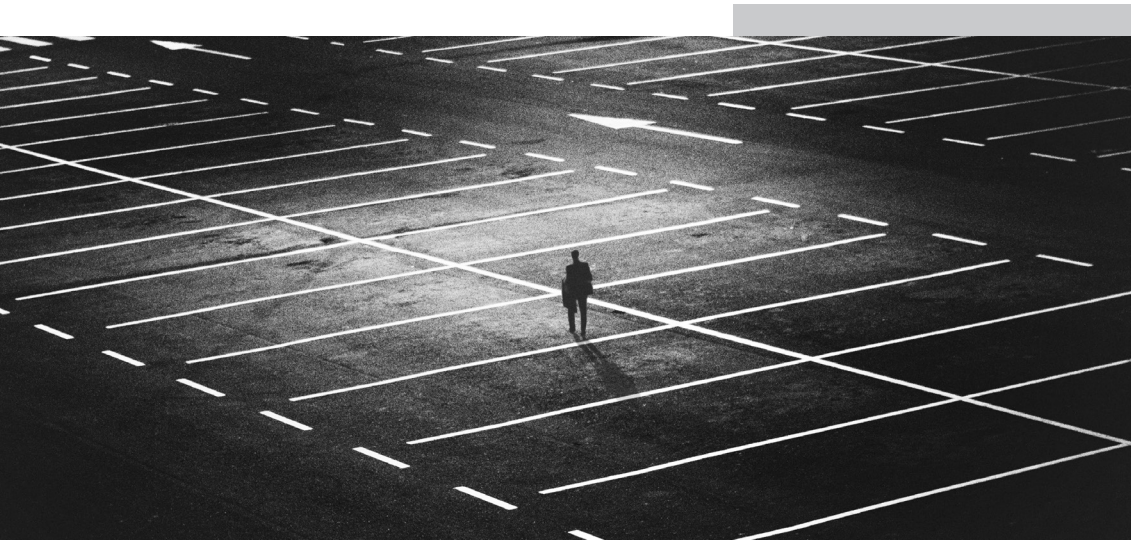
Mapping the Victimological Landscape of the Balkans

A Regional Study on Victimology and Victim
Protection with a Critical Analysis of
Current Victim Policies

Research Series of the Max Planck
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Turkey

Victimology and Victim Protection

Tuba Topçuoğlu & Selman Dursun

1. General Country Background

After the fall of the Ottoman State, the Republic of Turkey was founded on 29 October 1923, in Ankara, the country's new capital. Turkey, at the crossroads of Europe and Asia, is located at the northeast end of the Mediterranean Sea in southeast Europe and southwest Asia, and is bordered by the Black Sea to the north, the Mediterranean Sea to the south and the Aegean Sea to the west. Turkey is primarily a Western Asian country, with a small portion of Eastern Thrace located in Southeast Europe. The surface area of Turkey is 814,578 square kilometres, of which 97% are in Asia and 3% in Europe (referred to as Thrace). The Bosphorus, the Sea of Marmara and the Dardanelles separate the European and the Asian parts of the country. Turkey has traditionally been a country of emigration; however, of those who did immigrate to Turkey, until the late 1980s, the majority of arrivals were from the Balkans. After the collapse of the USSR, a new wave of migrants came from former Soviet republics.¹ The Syrian civil war, which started in 2011, has further affected Turkey: Turkey is currently hosting the largest number of refugees in the world, with nearly 3,586,679 Syrian refugees under temporary protection (almost half are children).² In addition to this refugee crisis, Turkey suffers from a decades-long struggle with terrorism. There have been 4,106 terrorist attacks in Turkey between 1970 and 2016.³ Turkey also recently witnessed several political events, such as a series of suicide bombings and an attempted coup-d'état on 15 July 2016 (the latter resulted in 248 deaths and 2,193 serious injuries). After the initial declaration in July 2016, Turkey extended a state of emergency several times and, finally, ended it in July 2018.⁴

¹ Human Resource Development Foundation 2007, p. 227.

² Ministry of the Interior, General Directorate of Migration Management 2018a.

³ START 2016.

⁴ Hurriyet of 01.02.2020; Türkiye'de Ohal Sona Erdi; <http://www.hurriyet.com.tr/gundem/ohal-uygulamasi-sona-erdi-40901478> [19.01.2019].

Turkey is a secular state and the political system is based on the principle of separation of powers between legislative, executive and judicial branches. After a constitutional referendum on 16 April 2017, the Turkish Constitution changed from a parliamentary to a presidential system. Accordingly, the Prime Ministership has been abolished and the President of Turkey is the head of the executive branch of government as well as the head of state. The President is elected directly by popular vote. While legislative power is vested in the Grand National Assembly of Turkey, judicial power is exercised by independent courts.

Although public administration in Turkey is divided between central and local authorities, Turkey maintains a highly centralised administrative system. The country is divided into provinces, districts and sub-districts. The central administration is organised at the provincial, district and sub-district levels and includes various governmental ministries and agencies (as well as their provincial and district branches). In Turkey, there are 81 provincial, 919 district and a number of sub-district administrations. Local administration in Turkey is comprised of special provincial administrations, municipalities (including metropolitan municipalities) and villages. At present, there are 81 special provincial administrations, 30 metropolitan municipalities, 1,398 municipalities and 18,336 village administrations in Turkey.⁵

After Russia and Germany, Turkey has the third largest population in Europe. As of 31 December 2017, and based on the address-based population registration system, Turkey had 80,810,525 inhabitants (50% male) with an annual growth rate of 1.2%.⁶ The population in Turkey was around 67,804,000 in 2000 and has thus increased by 19% during the last seventeen years. About 92% of the population live in urban areas, while the remainder lives in towns and villages. Amongst the 81 provinces, Istanbul is the largest city in terms of population (15,029,231), followed by the capital Ankara (5,445,026), Izmir (4,279,677) and Bursa (2,936,803). The country's population density was 105 people per square kilometre in 2017, ranging from 11 to 2,892 among all the provinces. With 2,892 inhabitants per square kilometre, Istanbul had (and still has) the highest population density, followed by Kocaeli (521), Izmir (356), Yalova (297), Gaziantep (294), Bursa (282), Hatay (270) and Ankara (222). Tunceli has the lowest population density with 11 inhabitants per square kilometre, followed by Ardahan (20), Erzincan (20), Sivas (22), Bayburt (22) and Artvin (23).

The population in Turkey is relatively young, with 24% of the country's population falling within the 0–14 age bracket. The 15–64 age bracket corresponds to 67.5% of the population while the 65 and above age bracket makes up 8.5% of the total pop-

⁵ Ministry of the Interior 2018.

⁶ The last population census was carried out in 2000 in Turkey. In 2006, the address-based population registration system was established, and the first results based on the new system were announced in 2008 for the previous year; this and all the subsequent statistical information on Turkey in this paragraph was taken from TurkStat 2018a.

ulation. According to the address-based population system, there were 40,535,135 men and 40,275,390 women in 2017. The median age was 31 for men and 32 for women. Within the population aged 15 years and over, 27.4% were single, 63.4% married, 5.5% widowed and 3.7% divorced. The birth rate for 2017 was 16.1 births while the death rate was 5.3 deaths per thousand people. The estimated fertility rate in 2017 was 2.07 children per woman. The infant mortality rate for 2016 was 10 deaths per thousand live births, and life expectancy was 75.3 years for males and 80.7 years for females in 2014.

The foreign-born component of Turkey's population accounts for about 2% of the country's population. According to the address-based population system records in 2017, 19% were born in Bulgaria, followed by Germany with 14.4%, Iraq with 10.4%, Syria with 5.7%, Afghanistan with 4.1% and Azerbaijan with 3.7%. There are no official statistics on the ethnic or religious composition of the country's population.

Turkey is an upper-middle income country with a gross domestic product of 12,112 US dollars (in current prices) per capita (in 2014). Based on the Income and Living Conditions Survey conducted in 2016, the Gini coefficient by household disposable income was 0.404. Among the population aged 15 years and over in 2017, the labour force participation rate was 52.8% while the unemployment rate was 10.9%. Of those in the labour force, 19.4% were employed in agriculture, 26.5% in industry and 54.1% in services. Turkey is a founding member of the UN, OECD, OSCE, a member of NATO, the Council of Europe and an associate member of the EU.⁷

2. Current State of Victimology

Victimology is currently not an institutionalised scientific discipline in Turkey. It is generally taught as a graduate selective course at some of the country's law faculties. There are only two textbooks on victimology⁸ and all victimology courses use these books as the course material. Currently, there is no national victimological society and not a single Turkish academic journal focuses on victimology. Information on victims is scarce as police statistics on crime and victims are not available to the public⁹ and, in addition, Turkey does not conduct regular victimisation surveys at the national level. Therefore, no national set of data exists about the number and the characteristics of victims (reported or unreported). There are, however, a number of national surveys that focus on specific types of victimisation, such as violence against women.¹⁰ Given the significance of the topic and the push for

⁷ Ministry of Foreign Affairs 2018a.

⁸ *Sokullu-Akıncı & Dursun* 2016; *Polat* 2014.

⁹ *Sözüer & Topçuoğlu* 2014.

¹⁰ *Altınay & Arat* 2007; 2009; Ministry of Family and Social Policies, General Directorate on the Status of Women 2015; Prime Ministry, Institution of Family Research 1995; 1998.

women's rights since the 1980s, the first comprehensive study on domestic violence against women was carried out in 1993/4 on behalf of the Family Research Institution of the Turkish Prime Ministry.¹¹ This was followed by another national study on the prevalence and correlates of violence against women in 2008 (with a follow-up study in 2014).¹² While numerous victimisation surveys have occurred at the local level, methodological drawbacks of most empirical research (e.g., lack of representative samples, inadequacy of research design, etc.) make it difficult to obtain an accurate picture of either the actual prevalence rates or the risk factors of victimisation.

Despite these drawbacks, victimological research is developing in Turkey. An examination of empirical victimological studies conducted in Turkey suggests that researchers generally focus on issues such as intimate partner violence, sexual abuse, victimisation at school (e.g., peer-bullying), cyber-bullying and victimisation at work (e.g., mobbing, violence against healthcare workers). In recent years, Turkey has taken part in some international studies on victimisation. For example, Turkey participated in the International Crime Victims Survey (ICVS) in 2005 with a city-based sample in Istanbul.¹³ Turkey also participated in the Balkan Epidemiological Study on Child Abuse and Neglect (BECAN)¹⁴ and the International Self-Report Delinquency 3 (ISRD 3) study, an international comparative survey on delinquency and victimisation of school children (the latter was carried out in 2017 with a city-based sample in Istanbul). Nevertheless, there are still a number of areas that have not yet attracted adequate scholarly attention in Turkey, such as secondary victimisation, repeat victimisation, elderly victimisation, victims of trafficking, victims of white-collar crime, environmental victimisation, tourism and victimisation, victimisation within prisons and victimisation of minorities.

Several governmental and state-related institutions, in cooperation with various non-governmental organisations (NGOs), provide victim support and victim protection. Such institutions and organisations play a key role in the study of victimology in Turkey. Key governmental and state-related institutions that actively provide protection and assistance for victims of various types of crime, such as women victims of violence, child victims of crime and victims of human trafficking, are listed in *Table 1*.

