



Past and Present of Women's Rights and Violence Against Women

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ABSTRACT

In history, the greatest aspiration of people is that all humanity has equal rights regardless of race, language, religion or gender. Gender inequality seen in communities where patriarchal structure prevails has caused women to be deprived of their rights. The exclusion of women who have been deprived of their rights due to their gender and even exposure to violence is a global problem that continues from past to present. Violence against women, which is as old as the history of humanity, is a phenomenon that affects all societies deeply and negatively. As a fundamental human rights and freedom problem, it continues to exist all over the World as a universal public health problem, regardless of ethnic origin, class, religion, social status, culture, economic and geographical boundaries. Domestic violence is the most common form of violence against women. In this study, the historical process of women and their rights, the place of women in society today, the historical process of violence against women, the causes and types of violence against women, femicides, the end point of violence against women, the effects of violence on public health, violence in our country will be discussed. Furthermore, institutions and organizations that women victims of violence can apply to, and suggestions against violence towards women are mentioned.

Keywords: Violence, violence against women, women rights, women in history

Kadın Hakları ve Kadına Yönelik Şiddetin Dünü ve Bugünü

Süreç

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Öz

Tarihte insanların en büyük arzusu, ırk, dil, din veya cinsiyet fark etmeksizin tüm insanlığın eşit haklara sahip olmasıdır. Toplumlarda ataerkillik yapısının hakim olduğu yerlerde görülen cinsiyet eşitsizliği, kadınların haklarından mahrum kalmasına neden olmuştur. Cinsiyetlerine dayalı hakları ellerinden alınan ve hatta şiddete maruz kalan kadınların dışlanması, geçmişten günümüze devam eden küresel bir sorundur.

İnsanlık tarihinde var olan kadına yönelik şiddet, tüm toplumları derinlemesine ve olumsuz bir şekilde etkileyen bir olgudur. Temel bir insan hakları ve özgürlük sorunu olarak, etnik köken, sınıf, din, sosyal statü, kültür, ekonomik ve coğrafi sınırlardan bağımsız olarak, dünya genelinde evrensel bir halk sağlığı sorunu olarak varlığını sürdürmektedir. Kadına yönelik şiddetin en yaygın biçimi, ev içi şiddettir.

Bu çalışmada, kadınların tarihsel süreci ve hakları, bugünkü toplumda kadınların yeri, kadına yönelik şiddetin tarihsel süreci, kadına yönelik şiddetin nedenleri ve türleri, kadın cinayetleri, kadına yönelik şiddetin son noktası, şiddetin halk sağlığı üzerindeki etkileri, ülkemizdeki şiddet konuları tartışılacaktır. Ayrıca, şiddete maruz kalan kadınlar için başvurabilecekleri kurumlar ve öneriler de belirtilmiştir.

Anahtar sözcükler: Şiddet, kadına yönelik şiddet, kadın hakları, tarihte kadınlar

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Historical Process of Women's Rights

Women's rights and the role of women in society have emerged in different ways from the first human communities to the present day. In the early ages of humanity, before human beings settled down, the family structure was matriarchal, but with the transition to settled life, it is thought that the patriarchal structure, that is, the male-dominated social structure, began to form instead of the matriarchal structure. Another view is that even matriarchal societies have a patriarchal structure and there are no situations where women are dominant¹. There are many documents showing the existence of these women's problems, even in ancient documents. These documents reveal the inequality between men and women in the societies of that period. Most researchers agree that gender-based discrimination is a deeply rooted form of discrimination². The role assigned to women throughout history has often been that of "ruler". This situation tells us that the inequality between men and women has continued to exist since antiquity, varying according to time and place³. One of the reasons why women started to be seen as less valuable than men is the developments in the field of production. The fact that the tools used in production were invented by men caused the material power to be in the hands of men, and the fact that the material power was in the hands of men put women in a lower position against men⁴.

When we look at the documents found from the earliest times of humanity, it is not common for women to participate in social life, to be educated and to work, but it is possible to see examples. Narratives about prominent women physicians, architects, philosophers and women sages from Ancient Egypt, Ancient Greek Civilization or the Roman Empire have survived to the present day⁵. Although ancient Egyptian society was patriarchal, it is known that women had some special rights. They had the right to buy property and to be tried equally with men in court. However, although it is known that there were female pharaohs, it is understood from the documents that have survived to the present day that women were not brought to important places in the administration⁶.