¹¹ Prime Ministry, Institution of Family Research 1995.

¹² Ministry of Family and Social Policies, General Directorate on the Status of Women 2015; Ministry of Family and Social Policies and Hacettepe University Institute of Population Studies 2015.

¹³ *Jahic & Akdaş* 2007; *Jahic & Akdaş Mitrani* 2010.

¹⁴ *Akço, Dağlı, İnanıcı, Kaynak, Oral, Şahin, Sofuoğlu & Ulukol* 2013.

Table 1 Key Governmental/State-Related Institutions Involved in Victim Protection

Ministry	Institution	Main focus	Internet site
Ministry of Family and Social Policies	General Directorate of Status of Women	Women	http://kadininstatusu.aile.gov.tr
	Violence Prevention and Monitoring Centres		https://kadininstatusu.aile.gov.tr/uygulamalar/siddet-onleme-ve-izleme-merkezi
Ministry of Family and Social Policies	General Directorate of Child Services	Children	http://cocukhizmetleri.aile.gov.tr
	Child Support Centres		http://cocukhizmetleri.aile.gov.tr/uygulamalar/cocuk-destek-merkezleri
Ministry of Health	Child Monitoring Centres	Child victims of sexual abuse	https://www.saglik.gov.tr
Ministry of Interior	General Directorate of Migration Management	Victims of human trafficking	http://www.goc.gov.tr/En_3
	Department for the Protection of Victims of Human Trafficking		
–	Ankara Metropolitan Municipality, Women's shelter	Victims of human trafficking, women	https://www.ankara.bel.tr
–	Kırkkale Shelter Home	Victims of human trafficking, women	–
Ministry of Justice	General Directorate of Prisons and Detention Houses, Department of Probation	Victims of crime	http://www.cte.adalet.gov.tr/index.html http://www.cte-ds.adalet.gov.tr/en/index_en.html
	General Directorate for Penal Affairs, Department of Victim Rights		http://www.magdur.adalet.gov.tr

The Ministry of Family and Social Policies¹⁵ was founded in 2011. It encompasses eight service units, including the General Directorate of Family and Community Services, the General Directorate of Social Assistance, the General Directorate on the Status of Women, the General Directorate of Child Services, the General Directorate of Persons with Disabilities and Elderly Services and the Department of Fall-

¹⁵ After the submission of this chapter, with the Decree Law No.703 dated 9 July 2018, the Ministry of Family and Social Policies merged with the Ministry of Labour and Social Security under the Ministry of Labour, Social Services and Family, which was renamed as the Ministry of Family, Labour and Social Services with the Presidential Decree on the Organisation of the Presidency published on 10 July 2018.

en Soldiers' Relatives and Veterans' Affairs.¹⁶ The General Directorate on the Status of Women was assigned as the coordinating body on issues of violence against women and honour killings pursuant to the Prime Ministry Circular in 2006.¹⁷ The General Directorate is responsible for the coordination and provision of various protective, preventive, educational, counselling and rehabilitative social services to women.¹⁸ Accordingly, in 2012, numerous Violence Prevention and Monitoring Centres (V PMCs) were established.¹⁹ These centres provide services to victims of violence, including accommodation, temporary financial assistance, counselling and guidance, legal and medical assistance and employment support.²⁰ Currently, there are 49 VPMCs in Turkey.²¹ Furthermore, in addition to the services provided through the VPMCs and other women's shelters directly linked to the Ministry of Family and Social Policies, various help and support services are available to female victims of violence through health institutions, local administrations, bar associations and NGOs. Amongst all NGOs, those initiated by women's groups are the strongest in Turkey (given the long history – going back to the Ottoman period – and the accomplishments of the women's movement in Turkey).²² Currently, there are 143 women's shelters in Turkey, with a total capacity of 3,444 beds.²³ Of these, 109 are affiliated with the Ministry of Family and Social Policies and 32 are under the administration of municipalities. While one women's shelter is affiliated with the Ministry of Interior General Directorate of Migration Management, another is owned by an NGO.²⁴ These shelters provide various services to women who are victims of abuse or violence of any form, including counselling, psychological support, legal support, medical care support, temporary financial

¹⁶ Ministry of Family and Social Policies 2017; Article 6 of the Decree Law on the Establishment and Functions of the Ministry of Family and Social Policies, Law No. 633, 03.06.2012, Official Gazette 08.06.2011/27958.

¹⁷ Ministry of Family and Social Policies 2018; Prime Ministry, Circular on Measures to be taken for the prevention of Violence against Children and Women and Honour Killings, No. 2006/17, Official Gazette 04.07.2006/26218.

¹⁸ Article 9 of the Decree Law on the Establishment and Functions of the Ministry of Family and Social Policies.

¹⁹ Article 14 of the Law on Protection of Family and Prevention of Violence against Women, Law No. 6284, 08.03.2012, Official Gazette 20.03.2012/28239.

²⁰ Article 15 of the Law on Protection of Family and Prevention of Violence against Women.

²¹ Ministry of Family and Social Policies, General Directorate on the Status of Women 2017, p. 4.

²² The women's movement is quite strong and autonomous in Turkey, especially since the 1980s. Accordingly, the movement has been very influential on government responsiveness to violence against women; see *Sözüer, Baytaş & Keleş 2012; Tekeli 2010; Yeşilyurt Gündüz 2004*.

²³ Ministry of Family and Social Policies 2018.

²⁴ Ministry of Family and Social Policies 2018.

aid, allowances, kindergarten services, vocational training courses, group work and scholarships for children.

The General Directorate of Child Services (previously named Agency of Social Services and Child Protection before 2011) also functions under the Ministry of Family and Social Policies and is responsible for the coordination and provision of various protective, preventive, educational, counselling and rehabilitative services for children.²⁵ The General Directorate is responsible for carrying out protective and supportive measures for juvenile victims of crime as well as security measures for juveniles who have drifted into crime, as determined by the Child Protection Law.²⁶ Within the Turkish child protection system, Child Support Centres are especially important, since they provide services to three specific groups of children: children who are victims of crime, children who have drifted into crime and children living on the streets.²⁷ These are specialized residential rehabilitation centres based on the age, gender and special needs of the children; they provide psycho-social services to children who are in need of protection (i.e., children whose physical, mental, social or emotional development and personal safety is in danger, children who are neglected or abused or children who are victims of crime). Assistance is also provided to delinquent children.²⁸ As of December 2017, there are 65 Child Support Centres in Turkey, accommodating around 1,640 children.²⁹

The Ministry of Health is the governmental agency responsible for the diagnosis of sexual abuse cases as well as for extending treatment and rehabilitation services.³⁰ Child Monitoring Centres under the Ministry of Health are especially important in this context. After the ratification of the Council of Europe's Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) in 2011, Turkey has taken important steps and necessary legislative measures to ensure that interviews with children take place in premises specifically designed for this purpose, are carried out by trained professionals and, wherever

²⁵ Article 8 of the Decree Law on the Establishment and Functions of the Ministry of Family and Social Policies.

²⁶ The Law on Child Protection, Law No. 5395, 03.07.2005, Official Gazette 15.07.2005/25876.

²⁷ Ministry of Family and Social Policies, General Directorate of Child Services 2018; Article 14 of Law No. 6518, 06.02.2014, Official Gazette 19.02.2014/28918.

²⁸ Ministry of Family and Social Policies, General Directorate of Child Services 2018; Article 4 of the Regulation on Child Support Centres, Official Gazette 29.03.2015/29310; Article 3 of the Law on Social Services Law No. 2828, 24.05.1983, Official Gazette 27.05.1983/18059; the Law on Child Protection.

²⁹ Ministry of Family and Social Policies, General Directorate of Child Services 2018.

³⁰ International Children's Center, University of Hacettepe, Institute of Public Health & Society of Public Health Specialists 2015, p. 23.

possible, are conducted by the same persons to avoid secondary victimisation.³¹ In 2012, Child Monitoring Centres were established to conduct interviews and provide medico-legal examinations of child victims of sexual abuse.³² As of April 2016, there were 27 Child Monitoring Centres in Turkey.³³ In addition, various help and support services are available to children through universities and NGOs (see *Table 2*). Within this context, university-based child protection implementation and research centres, which provide diagnostic and therapeutic services for abused children and carry out preventive studies, are especially important.³⁴

Table 2 Selected NGOs Dealing With Certain Types of Victims

NGOs	Main focus	Internet site
Mor Çatı Women's Shelter Foundation	Violence against women Sexual abuse of children	https://www.morcati.org.tr/en
The Foundation for Women's Solidarity	Violence against women, human trafficking	https://www.kadindayanismavakfi.org.tr/english
Child Protection Centres Support Society	Children	http://cokmed.org
Society for Prevention of Child Abuse and Neglect	Children	—
Human Resource Development Foundation	Human trafficking	http://www.ikgv.org/eng_ikgv_gecici/ing_index.html
Family Counsellors Association	Human trafficking	http://ailedanismanlari.org

Furthermore, it is also important to mention one of the new legal and institutional changes that took place in Turkey in relation to combating human trafficking. After the collapse of the Soviet Union, human trafficking has emerged as a major phenomenon in Turkey. In response, Turkey has taken important steps to fight human

³¹ Article 35 of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse; Council of Europe Convention 2007.

³² The Prime Minister's Circular on Child Monitoring Centres, No. 2012/20, Official Gazette 04.10.2012/28431; Bar Association of Trabzon, Committee on Children's Rights 2015, p. 6.

³³ Milliyet of 17.04.2016, Adli Sürecin Travmasını Minimuma İndiriyoruz; <http://www.milliyet.com.tr/-adli-surecin-travmasini-minimuma/pazar/haberdetay/17.04.2016/2228400/default.htm> [14.05.2018].

³⁴ For more information about the establishment and the activities of the university-based child protection implementation and research centres in Turkey, see *Akço et al.* 2013, pp. 305–307.

trafficking and help trafficked persons. All measures are conducted in cooperation with relevant stakeholders.³⁵ With the adoption of the new Law on Foreigners and International Protection in 2013, a new specialized institution, called the General Directorate of Migration Management, was established within the Ministry of Interior.³⁶ The General Directorate has a special Department for the Protection of Victims of Human Trafficking. This Department is responsible for the coordination of counter-trafficking actions and all measures to assist trafficked persons. Turkish authorities are currently working in co-operation with two state-related institutions (Ankara Metropolitan Municipality and Kırıkkale shelter homes) and one NGO (Human Resource Development Foundation) to provide shelters and assist victims of human trafficking (see *Tables 1 & 2*).³⁷

Finally, the General Directorate of Prisons and Detention Houses and the General Directorate of Penal Affairs, both under the Ministry of Justice, have special departments that deal with the needs and rights of victims. In the provinces, there are Victim Support Services Bureaus and Protection Board Bureaus under the Probation Department. These bureaus work in co-ordination with all state and non-governmental institutions that deal with victim protection and support, and provide both counselling services and psycho-social programmes.³⁸ In addition, the Department of Victim Rights, established in 2013 under the General Directorate of Penal Affairs, is responsible for providing various counselling and support services to victims, including psycho-social services and social and economic help; it is also responsible for the development of alternative compensation and intervention programmes based on the needs of the victims of crime.³⁹

3. Relevant Legal Framework in Terms of Criminal Policy

3.1 Introduction

General interest in victims and victims' rights in Turkey is relatively new. Especially since the 1990's, the main focus of the law has been on the rights of suspects and the accused. The victim—the other side of crime's coin—has long been neglected. However, with the 2004–2005 reform of Turkish penal law, important regulations on victims came into force. The term “victim” can be defined differently from criminological

³⁵ Dündar & Özer 2012, p. 19.

³⁶ Article 103 of the Law on Foreigners and International Protection, Law No. 6458, 04.04.2013, Official Gazette 11.04.2013/28615.

³⁷ Ministry of the Interior, General Directorate of Migration Management 2018b.

³⁸ Articles 19 and 20 of the Regulation on Probation Services, Official Gazette 05.03.2013/28578.

³⁹ Ministry of Justice, General Directorate of Penal Affairs, Department of Victim Rights 2018a.

and normative perspectives. From a criminological perspective, the victim refers to a person who has suffered harm, pain or death as a result of the actions of another person.⁴⁰ From a normative perspective, however, there is no clear definition of the victim or the injured party within the basic penal laws of Turkey.⁴¹ Therefore, in the penal law literature, it is possible to find various definitions (either narrow or broad).⁴² Victims of domestic violence (especially women), sexual crime (especially children) and mass economic crime (e.g., fraud) have featured prominently in the Turkish media and public discourse. Media coverage of crimes and victims is very influential on political and public discourse; moreover, it can lead to new progressive regulations on related crimes and their victims. Examples of such progressive reforms are the establishment of the Child Monitoring Centres in 2012 for child victims of sexual abuse, the establishment of the aforementioned VPMCs for victims of domestic violence and the 2017 establishment of judicial interview rooms in the courthouses for the questioning of children and other vulnerable individuals (as victims, witnesses or perpetrators).⁴³

⁴⁰ *Sokullu-Akıncı & Dursun* 2016, pp. 1–3. According to the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power of 1985, victims refer to people who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within the Member States, including those laws proscribing criminal abuse of power. This term also includes, where appropriate, the immediate family or dependents of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimisation (Annex, Articles 1–2 of the Declaration). Thus, not only direct (primary) victims but also indirect (secondary) victims, such as the family/dependents of victims, witnesses of crime, and even the whole society are included (*Sokullu-Akıncı & Dursun* 2016, loc. cit.).

⁴¹ In the Regulation on Probation Services (Official Gazette 05.03.2013/28578), a victim is defined as a person who needs support due to physical, emotional or financial consequences of the crime committed against him/her or one of his/her family members (Article 4/1-p).

⁴² In the doctrine of substantive penal law, a victim is defined as the owner of the object of the crime. For example, the owner of a stolen object is the victim of a crime of theft crime; see *Özgenç* 2017, p. 206; *Koca & Üzülmüş* 2017, pp. 114–115. However, in penal procedural law, the term “injured party” is used rather than the term “victim”; it describes a person whose protected legal value (e.g., right to life, property right, etc.) or legal interest has been violated. The concept is further categorized as direct/narrow and indirect/wide. Pursuant to this understanding, a person who is killed is the direct victim of murder, but her/his relatives are considered the indirect injured party; see *Öztürk, Tezcan, Erdem, Sırma Gezer, Saygılar Kırıt, Özaydın, Alan Akcan & Tütüncü* 2016, pp. 231–233.

⁴³ For more detailed information on Child Monitoring Centres and VPMCs, see *Sokullu-Akıncı & Dursun* 2016, pp. 78–80, 316–320. For more information on judicial interview rooms, see Ministry of Justice, General Directorate of Penal Affairs, Department of Victim Rights 2018b; Delegation of the European Union to Turkey 2019. The Child Monitoring Centres and judicial interview rooms are organised by administrative regulations, whereas the VPMCs are established by law.

3.2 General Overview of National Legal Provisions Related to Victims

Currently, there is no special act on victims in Turkish law. Provisions are, however, included in the Turkish Penal Code and the Penal Procedure Code. In addition, victim-related provisions can be found in the Child Protection Law, the Law on the Protection of the Family and the Prevention of Violence against Women, the Law on Probation Services and the Law on Combating Terrorism. While the concept of victim is not defined in these laws, they each contain various provisions about victim rights and/or protections.

In this context, various provisions of the Turkish Penal Code⁴⁴ provide an opportunity for victim restitution. For example, the compensation for damage is regulated as an alternative sanction for short-term imprisonment,⁴⁵ as a condition for the suspension of a prison sentence⁴⁶ or as effective remorse.⁴⁷ In the Penal Procedure Code,⁴⁸ victims' rights during the penal process are regulated under a separate section. The victim's role in various transactions, their role as public claimants and the use of victim-offender mediation are also foreseen.⁴⁹ The Child Protection Law⁵⁰ also contains several protective and supportive measures for children,⁵¹ not only for those who have drifted into crime but also for those who are neglected, abused or victimised.⁵² The Law on the Protection of the Family and the Prevention of Violence against Women⁵³ regulates protective and preventive measures for female victims of violence.⁵⁴ In this Law, the concept of violence has a very

⁴⁴ Law No. 5237, 26.09.2004, Official Gazette 12.10.2004/25611.

⁴⁵ See Article 50/1-b of the Law No. 5237. This means one year or less imprisonment (see Article 49/2 of the Law No. 5237).

⁴⁶ See Article 51/2 of the Law No. 5237.

⁴⁷ For example, see Article 168 of the Law No. 5237.

⁴⁸ Law No. 5271, 04.12.2004, Official Gazette 17.12.2004/25673.

⁴⁹ These regulations will be discussed in detail below.

⁵⁰ Law No. 5395, 03.07.2005, Official Gazette 15.07.2005/25876.

⁵¹ "Child" refers to a person who has not reached the age of 18 (see Article 3/1-a of the Law No. 5395).

⁵² In this context, the Child Protection Law includes two different terms: "child in need of protection" and "child that has drifted into crime" (see Article 3).

⁵³ Law No. 6284, 08.03.2012, Official Gazette 20.03.2012/28239. This Law is based on the Council of Europe/Istanbul Convention on Preventing and Combating Violence against Women and Domestic Violence. This Convention is clearly mentioned in the Law as a reference for the basic principles related to this subject (see Article 1/2-a).

⁵⁴ See Articles 3–13 (protective and preventive measures) and Articles 14–15 (on VPMCs) of the Law No. 6284.

broad definition.⁵⁵ In the Law on Probation Services,⁵⁶ it is also stated that Probation Centres must provide counselling and assistance to victims to help resolve psycho-social and economic problems.⁵⁷ Finally, in the Law on Combating Terrorism⁵⁸, the payment of compensation is regulated for those who suffer material damage either due to terrorism or counter terrorism activities.⁵⁹

With regards to the historical development of victim regulations in Turkey, it is necessary to stress the penal law reform of 2004–2005, in particular the victim-related regulations in the Penal Procedure Code, Child Protection Law and the Law on Probation Services. It is also important to mention a draft law on victims' rights.⁶⁰ In the draft law, a victim is defined as a person who has directly suffered physical, mental, psychological or economic harm as a result of the commission of a crime.⁶¹ The draft law sets forth the basic principles, rights and services for victim protection and regulates the specific services for victims with certain characteristics (named as vulnerable groups). Furthermore, state compensation for remedying the plight of victims is regulated for the first time. Moreover, the regulations on the central and provincial organisation of the Victims' Rights Department⁶² (under the Ministry of Justice) are also important in terms of the establishment of the institutional infrastructure to protect and develop victims' rights.

3.3 The Provisions of the Penal Procedure Code Which Regulate the Status and Rights of the Victim in the Penal Procedure

The fourth book of the Penal Procedure Code⁶³ is devoted to victims' rights and the participation of victims in criminal proceedings. Victims' rights during the in-

⁵⁵ See Article 2/1-d of the Law No. 6284.

⁵⁶ Law No. 5402, 03.07.2005, Official Gazette 20.07.2005/25881.

⁵⁷ See Articles 12/1-c and 13/1-c of the Law No. 5402. In the Regulation on Probation Services, the establishment of a Victim Support Services Bureau is foreseen to coordinate and execute work intended for victim support (Article 19 of the Regulation).

⁵⁸ Law No. 3713, 12.04.1991, Official Gazette 12.04.1991/20843.

⁵⁹ See Articles 21–22 of Law No. 3713. The Law on the Compensation of Damages arising from Terrorism and Combating Terrorism (Law No. 5233, 17.07.2004, Official Gazette 27.07.2004/25535), and Law on Cash Compensation and Determination of Monthly Salary (Law No. 2330, 03.11.1980, Official Gazette 06.11.1980/17152) include specific regulations on this topic.

⁶⁰ Draft Law on Victims' Rights; <http://www.magdur.adalet.gov.tr/tasari-01177> [23.05.2018].

⁶¹ See Article 2/1-g of the Draft Law on Victims' Rights.

⁶² For the website of the Victims' Rights Department, see <http://www.magdur.adalet.gov.tr> [23.05.2018].

⁶³ See Turkey in the Annex for Articles 233–243 of the Law No. 5271.

vestigation and the prosecution phases⁶⁴ are regulated separately. These rights are provided by the prosecutor and the judicial police (who assist the prosecutor) during the investigation phase and by the competent court during the prosecution phase.⁶⁵ In each phase, there are four common rights:

- 1) The right to demand the gathering of evidence during the investigation phase and to demand the invitation of witnesses during the prosecution phase
- 2) The right to review and copy the casefile. During the investigation phase, this right may be restricted, if it would endanger the secrecy and the aim of the investigation.
- 3) The right to demand the appointment of a lawyer on her/his behalf by the Bar Association in cases of sexual assault and those crimes which lead to imprisonment of more than five years, if s/he has no lawyer. In cases where the victim has not attained the age of 18, is deaf or dumb, or is unable otherwise express their wishes, a lawyer shall be appointed on their behalf if they do not already have one.
- 4) The right to resort to legal remedies against the decision of the public prosecutor not to prosecute during the investigation phase and against the final decisions of courts at the prosecution phase, provided that s/he has been an intervening party in the lawsuit.

In addition to these rights, victims also have the right to be notified about the main trial and to participate in the criminal case during the prosecution phase.⁶⁶ Through participation, the victim is allowed to be present in various procedural transactions, to personally participate in cross-examination (with the help of the judge or through a lawyer)⁶⁷ and may apply for legal remedies independent of the public prosecutor.⁶⁸

In both phases (i.e., investigation and prosecution), the victim is heard like a witness, and provisions related to the testimony shall apply, excluding the oath. To prevent secondary victimisation, there are specific rules for the hearing of some victims. For example, as a rule, a child or a victim who has suffered psychological damage due to the committed crime shall be heard only once in relation to the investigation or prosecution of the committed crime and, during the hearing, there shall be an expert

⁶⁴ The term “prosecution” refers to the phase beginning with the decision on the admissibility of the indictment and ending with the final judgment (Article 2/1-f of the Law No. 5271).