The marginalization of women increased during the Ancient Greek period. Women were left at home and excluded from society. They were seen as a commodity that could be traded. However, it was considered important for men in high positions to marry the daughters of well-known families in order to give birth to a noble man. The value of a woman's social status remained dependent on giving birth to a noble child⁷. According to the beliefs of the

Sumerians, it was not the gods who created everything and owned everything, but the goddesses, that is, women. According to the surviving documents about the Sumerians, monogamy was practiced and it is understood that women and men had equal rights. In a poem written during the Sumerian period; "My mother is a light shining on the horizon, a mountain deer, a shining morning star." An example of the value given to women appears in the line^{8,9}.

The clay tablets written by the Assyrians who lived in the borders of today's Kayseri province show that Anatolian women were free at that time. During this period, there were city states in Anatolia. Women who took an active role in the administration of these states are described in these tablets. It is known that women were also active in trade life. [8] In the Hittites, who lived in the same region after the collapse of the Assyrian trade colonies, it is known that the powers of the Queen and the King were equal¹⁰. However, since there are very few documents related to the family in this period, there is not much information about the status of women in social life¹¹. Nevertheless, it is known from some documents that Hittite laws did not discriminate between men and women in punishments and the same punishment was given for the same crime. In the Roman Empire, where the patriarchal structure was dominant, the justice system worked in favor of men. A serious pressure was created in social life by using concepts such as privacy and honor against women¹². In such an environment where women were pushed out of society, Christianity, which promised equality and freedom, was born.

In Christian teachings, it is accepted that all people are equal. The place of women has been moved to a different position with the concept of family¹³. However, as seen in most religions, religious teachings have been shaped according to the habits of the community in which they are found. Christianity fused with the social mindset and became a patriarchal faith. The churches, which were the enforcers of the law, judged women more strictly than men¹⁴. In the environment of the Middle Ages, where fiefdoms ruled, educational institutions gradually began to conform to the wishes of the church. Women's basic education became possible centuries later, provided that their families made donations to the churches⁵.

The teachings of Judaism are similar to the effects of Christianity's degeneration over time on relations between men and women. Beliefs such as the idea that a woman was created from a man's rib, the belief that the human race was expelled from paradise as a result of Eve, the first woman in most religious teachings, eating the forbidden fruit, have

led to a deep prejudice against women in society. As a result of all these, women have been marginalized in society and made dependent on men¹⁵.

Looking at the status of Turkish women in Asia in history, it is known that women played important roles and had equal rights with men. In addition to the signatures of khans, the signatures of their wives, hatuns, also appear in state documents. One of the important findings of the equality of men and women in Turks is the word "marriage". The expression "they got married" is used instead of "the man took the woman" which is frequently encountered in old documents¹⁶.

Regarding women in the ancient Turks: "An order was not considered acceptable if it started with 'the khan says so'. It would be acceptable if it started with the words 'the khan and the khan are ordering'. The khan could not receive ambassadors of foreign states alone. Ambassadors could appear in front of both of them, the khan on the right and the khatun on the left. It is understood from this that the role of women in public services was as great as the khan. The right of guardianship in the family belonged not only to the father but also to both parents. There was no harem, veil or age in the ancient Turks. Women could enter any assembly."¹⁷. Ancient Turkish women could ride horses, shoot arrows and fight when necessary¹⁶. Monogamy was the law in Ancient Turks. In the light of all this information, it can be said that the Ancient Turks had a democratic and feminine mindset¹⁸.

When we look at the historical development of women's rights; Turkish women were free and had equal rights with men in the pre-Islamic period according to the conditions of the period. Religious beliefs of the period considered women sacred¹⁸.

The Turks entered Anatolia during the Seljuk period. The Seljuks were under the influence of Iran, where they had lived before, under the influence of the Arabs since they accepted Islam, and under the influence of the Byzantines living in the Anatolian lands they came from. During this period, Turks in Anatolia had to act according to Islamic rules while acting according to their own habits⁸.