⁶⁵ See Article 234/3 of the Law No. 5271.

⁶⁶ See Article 234/1-b of the Law No. 5271.

⁶⁷ See Article 201 of the Law No. 5271.

⁶⁸ See Article 242 of the Law No. 5271.

present who has expertise in the fields of psychology, psychiatry, medicine and/or education.⁶⁹

3.4 The Compensation System and Legal Services for Victims

Under Turkish law, there is still no general (state) compensation system specifically designed for victims. However, as pointed out above, there is a draft law on this subject. In the draft law, state compensation is to be regulated for the victims of crimes, such as intentional killing, aggravated injury and torture, sexual assault and abuse.⁷⁰ Under current legislation, reference can be made to the provisions on temporary financial assistance, alimony and health insurance for victims of violence in accordance with the Law on the Protection of the Family and the Prevention of Violence against Women,⁷¹ and the compensation of victims of terrorism.

As a legal service that can help the victims, the establishment of Victim Support Services Bureaus has been considered under the Law on Probation Services.⁷² However, these bureaus are still not completely active. Within this framework, the Department of Victims' Rights was established under the Ministry of Justice in 2013⁷³ and the draft law on victims' rights aims to organize this department nationwide. Currently, as a legal service, the VPMCs established by the Ministry of Family and Social Policy are active for the victims of violence. In addition, NGOs offer support for victimised women.⁷⁴

3.5 Civil Actions Within the Penal Procedure

In the current penal procedure system, victims can participate in criminal proceedings but they are not entitled to claim damages within the criminal proceeding. The

⁶⁹ See Article 236 of the Law No. 5271.

⁷⁰ See Article 19 of the Draft Law on Victims' Rights.

⁷¹ See Articles 17–19 of the Law No. 6284.

⁷² According to the Article 19/3–4 of the Regulation on Probation Services, the duties of a Victim Support Services Bureau are as follows:

- a) to receive and evaluate victims' requests,
- b) to inform victims about persons and entities where they can get help/receive aid,
- c) upon the victim's request
 - 1) to inform them about the trial process and
 - 2) to implement psycho-social support programmes. In addition, each bureau operates in full coordination with all relevant institutions, organizations and persons carrying out related activities for the victims.

⁷³ Ministry of Justice, General Directorate of Penal Affairs, Department of Victim Rights 2018c.

⁷⁴ See *Section 2: Current State of Victimology*.

victim must file a claim at the civil court for compensation. The penal court, however, is obliged to clearly indicate in its final judgement whether the victim has a right to ask for compensation.⁷⁵

Prior to the Turkish penal law reform in 2004–2005, the victim was able to claim her/his personal rights through participation in the criminal case, and the penal court could rule on compensation provided that it would not dramatically lengthen the proceeding.⁷⁶

3.6 Regulations Related to Restorative Justice

In the context of restorative justice, various penal, procedural and enforcement regulations include provisions that consider the victim, promote the victim's interests and compensate the victim for damages. For example, as an effective remorse regulation in crimes against property, if compensation is paid, a significant penalty reduction is foreseen.⁷⁷

As mentioned above, compensation of the victim's loss may substitute a short-term prison sentence of one year or less.⁷⁸ Moreover, the compensation of the victim's loss is a pre-condition for various other court orders, such as the suspension of a prison term,⁷⁹ postponement of the filing of a public claim⁸⁰ or postponement of the pronouncement of a sentence⁸¹ (while these rules are designed with perpetrators in mind, they also protect the interests of victims).

The most important regulation on restorative justice is mediation. This institution was regulated for the first time with the 2004–2005 Turkish penal law reform. Previously, only crimes which could be investigated and prosecuted on complaint were indicated as crimes eligible for mediation, and the confession of guilt and compensation for damage were stipulated as pre-conditions.⁸² In the Penal Procedure Code, only the procedure for mediation by the prosecutor, the court or the mediator was regulated.⁸³

⁷⁵ See Article 232/6 of the Law No. 5271.

⁷⁶ Former Penal Procedure Code, Law No. 1412, 04.04.1929, Official Gazette 20.04.1929/1172.

⁷⁷ See Article 168 of the Law No. 5237.

⁷⁸ See Article 50/1-b of the Law No. 5237.

⁷⁹ See Article 51/2 of the Law No. 5237.

⁸⁰ See Article 171/3-d of the Law No. 5271.

⁸¹ See Article 231/6-c of the Law No. 5271.

⁸² See Article 73, repealed paragraph 8 of the Law No. 5237.

⁸³ See Articles 253–254 of the Law No. 5271.

Through legal reforms,⁸⁴ the provisions on mediation within the Turkish Penal Code were moved into the Penal Procedure Code and the scope of mediation was extended. In addition to crimes investigated and prosecuted on complaint, some minor crimes (regardless of dependency on a complaint) were included as well. Sexual crimes and those crimes where the provisions of effective remorse apply, have been excluded even if they depended on complaint. The pre-conditions, such as the confession of crime and compensation of the damage were repealed, and the will of the parties has become important.

Finally, with further reform amendments in 2016,⁸⁵ some other crimes (such as threat, theft and fraud) and all juvenile crimes punishable by less than three years imprisonment have also been included within the scope of mediation.⁸⁶ In addition, those crimes for which the provisions of effective remorse apply can also be handled through mediation. The 2016 amendments also created an autonomous structure for mediation via the establishment of a mediation office within the prosecutor's office,⁸⁷ in accordance with the provisions of the Recommendation of the Council of Europe concerning mediation in penal matters, No. R (99)19.⁸⁸ Lastly, mediation fees are now considered court expenses and are compensated by the state treasury.⁸⁹

4. Picture of the Situation of Victimisation in Turkey Based on Data and Research Findings

Official data sources with regards to crime victims in Turkey are extremely scarce. Official statistics on victims comprise both police and judicial data sources. Police statistics on suspects and victims are collected by the General Directorate of Public Security in urban areas, whereas the Turkish Gendarmerie is responsible for recording crimes committed in sub-districts and villages. As previously mentioned,⁹⁰ official statistics on crime victims compiled by the police and the gendarmerie are not accessible to the public. There is, however, one exception. Since 1997, data on juveniles received into security units of the police and the gendarmerie are compiled and published annually by the Turkish Statistical Institute. This study initially covered

⁸⁴ Law No. 5560, 19.12.2006, Official Gazette 19.12.2006/26381.

⁸⁵ Law No. 6763, 24.11.2016, Official Gazette 02.12.2016/29906.

⁸⁶ See Article 253/1 of the Law No. 5271.

⁸⁷ See Article 253/24 of the Law No. 5271.

⁸⁸ See Articles 5 and 20 of the Council of Europe Recommendation (Council of Europe 1999). In this context, the Department of Alternative Dispute Resolutions was established under the Ministry of Justice. For the website of the Department, see <http://www.alternatifcozumler.adalet.gov.tr> [25.05.2018].

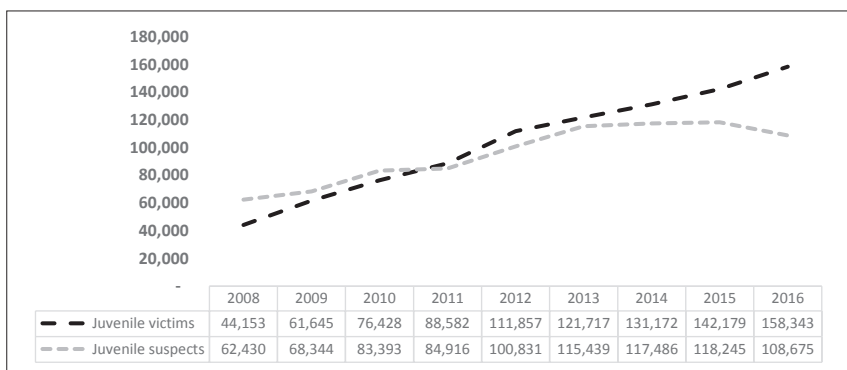
⁸⁹ See Article 253/22 of the Law No. 5271.

⁹⁰ *Sözüer & Topçuoğlu* 2014.

27 provinces in Turkey; but since 2007 the coverage was extended to all 81 provinces. These statistics cover data on juveniles who are brought into security units for a variety of reasons. Therefore, they include data on juvenile crime victims as well as juvenile suspects.

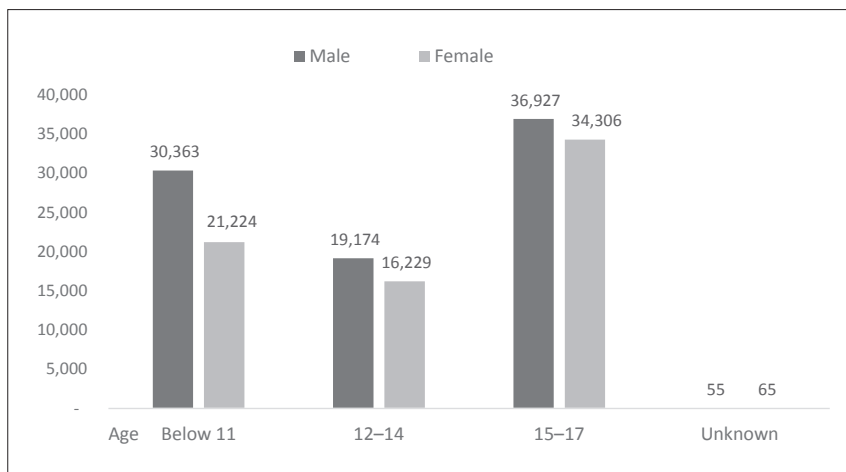
Figure 1 presents data on the number of juvenile suspects and juvenile victims received into security units between the years 2008–2016. Within this publication, juvenile victim is defined as a child who has suffered material/tangible or intangible harm as a result of the commission of a criminal offense, and hence it includes physical and emotional harm, property damage or economic loss. An examination of the number of juvenile victims brought into security units reveals an increasing trend over the last eight years. It can also be seen in *Figure 1* that while the number of juvenile suspects was larger than that of juvenile victims between the years 2008–2010, since 2011 the number of juvenile victims increasingly exceeds that of juvenile suspects. In 2016, while 158,343 children were brought to security units due to crime victimisation, the number of juvenile suspects was 108,675. Overall, 55% (86,519) of the juvenile victims were male while 45% (71,824) were female.⁹¹ The age distribution of juvenile victims for both genders in 2016 is displayed in *Figure 2*. The figure indicates that overall, within both genders, children aged 15–17 years are the most likely to be victimised (43% for males, 48% for females). This is followed by children aged below 11 years (35% for males, 29% for females) and then those aged between 12–14 years (22% for males and 23% for females). Although more detailed information on juvenile suspects is available (e.g., type of crime, education level, drug use, etc.), official police and gendarmerie data on juve-

Figure 1 Juvenile Suspects and Juvenile Victims Received Into Security Units, 2008–2016



Source: Data taken from TurkStat 2018b.

⁹¹ TurkStat 2018b.

Figure 2 Juvenile Victims by Age and Gender, 2016

Source: Data taken from TurkStat 2018b.

nile crime victims are limited. However, since 2014, official data on juvenile crime victims are further categorised by type of crime victimisation. In 2016, although there were 158,343 juvenile victims in total, 95 (0.06%) were victims of misdemeanour, 19,070 (12%) were victims of crimes that are prosecuted on complaint and the remainder (139,178; 87.9%) were victims of other crimes.⁹² A further examination of the latter category indicates that a majority of the juveniles were victims of violent offences. According to the most recent statistics available, while 83,607 (60%) juveniles were victims of assault in 2016, 16,877 (12%) were victims of sexual crimes.⁹³ Unfortunately, official statistics on juvenile victims do not include more detailed information such as the type of the relationship between the victim and the offender.

In contrast to police and gendarmerie data, judicial statistics in Turkey are annually published; unfortunately, they include highly limited data on crime victims. Further, it should also be noted that a number of changes, such as the criminal law reform which took place in 2004–2005, limit the comparability of judicial statistics for different time periods in Turkey. Besides the criminal law reform, another significant change relates to the data compiling method and the counting rules employed by the General Directorate of Criminal Records and Statistics.⁹⁴ Prior to 2009, all judicial data were compiled by mail; but since 2009 these data are electronically obtained from the National Judiciary Network Information System which includes

⁹² TurkStat 2018b.

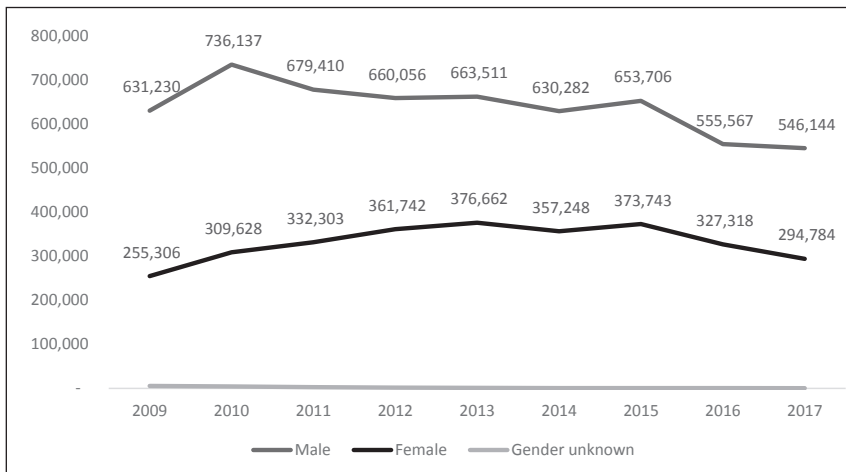
⁹³ TurkStat 2018b.

⁹⁴ Sözüer & Topçuoğlu 2014, pp.384–385.

data based on a different counting rule.⁹⁵ Furthermore, previously between the years 2006–2009, official statistics on the number of victims were relatively more detailed and included information on the type of crime victimisation as well.⁹⁶ Since 2009, these statistics include only the total number of victims (and complainants) within the cases brought (which include cases from the preceding year, new cases and those brought through reversal by the Supreme Court) and those judged at the criminal courts each year. These figures are only divided by gender and nationality; no further detailed information is available about victims.

Figure 3 displays the total number of victims and complainants within the new cases brought at the criminal courts category during the years 2009–2017. Overall, males are more likely than females to be victims, though the disparity seems to have decreased over the last eight years. The number of male victims peaked at 736,137 in 2010 and then decreased to a minimum of 546,144 in 2017, indicating a 26% decrease. The number of female victims continuously increased from 2009 (except for the slight decrease in 2014) and reached a maximum of 373,743 in 2015, indicating a 46% increase. Between the years 2015–2017, the number of female victims decreased by 21% to 294,784. As shown in *Figure 4*, while the majority of the crime victims are Turkish nationals, the percentage of foreign-born victims increased sig-

Figure 3 The Number of Victims and Complainants Within the New Cases Brought at the Criminal Courts, 2009–2017

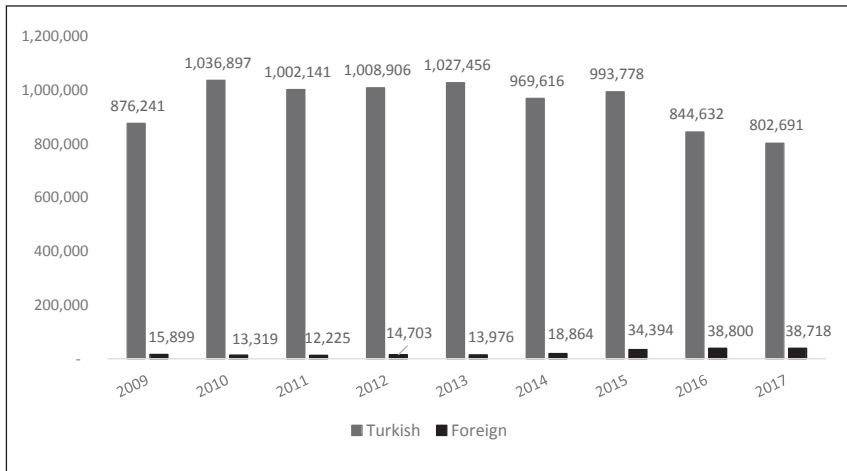


Source: Data taken from Ministry of Justice, General Directorate of Judicial Record and Statistics 2011; 2012a; 2012b; 2013; 2014; 2015; 2016; 2017; 2018.

⁹⁵ Sözüer & Topçuoğlu 2014, pp.384–385.

⁹⁶ Ministry of Justice, General Directorate of Judicial Record and Statistics 2008; 2009; 2010.

Figure 4 The Number of Victims and Complainants Within the New Cases Brought at the Criminal Courts 2009–2017, Category: by Nationality



Source: Data taken from Ministry of Justice 2011; 2012a; 2012b; 2013; 2014; 2015; 2016; 2017; 2018.

nificantly after 2013. Indeed, the number of foreign victims almost tripled from 13,976 persons in 2013 to 38,718 in 2017. Unfortunately, no further information is available either on the type of crime or the country of origin of the victims.

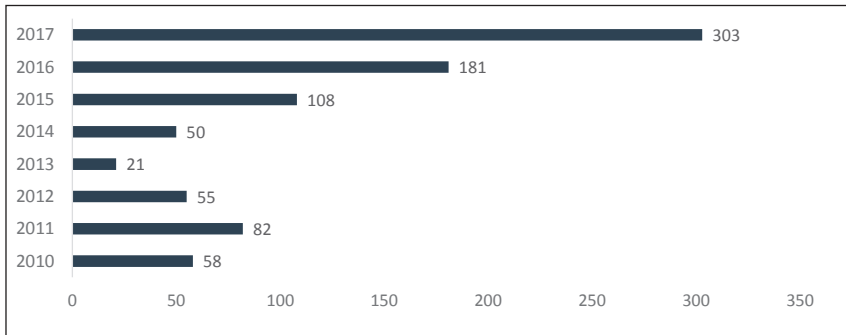
In addition to police and judicial data, there is also information on specific types of victims in Turkey, such as victims of human trafficking. As mentioned earlier, as part of the new initiatives taken in Turkey to counter human trafficking, a new specialized institution, the General Directorate of Migration Management, has been established within the Ministry of Interior.⁹⁷ The General Directorate has a specific department for the protection of trafficked persons. This department is responsible for the coordination of counter-trafficking initiatives and currently publishes statistics on victims of human trafficking. *Figure 5* displays the number of trafficked persons identified each year since 2010. In total, Turkish authorities have been able to identify 1,730 victims of human trafficking between the years 2005–2017.⁹⁸ The majority of the group is constituted by sexually exploited young women aged between 18 and 25 who originate mainly from countries of the former Soviet Union.⁹⁹ Three specialized shelters were opened to assist trafficked persons.¹⁰⁰

⁹⁷ Ersan 2013, pp. 99–104; Ministry of Foreign Affairs 2018b; Ministry of the Interior, General Directorate of Security 2018.

⁹⁸ Ministry of the Interior, General Directorate of Migration Management 2017, p. 89.

⁹⁹ Dündar & Özer 2012, pp.24–25; Ersan 2013, p. 101; Human Resource Development Foundation 2007, pp. 227–228.

¹⁰⁰ Ersan 2013, p. 101.

Figure 5 Victims of Human Trafficking, 2010–2017

Source: Data taken from Ministry of the Interior, General Directorate of Migration Management 2018b.

As mentioned above, Turkey does not conduct regular victimisation surveys. Unfortunately, given the lack of police and gendarmerie data on crime victims (particularly adults), victimisation surveys would be of great importance. Despite the lack of nation-wide surveys, a study conducted as part of the International Crime Victim Survey (ICVS) in 2005 revealed significant findings with regard to the prevalence of victimisation as well as the extent of unreported cases.¹⁰¹ Based on a sample of 1,242 people aged 16 or over (mean age 34.1 years) who were randomly drawn from households in Istanbul, the study examined both five-year and one-year victimisation rates for nine different types of crimes: car theft, theft from a car, burglary, attempted burglary, robbery, assault/threat, theft, consumer fraud, bribery. The findings of the study indicated that when compared to victimisation rates for other crimes, five-year victimisation rates for burglary were highest in Istanbul. When compared to the findings obtained in other European cities that participated in the ICVS, these rates were the highest. However, amongst those respondents whose house was burglarized, only 57.4% of the victims reported the crime to the police. Contrary to the victimisation rate for burglary, the reporting rate was found to be the lowest when compared to other European cities. The study's findings also pointed out that one-year victimisation rates for violent crimes such as robbery and assault/threat at the individual level were 1.1% and 0.7% respectively. Compared to other European cities, the latter rate was the lowest whereas the rate for robbery was in the middle of the scale. However, reporting rates for both types of crime were almost the lowest in Europe.¹⁰² Overall, the study's findings highlight the importance of conducting such surveys, as victim reporting rates depend on the type of crime (ranging from 1.2% for bribery to 95.1% for car theft) and, amongst all nine types of

¹⁰¹ Jahic & Akdaş Mitrani 2007; 2010.

¹⁰² Jahic & Akdaş Mitrani 2007; 2010.

crimes, suggest that more than half of the crime victimisations in Istanbul were not reported to the police.

Given the scarcity of information on crime victims based on official statistics, the remainder of this section will focus on empirical research findings to provide a more detailed picture of victimisation in Turkey. In doing so, rather than cover all types of victimisation, the main focus will be on certain types of victimisation experienced by women, children and elderly people.

4.1 Women as Victims

Women may be victims of various types of crime; however, this part will mainly focus on women who are exposed to violence. Violence against women is defined by the UN as

any act of gender-based violence that results in, or is likely to result in, physical, sexual, or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.¹⁰³

Violence against women is a widespread phenomenon, as indicated by a systematic review and meta-analysis of evidence based on representative population-based surveys carried out until 2011 in more than 80 countries.¹⁰⁴ The findings estimate that the global, lifetime prevalence of experiencing either physical and/or sexual violence is around 35% (i.e., 1 in 3 women).¹⁰⁵ As is the case throughout the world, violence against women is very common and attracts a significant amount of public and academic attention in Turkey.

Given the lack of official data on women's exposure to violence,¹⁰⁶ it is important to review empirical research findings based on victimological studies. A systematic review of studies published in peer-reviewed journals between 2000 and 2015 revealed 34 primary studies on the prevalence and risk factors for domestic violence against women aged between 15 and 59 in Turkey.¹⁰⁷ This review meta-analysed all the retrieved studies on the prevalence of different types of violence throughout marriage. The results indicate that while the prevalence rate for general violence throughout marriage was 57.2%, this rate was 33.8% for physical violence, 43.5% for verbal violence, 33.7% for emotional violence, 26.8% for economic violence and

¹⁰³ United Nations 1993.

¹⁰⁴ WHO 2013.

¹⁰⁵ WHO 2013.

¹⁰⁶ Since official police statistics are not available to the public, many NGOs try to compile their own statistics based on criminal cases reported in the media. However, due to questionable methodology and statistical inconsistencies, the results are not mentioned here.

¹⁰⁷ *Keser Özcan, Günaydin & Çitil* 2016.

12.3% for sexual violence.¹⁰⁸ However, this systematic review had two important limitations. First, although the aim was to review research findings on the prevalence rate of intimate partner violence in Turkey, the inclusion criteria were too broad to include studies based on representative as well as non-representative samples. Second, since the search was limited to published journal articles, a number of important studies on violence against women carried out at the national level with representative samples, but which were published either as a book or a research report, were excluded. Another systematic review of journal articles examining all types of intimate partner violence (IPV) against women in Turkey published between 2000 and 2010 revealed 22 studies on the prevalence of IPV against women.¹⁰⁹ However, once again, the majority of the studies included in this review were not based on random probability sampling and, therefore, the representativeness of the samples and the retrieved prevalence rates are questionable.

Given the significance of the topic in Turkey and the acceleration of the women's movement since the 1980s, a significant number of national studies have been carried out on all types of violence against women in Turkey.¹¹⁰ The most recent, nationwide survey was conducted in 2012–2014, using a weighted, stratified and multi-staged cluster sampling technique.¹¹¹ Face-to-face interviews were conducted with 7,462 women aged between 15–59 years. The results of this study indicate that 36% of married or previously married women in Turkey reported having been exposed to physical violence by their husbands or intimate partners (8% in the last 12 months). The lifetime prevalence rate for physical violence was highest in the Central Anatolian region (43%) and lowest in the Eastern Black Sea region (27%).¹¹² Lifetime prevalence rates for sexual violence, emotional violence and economic violence/abuse were respectively 12%, 44% and 30% for married or previously married women.¹¹³ The analyses based on all women indicate that 14% of women have experienced physical violence by people other than their husbands and intimate partners since the age of 15. This rate was 3% for sexual violence. The perpetrators of physical violence were mainly fathers (43%), followed by mothers (23%), older brothers (18%), father-in-law (8%), mother-in-law (8%) and brother-in-law (5%).¹¹⁴ In contrast, the perpetrators of sexual violence were mainly strangers (56%), followed

¹⁰⁸ Keser Özcan, Günaydın & Çitil 2016.

¹⁰⁹ Güvenç, Akyüz & Cesario 2014.

¹¹⁰ Altınay & Arat 2007; 2009; Ergöçmen, Yüksel-Kaptanoğlu & Jansen 2013; Şenol & Yıldız 2013; Prime Ministry, Institution of Family Research 1995; Yüksel-Kaptanoğlu, Türkyılmaz & Heise 2012; Ministry of Family and Social Policies and Hacettepe University Institute of Population Studies 2015.

¹¹¹ Ministry of Family and Social Policies 2014.

¹¹² Ministry of Family and Social Policies 2014, p. 7.

¹¹³ Ministry of Family and Social Policies 2014, pp. 8–9.

¹¹⁴ Ministry of Family and Social Policies 2014, p. 16.

by male relatives (17%), boyfriends (13%) and work colleagues (12%).¹¹⁵ Prevalence of childhood sexual abuse (before age 15) was 9%: perpetrators were mainly strangers (38%), followed by male relatives (29%) and acquaintances (15%).¹¹⁶ The findings of this nationwide study also point out a very significant fact regarding the unreported numbers of intimate partner violence in Turkey. Overall, the majority of women (89%) who experienced either physical or sexual violence did not report it to any institution or organisation. Only 7% of the women reported it to the police and 1% to the gendarmerie.¹¹⁷ This fact alone significantly shows both the limitations of official data and the importance of conducting victimisation surveys to understand female victimisation experiences.

4.2 Children as Victims

Empirical victimological research on children in Turkey focus largely on bullying and peer victimisation at schools. However, due to both the significance of the topic and limited space, this part will mainly focus on research studies carried out in Turkey on child sexual abuse and exploitation. At this point, given the scarcity of official data on child sexual victimisation, it is especially important to mention one systematic review on child sexual abuse and exploitation in Turkey which was conducted as part of the Council of Europe's "ONE in FIVE"¹¹⁸ campaign (with the International Children's Centre).¹¹⁹ This study systematically reviewed all empirical research studies on child sexual abuse and exploitation published between the years 2002–2013 in Turkey.¹²⁰ A review of 49 retrieved studies indicated that empirical research studies in Turkey mainly focus on child sexual abuse, and that no single study examined child pornography and trafficking. This important review also indicates that the vast majority of the studies lack essential methodological qualities such as representative samples, an adequate sample size, reliability and validity of measurement, adequacy of the research design and statistical techniques used.¹²¹

Overall, this review identifies only three prevalence studies on child sexual abuse in Turkey. One study examined the prevalence of sexual abuse in 1,955 female students (mean age 16.3 years) based on a representative sample randomly drawn

¹¹⁵ Ministry of Family and Social Policies 2014, p. 16.

¹¹⁶ Ministry of Family and Social Policies 2014, p. 17.

¹¹⁷ Ministry of Family and Social Policies 2014, pp. 25–26.

¹¹⁸ The name of the campaign refers to the research findings which indicate that one in every five children in Europe is likely to be the victim of one form of sexual violence; see *Lalor & McElvaney* 2008; *Uslu & Kapçı* 2014, p. 1.

¹¹⁹ *Uslu & Kapçı* 2014.

¹²⁰ *Uslu & Kapçı* 2014.

¹²¹ *Uslu & Kapçı* 2014, pp. 9–10.

from the 9th through to 11th grades in Istanbul in 2000.¹²² The instrument used was the international version of the Health Behaviour in School Age Children (HSBC) 1997/1998 survey.¹²³ Within this study, sexual abuse was defined as “unwanted sexual experience (touching and intercourse)”, incest as “sexual abuse performed by a person(s) who is (are) an immediate family member (father, brother, grandfather, etc.)” and sexual assault as “intercourse with penetration.”¹²⁴ Students who reported any of these behaviours were counted as sexually abused. The findings of the study indicated that overall, 13.4% of the female students had a history of sexual abuse and 4.9% reported that they have been forced to have sexual intercourse. An examination of the relationship between the victims and the perpetrators of sexual abuse pointed out that while 32% of the victims refused to respond to this question, in the majority of the remainder cases, victims were sexually abused by a stranger (50%), followed by boyfriend (14.8%), friend (13.6), relative (10.7%) or acquaintance (8.9%). Three female students (1.8%) reported that they have experienced incest at the hands of an immediate family member.¹²⁵ Finally, in 93% of the cases, the perpetrator was reported as male.

Another study examined the prevalence and correlates of school violence and sexual abuse experienced at school in 5,031 students based on a representative sample randomly drawn from the 6th through to 8th grades in Tokat in 2010/2011.¹²⁶ The Turkish translation of the International Child Abuse Screening Tool-Children’s version (ICAST-C), which was developed by the International Society for the Prevention of Child Abuse and Neglect (ISPCAN), was the main instrument used.¹²⁷ The findings of the study indicated that the prevalence rate was 57% for physical violence and 6.4% for sexual abuse. Boys were more likely than girls to experience both physical violence (66.6% for boys vs. 47.1% for girls) and sexual abuse (7.9% for boys vs. 4.8% for girls). Both physical violence and sexual abuse at school was significantly more prevalent in the town centre than in the city centre (physical violence: 62% in town centre vs. 54.5% in city centre; sexual abuse: 8.3% in town centre vs. 7.6% in city centre).¹²⁸

Finally, one study examined the prevalence of childhood sexual abuse in 1,262 university students (mean age 21 years) based on a sample drawn from seven univer-

¹²² *Alikaşıfoğlu, Erginöz, Ercan, Albayrak-Kaymak, Uysal & İlter* 2006.

¹²³ *Currie, Hurrelmann, Settertobulte, Smith & Todo* 2000.

¹²⁴ *Alikaşıfoğlu et al.* 2006, p. 250.

¹²⁵ *Alikaşıfoğlu et al.* 2006, pp. 251–252.

¹²⁶ *Yıldırım, Karataş, Yılmaz, Çetin & Senel* 2013.

¹²⁷ *Zolotor, Runyan, Dunne, Jain, Peturs, Ramirez, Volkova, Deb, Lidchi, Muhammad & Isaeva* 2009.

¹²⁸ *Yıldırım et al.* 2013, pp. 387–388.

sities in Istanbul, İzmir, Ankara and Aydın.¹²⁹ Childhood sexual abuse (CSA) was measured using five items from the sexual abuse factor of the Childhood Trauma Questionnaire.¹³⁰ The findings of the study indicated that overall 28.1% of the students had experienced at least one form of sexual abuse during childhood. While there was no gender difference in the total CSA score, girls were more likely than boys to report that someone tried to touch them or made them touch themselves in a sexual way (26% vs. 19.8%) and that they were sexually abused (9% vs. 5.5%).¹³¹

4.3 Elderly People as Victims

The most common types of victimisation experienced by elderly people include abuse and neglect. Based on the definition developed by Action on Elder Abuse (UK) in 1995, the WHO-CIG (World Health Organization-Centre for Interdisciplinary Gerontology) defines elder abuse as “a single or repeated act or lack of appropriate action, occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person.”¹³² Elder abuse can take various forms such as physical, psychological, economic or sexual, and might have serious consequences for individuals including serious physical injuries and death. While it is estimated that 15.7% of people aged 60 years and older are exposed to abuse, these prevalence rates are regarded as underestimates of actual rates since many cases of elder abuse take place behind closed doors and hence are not reported.¹³³ Overall, the academic interest in the victimisation experiences of elderly people is relatively new in many countries, and the situation is no different in Turkey.¹³⁴ Relatively few empirical studies focus on elder victimisation in Turkey. However, as is the case in many countries, Turkey’s population is aging. The population of people aged 65 or over is currently 7,163,354 (8.7%), and is expected to more than double and reach 16,373,969 (16%) people in 2040.¹³⁵ Hence, even if not now, it is expected that victimisation experiences of the elderly population will be more likely to capture researchers’ interest in the near future.

A recent systematic review of the published literature until July 2014 on abuse and neglect of elderly people in Turkey initially yielded 34 studies on the victimisation

¹²⁹ Eskin, Kaynak-Demir & Demir 2005.

¹³⁰ For the original instrument, see Bernstein, Fink, Handelsman, Foote, Lovejoy, Wenzel, Sapareto & Ruggiero 1994; for the psychometric test of the Turkish translation, see Aslan & Alpaslan 1999.

¹³¹ Eskin, Kaynak-Demir & Demir 2005, pp. 189–190.

¹³² WHO 2008, p. 1.

¹³³ WHO 2018.

¹³⁴ Doerner ve Lab 2012, p. 294; Uysal 2002.

¹³⁵ TurkStat 2018c.

of elderly people.¹³⁶ A vast majority of the relevant studies, however, were excluded from the systematic review since they were either review articles or case studies.¹³⁷ Overall, only four empirical studies were included in the systematic review. These studies were published between the years 1996–2012.

One study examined the prevalence rate of elderly abuse in a sample of 113 (42.3% female) people aged 60 and over who applied for one of three residential facilities in Istanbul.¹³⁸ The findings of the study indicated that 25.7% of these elderly people had been physically abused. An examination of the physical abuse cases revealed that the perpetrator was most commonly the daughter-in-law (41.4%), followed by sons (21%), son-in-laws (17.25%) and other relatives and neighbours.¹³⁹ Family patterns are quite different in Turkey than in most Western countries, and it is very common for the elderly to stay with their son's family. The respondents in the study reported that it was the daughter-in-law whom they had the most conflict with (35%). Elderly people's abuse by daughter-in-laws in Turkey, therefore, should be considered within the context of the extended family structure.

Another study examined the prevalence and risk factors of physical and financial abuse of 550 elderly (65 years and over) people drawn from two different socioeconomic districts in Izmir.¹⁴⁰ The findings of this study revealed that the prevalence rate for physical abuse was 1.5% and 2% respectively for elderly individuals living in low and high socioeconomic districts.¹⁴¹ Elderly people were most commonly victimised by their sons, spouses, sons-in-law, daughters-in-law, daughters and nephews.¹⁴² While the prevalence rate for financial abuse among elderly people was 2.5% and 0.3% in low and high socioeconomic districts respectively, the prevalence rate for neglect was much higher in both districts (27.4% in low socioeconomic districts and 11.2% in high socioeconomic districts).

Finally, another study examined the prevalence and correlates of different types of elder abuse (physical, emotional/psychological, sexual, economic and neglect) in a community sample of 768 elderly people aged 65 and above (mean age 71, 48.5% female) randomly drawn using a multi-stage sampling method from Aydın, a city in western Turkey.¹⁴³ Overall, 14.2% of the respondents had experienced any form

¹³⁶ Lök 2015.

¹³⁷ Lök 2015, pp. 150.

¹³⁸ Artan 1996.

¹³⁹ Artan 1996, p. 55.

¹⁴⁰ See Keskinoglu, Pıçakçıefe, Bilgiç, Giray, Karakuş & Uçku 2007; Keskinoglu, Giray, Pıçakçıefe, Bilgiç & Uçku 2004.

¹⁴¹ Keskinoglu et al. 2007.

¹⁴² Keskinoglu et al. 2007, p. 724.

¹⁴³ See Ergin 2012; Ergin, Evcı-Kiraz, Saruhan, Benli, Okyay & Beşer 2012.

of abuse and neglect within the last 12 months. For the 768 elderly people, the previous year's prevalence rates for psychological abuse, neglect, financial, physical and sexual abuse were 8.1%, 7.6%, 3.5%, 2.9% and 0.4% respectively. Perpetrators of physical abuse were mostly children (68.1%), followed by spouses (12.9%) and siblings (9.5%).¹⁴⁴

5. Public and/or Media Discourses About Victims, Victims' Rights and Victimisation

As in other countries,¹⁴⁵ it also seems that in Turkey there are no clear and indisputable definitions of harm, offender and victim. Research on public perceptions of crime in Turkey is scarce. However, the available evidence suggests that – as in other countries – certain harmful acts, such as violent assault and property crimes (e.g., child molestation, rape, murder, robbery), are routinely recognized as serious offences, while other crimes, such as white collar crime (e.g., tax evasion, insider trading, welfare fraud, violation of labour laws), which do not target a specific victim, are regarded as less serious offences. The latter offense group receives much less media and public attention.¹⁴⁶

Violent and sexual offences, especially those committed against women and children, have recently been subject to increased political and public attention in Turkey. One significant case relates to the murder of a 20-year-old female student, Özgecan Aslan, who died whilst she resisted a rape attempt by a bus driver when she was returning home in 2015.¹⁴⁷ The Özgecan case led to nationwide street protests that called for the heaviest penalty for the offender. The court sentenced the offender to aggravated life imprisonment without the possibility of parole. However, to prevent future victimisations, activists called for an “Özgecan Aslan Bill” which would prohibit judges from reducing the offender's sentence at their discretion for being “provoked” into the murder of a woman. In several cases of female homicide in Turkey, male offenders were able to argue that they have been provoked by the victim or that their dignity was impugned and, hence, they received a reduced sentence for their crime. In the wake of Özgecan Aslan's murder, the opposition Republican People's Party (CHP) proposed a bill, the so-called Özgecan Bill, to introduce harsher sentences for sexual offenders and to remove the ability of judges to grant sentence

¹⁴⁴ Ergin 2012; Ergin *et al.* 2012, p. 38.

¹⁴⁵ Carrabine, Cox, Lee, Plummer & South 2009, pp. 158–159.

¹⁴⁶ Benk, Budak, Püren & Erdem 2015. One characteristic of white collar crimes is also the diffusion of victimisation which refers to the existence of a large number of victims who are unidentifiable or suffer only a slight loss; see Dursun 2010, p. 106–107.

¹⁴⁷ The Guardian of 04.12.2015, Three Men Get Life Sentence for Murder and Attempted Rape of Student in Turkey; <https://www.theguardian.com/world/2015/dec/04/three-men-life-sentence-murder-student-turkey-ozgecan-aslan> [01.05.2018].

reductions. Despite the fact that more than a million people signed a petition to support the bill, it is still under consideration.¹⁴⁸

Another significant case relates to the rape of a three-year-old girl in February 2018 while she was sleeping at a wedding in southern Turkey. This case sparked significant public outrage, with public discourse about crime and justice once again moving in a more punitive direction, with a broad push for zero-tolerance and the very severe punishment of sexual offenders.¹⁴⁹ Shortly after this tragic event, the ruling Justice and Development Party (AKP) responded to the public outrage by bringing the issue to the cabinet's agenda.¹⁵⁰ To work on the legislative package, a commission of six ministers was formed in February 2018. In April 2018, the government submitted a draft law which stipulated harsher sentences for child abusers.¹⁵¹ According to the draft law, the upper limit of all sexual abuse crimes committed against children should be increased from 20 to 40 years.¹⁵² The draft law also proposes that sexual offenders who abuse children who are under age 12 will be sentenced to 30 to 40 years of imprisonment and, if they use force or weapons, to life imprisonment.¹⁵³ The draft law would also enable courts to order the chemical castration of sexual offenders, based on an expert report starting three months before their release up to five years after the release.¹⁵⁴

However, while violent offences committed against women and children attract significant public and media attention in Turkey, it also seems that even for very serious crimes, certain characteristics of the victims, such as age, sexual orientation (e.g., LGBTI status) or gender identity (e.g., transgender) might adversely influence public perception and attitudes towards victims of crime.¹⁵⁵ Furthermore, even in very similar criminal cases, public perception of the "victim" and the reaction against

¹⁴⁸ Onedio of 11.02.2017, Özgecan'dan Sonra 700 Kadın Öldürüldü; 'Özgecan Yasası' ise Meclis Raflarında Bekletiliyor; <https://onedio.com/haber/ozgecan-dan-sonra-700-kadin-olduruldu-ozgecan-yasasi-ise-meclis-raflarinda-bekletiliyor-755757> [09.05.2018]; T24 of 07.07.2015, CHP 1 Milyondan Fazla İmza Verilen 'Özgecan Yasası' için Kanun Teklifi Verdi; <http://t24.com.tr/haber/chp-1-milyondan-fazla-imza-verilen-ozgecan-yasasi-icin-kanun-teklifi-verdi,302059> [09.05.2018].

¹⁴⁹ The NewArab of 05.05.2018, Rape of Child in Turkey Reignites Sexual Abuse Debate; <https://www.alaraby.co.uk/english/society/2018/3/5/Rape-of-child-in-Turkey-reignites-sexual-abuse-debate> [15.05.2018].

¹⁵⁰ Hurriyet Daily News of 25.02.2018, No Reduced Sentence for Sexual Offenders: Turkish Family Minister; <http://www.hurriyetaidailynews.com/no-reduced-sentence-for-sexual-offenders-turkish-family-minister-127890> [15.05.2018].

¹⁵¹ Draft Law No. 31853594-101-1545/32, 09.04.2018.

¹⁵² See Article 3 of the Draft Law No. 31853594-101-1545/32, 09.04.2018.

¹⁵³ See Article 3 of the Draft Law No. 31853594-101-1545/32, 09.04.2018.

¹⁵⁴ See Article 5 of the Draft Law No. 31853594-101-1545/32, 09.04.2018.

¹⁵⁵ Cingöz-Ulu, *Türkoğlu & Sayılan* 2016; Çolak 2009.

the offender might also depend on certain characteristics of the victim and/or the offender. For example, in 2009, 17-year-old *Münevver Karabulut* was stabbed to death by her boyfriend and her dismembered body was left in a trash bin. Similar to the *Özgecan* case, her murder attracted enormous public and media attention in Turkey. A discourse analysis of media coverage of both cases, however, indicated that despite the similarities between the two murder cases (i.e., victims were young women exposed to extreme violence), the media representation of the cases showed important dissimilarities in the reconstruction of the patriarchal discourse.¹⁵⁶ While *Özgecan Aslan* was portrayed as an innocent victim murdered by a stranger on her way home, *Münevver Karabulut* was murdered by her boyfriend and thus did not fit to the stereotype of the “ideal victim” due to her “objectionable” lifestyle.¹⁵⁷

6. Assessment and Constructive Criticism With Suggestions for Improvement

It is a fact that significant changes to the protection of victims’ rights—through the regulations within the Penal Procedure Code, Child Protection Law and the Law on Probation Services—have been realized through the Turkish penal law reform of 2004–2005. In particular, regulating the rights of victims in a separate section of the Penal Procedure Code has increased interest and awareness about victim rights in the Turkish criminal justice system. The term “child victim” is now mentioned for the first time in the Child Protection Law, which has resulted in various protective and supportive measures for child victims. However, with the penal law reform of 2004–2005, the abolition of the victim’s right to claim for compensation during the criminal proceedings is a backward step related to victim rights, despite the fact that many international documents are foreseen to recognize this possibility.¹⁵⁸ A further deficiency is that the Victim Support Services Bureaus, which were envisaged to be established under the Law on Probation Services in 2005, have not yet actively come into effect. The establishment of the Department of the Victim Rights within the Ministry of Justice in 2013 is an important step with regards to the institutionalization of the protection of victim rights. As a matter of fact, the Draft Law on Victim Rights, which is still being debated, was prepared with the initiative of this Department. With the enactment of the Draft Law on Victim Rights, it is expected that a common institutional structure regarding victims, which includes the aforementioned centres and special interrogations rooms, will be established. It should be noted that financial assistance (state compensation) for victims is envisaged by the

¹⁵⁶ Gürses 2017.

¹⁵⁷ Gürses 2017, pp. 544–545.

¹⁵⁸ For example, the Council of Europe Recommendations R (85) 11 (Council of Europe 1985) and R (2006) 8 (Council of Europe 2006) related to victim rights; see *Sokulu-Akıncı & Dursun* 2016, pp. 359–360.

draft law: though this is a major reform suggestion, it is also an obstructive factor that might adversely affect the enactment of the draft law because of the burden associated with its financing.

Very important progressive steps taken in Turkey over recent years include the 2015 establishment of Child Support Centres to operate as residential rehabilitation centres for child victims; the 2012 establishment of Child Monitoring Centres as special interrogation rooms in some public hospitals for child victims of sexual abuse; the 2012 establishment of VPMCs for female victims of violence (through the Law on the Protection of Family and Prevention of Violence against Women); the 2017 establishment of the judicial interview rooms in the courthouses for the interrogation of vulnerable victims such as children, victims of sexual crime and domestic violence are all. All of these measures are designed to not only avoid secondary victimisation but also to provide protection and various support services to victims of crime. However, the number of these support and monitoring centres are not adequate to cover all 81 provinces in Turkey. Currently, there are 49 VPMCs and 143 women's shelters with a total capacity of 3,444 people. Furthermore, as of December 2017, there were 65 child support centres in Turkey, which can accommodate around 1,640 children who are victims of crime, drifted into crime or would otherwise be living on the streets. Finally, as of April 2016, there were 27 Child Monitoring Centres in Turkey. Given the enormous efforts of the Ministry of Family and Social Policies, it is expected that the scope of these centres will be extended nationwide in the near future.

Of equal importance, while it is true that both the Child Protection Law and the Law on Protection of the Family and the Prevention of Violence against Women brought significant changes to protect and support child and women victims, no single evaluation study has been conducted to determine the impact of these services on children and women. Therefore, the question of whether or not the measures implemented under these laws are successful is open to debate. Despite the significance of the discipline in developing effective policy and practices for victims, a fully-fledged education in victimology in terms of theory, research and practice is absent in Turkey. A lack of understanding of the importance of the criminology discipline and the significance of sound research also affect the way official data are compiled by Turkish authorities. The scarcity and limitations of official data on crime victims (as well as on offenders) is therefore another serious handicap for researchers in Turkey. Moreover, existing empirical research in victimology is often flawed in various ways, due to issues of sampling, research design, measurement and statistical analyses. Therefore, victimological research in Turkey is currently unable to guide policy and practices. The lack of reliance on data, theory and sound empirical research findings also reveals itself through the legislative changes and their implementation. The EU accession process has been the main drive behind all the legislative changes in Turkey, and accordingly it seems that Turkey adopted many measures without understanding the theory behind them. This is perhaps most evident in the imple-

mentation of the mediation process in Turkey, which has almost nothing in common with the restorative justice idea behind it. This is mainly because the victim and the offender almost never come face-to-face in a meeting and compensation of the material damage to the victim is considered as adequate for the realization of restorative justice ideal in Turkey. Further, it also seems that the main reason behind extending the scope of mediation in recent years has been to alleviate the burden on the criminal justice system rather than to reflect a victim-oriented perspective.

In sum, despite the fact that various progressive steps have been taken over the years with regards to the rights and protection of victims, victimological education and research, though developing, remains in its infancy in Turkey. This, in turn, makes it difficult to evaluate the success of new policies and practices. In order to better analyse the functioning of the criminal justice system and to guide future policies for both victims and offenders, Turkey definitely needs reliable and more detailed data and methodologically sound empirical research.

7. Conclusions

The general interest in victims and victim rights is relatively new in Turkey. Penal law reform in 2004–2005 resulted in important changes with regards to the rights and protection of victims. Although there is currently no special law on victims, various provisions in different laws—such as the Penal Code, Penal Procedure Code, Child Protection Law, Law on Protection of the Family and Prevention of Violence against Women, Law on Probation Services and the Law on Combating Terrorism—relate to victim rights and protection in Turkey. Recently, the government proposed a draft law on victim rights. This draft law, which is expected to be passed in 2019, defines a victim as a person who directly suffers physical, mental, psychological or economic harm as a result of the commission of a crime. Moreover, it sets forth the basic principles and rights of victims and regulates specific services for victims with certain characteristics (vulnerable victim groups). The provisions on state compensation for remedying the plight of victims are also regulated for the first time in this draft law. Furthermore, the regulations on the central and provincial organization of the Victim Rights Department¹⁵⁹ (established under the Ministry of Justice) are also very important in terms of the establishment of the institutional infrastructure for victims and will serve to protect and develop their rights.

Several governmental and state-related institutions, in cooperation with various NGOs, deal with victim support and protection and play key roles in victimology in Turkey. The General Directorate on the Status of Women and the General Directorate of Child Services, both under the Ministry of Family and Social Policies, are

¹⁵⁹ For the website of the Victims' Rights Department, see <http://www.magdur.adalet.gov.tr> [23.05.2018].

key actors concerning issues of female and child victims. VPMCs and Child Support Centres (which function under these General Directorates) are especially important for the provision of various services to female and child victims. Other key governmental actors that support and protect victims in Turkey include the Ministry of Health (through Child Monitoring Centres) especially for child victims of sexual abuse, the Ministry of Interior (through the Department for the Protection of Victims of Human Trafficking) and the Ministry of Justice (through the Department of Probation and the Department of Victim Rights). Various NGOs (e.g., Mor Çatı Women's Shelter Foundation, the Foundation for Women's Solidarity and the Human Resource Development Foundation) deal with victim support and protection in Turkey and work in close cooperation with governmental and state-related institutions.

Yet, despite these developments, victimology is still not an institutionalised discipline in Turkey. Given the status of criminology in Turkey,¹⁶⁰ this is not surprising. It is generally taught as a selective graduate course at some, but not all, law faculties. While there are only two text books on victimology, there is no single academic journal in Turkey which mainly focus on victimology. Official data sources on crime victims in Turkey are scarce. Police and gendarmerie data on crime victims are available only for children. An examination of available data on child victims indicates that the number of juvenile victims continuously increased (and, in fact, more than tripled) during the years between 2008 and 2016. In 2016, 158,343 children were victims of crime. While 55% (86,519) of them were male, within both genders, children aged 15–17 years had a higher victimisation risk than other age groups. According to the most recent statistics available, a majority of the children were victims of violent crimes (60% victims of assault, 12% victims of sexual crime). Unfortunately, the available data do not include more detailed information on child victims, such as the type of the relationship between the victim and the perpetrator. In contrast to police and gendarmerie data, judicial statistics are regularly published; but they reveal only the total annual number of victims and complainants within the cases at criminal courts. These data suggest that, overall, males are more likely to be victimised than women and that the disparity between male and female victimisation has decreased over the years. Judicial statistics also show that while Turkish nationals are more likely to be victimised than foreign nationals, the number of foreign victims almost tripled between the years 2013–2017. Unfortunately, no further information is available, either on the type of crime victimisation or the country of origin.

Turkey does not currently conduct regular victimisation surveys at the national level. Therefore, no such data exist in Turkey about the number and characteristics of victims or the extent of unreported victims of crime. There are, however, a number of victimisation surveys in Turkey conducted at the national level which

¹⁶⁰ See Sözüer & Topçuoğlu 2014.

focus on specific type of victimisation, such as violence against women. There are also numerous victimisation studies carried out at the local level. Given the scarcity of official data on victims of crime, we tried to present a picture of victimisation based on extant research findings. Due to limited space, we focused on three groups of crime victims: women, children and the elderly. An overview of empirical research findings on violence against women, child sexual abuse and exploitation and elder abuse revealed important limitations concerning extant research in Turkey. While a large number of studies focus on violence against women and child sexual abuse, very few studies examine abuse of the elderly. However, methodological drawbacks of most empirical research studies (e.g., lack of representative samples based on probability sampling, inadequacy of research design and statistical techniques used, reliable and valid measurement, etc.) make it difficult to get an accurate picture of either the actual prevalence rates or the risk factors for victimisation.

Although not all offences and all victimisations are considered as equally serious, violent offences, particularly those committed against women and children, attract significant public and media attention in Turkey. Yet, despite the fact that both public and political interest on victimisation is increasing in Turkey (as evidenced by the various progressive initiatives taken over the recent years), victimological education and research, though developing, remains in its infancy. This makes it difficult to evaluate the success of victim-related policies and practices. In order to better analyse the functioning of the criminal justice system and to guide future policies for both victims and offenders, Turkey needs reliable and detailed data and methodologically sound empirical research. Given the obvious link between research and education, we pointed out earlier the urgent need for comprehensive criminological education programmes at universities for the scientific development of the criminology discipline in terms of theory, research and practice.¹⁶¹ At this point, the establishment of the first M.A. programme in Criminology and Criminal Justice in Turkey at the Faculty of Law of Istanbul University in the 2017/2018 academic year should be considered a significant step to fill this gap.¹⁶² There is still no single department that offers a B.A. degree in criminology in Turkey, but we very much hope that this programme will help advance theory and research in Turkey and pave the way further for the institutionalisation of the criminology and victimology disciplines throughout Turkey.

¹⁶¹ See Sözüer & Topçuoğlu 2014.

¹⁶² Topçuoğlu 2017.

8. Summary in Turkish

Bu çalışma, Türkiye’de viktimoloji ile mağdurların desteklenmesi ve korunmasına dair geliştirilen politika ve yasal düzenlemelerin genel bir resmini çizmektedir. Çalışmanın *ilk bölümü*, Türkiye’ye ilişkin genel bilgi sunarken, *ikinci bölüm* bilimsel bir disiplin olarak viktimolojinin Türkiye’deki konumunu ve viktimolojik araştırmaların mevcut durumunu ele alıp mağdurların desteklenmesi ve korunması hususunda Türkiye’de aktif rol oynayan devlet kurumları ile sivil toplum kuruluşlarına değinmektedir. Çalışmanın *üçüncü bölümü*, Türkiye’de mağdur hakları ve mağdurların korunmasına ilişkin hukuki düzenlemelere ve yakın zamanda mağdur haklarına ilişkin getirilen kanun tasarısına değinirken; *dördüncü bölüm* mağdurlara ilişkin mevcut resmi verilere ve bu alanda gerçekleştirilen bilimsel araştırma bulgularına dayanarak Türkiye’deki mağduriyet olgusunun resmini ortaya koymaktadır. Çalışmanın *beşinci bölümü*, Türkiye’de kamu ve medyada mağdurlar ve mağduriyete ilişkin söylemleri ve mağdur algısını ele almaktadır. *Altıncı bölüm*, Türkiye’de viktimolojinin mevcut durumu, mağdur koruma politikaları, düzenlemeleri ve uygulamalarına dair genel bir değerlendirme sunarken, *en son bölüm* ise çalışmanın temel bulguları ile Türkiye’de viktimoloji ve mağdurların korunmasına ilişkin genel durumu özetleyerek çalışmayı sonlandırmaktadır.

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