With the teachings of Islam, women have gained importance. They had rights over family life. According to Islamic teachings, a married woman was given valuable goods called "mahr". This practice was done so that the woman could manage herself in case her husband died or the woman was left alone, such as divorces. However, before Islam, the gifts given for the wedding were given to the woman's family and the father would marry or sell his daughter to whomever he wanted. In Islam, a

woman's refusal to marry meant that the marriage was void. In pre-Islamic Arab society, women began to receive their share of inheritance, which they had not received in the past, with the teachings of Islam¹⁹. However, Islam, like other religions, has changed by being mixed with the values of the society in which it was formed. In Islamic belief, the differences in the creation of men and women have been determinant in social relations and this situation has caused inequality²⁰. For these reasons, the social position of women changed radically after the adoption of Islam. The provisions of Islamic law and its implementation in society limited women's space in public life. Women were trapped in family and home life. Obedience and submission were expected of women in Islamic societies²¹. In order to evaluate the relations between men and women of the period, the position of women in pre-Islamic society should be taken into consideration²².

When we look at the Ottoman Empire, we see three statuses: palace women, mansion women and public women. Palace and mansion women had to live within the framework of Islamic rules. Although some of the palace women had some works built, the majority of them were women of other nationalities. In general, palace women lived a life similar to prison life. Public women, on the other hand, were almost all productive women. They shouldered the burden of the Ottoman Empire; they sent their husbands and children to military service, worked in agriculture, raised animals, and produced food and clothing. They gave some of their earnings to the state as taxes. As a result, although the economy of the state was almost entirely in the hands of women, it is seen that girls in the Ottoman Empire were taken out of school when they were 8-9 years old and were confined to the house. Women were also restricted from going out on the streets in various ways during this period. In some regions, they were not allowed to walk or ride in cars or trams, and actions such as walking around the Grand Bazaar, sitting in a shop, or talking in a group were also forbidden to women⁸.

During the War of Independence, our women worked with all their strength, produced food and clothing, and even took part in the front line for the liberation of our homeland from the enemy. Despite all these contributions, the text of the law prepared by the parliamentarians who tried to enact a law on family law in 1923 included articles such as "Since the woman is mentally and religiously weak, she must be under the protection of the man, the man can take many women and divorce them as he wishes, women's working outside disrupts social life, and science destroys women's morals." The text was not accepted in this form. However, months

before the proclamation of the Republic, Mustafa Kemal, in a speech, spoke of "freedom for women, equal educational opportunities and a social position for women no different from that of men" and said in Konya: "The fact that our women, who were under much less favorable conditions, have become equal to men, and in some cases even surpassed them, is a proof of their extraordinary abilities and equality."²³.

With the adoption of the Civil Code and the abolition of Islamic provisions (1926) and the granting of the right to vote (1930) and then to be elected (1934), Turks began to return to their past in Central Asia and the seeds of the idea of equality between men and women were sown. In the Republican era, thanks to Atatürk, women were able to step into the world of science for the first time. Before the Republic, it was impossible for women to go to university. Most of our first women scientists in the Republican years were women who had received their education abroad. After the establishment of the Republic of Turkey, with the adoption of the Law on Unified Education (1924), our education system changed and women and men were offered equal conditions in education. With the Dress Code (1925) and the Turkish Civil Code (1926), the place of women in society changed and women were granted equal rights with men²³.

With the factorization brought about by the Industrial Revolution in Europe, women started to play a more frequent role in business life. This situation played an important role in revealing the situation of women and the violence they were exposed to. Concepts such as equality, justice and peace, which began to be expressed with the French Revolution, also came to the agenda for women. (AH) With the beginning of the Age of Enlightenment, the idea of compulsory education covering the whole population began to spread. Whether or not girls should receive this compulsory education soon became a matter of debate²⁴. The right to citizenship was demanded for women, and it was argued that women should also be able to receive vocational education that was only available to men. For a century, however, women were not allowed to study at universities. The reason for this situation was that women were considered physically weaker than men and that they were not suitable for such an education in terms of intellectual ability^{5, 24}. By 1840, the first female students in Europe began their education at the University of Zurich. Despite all these developments, many scientists living in those years, who adopted the conventional perception of women, argued that the idea of "equality between men and women" was unnecessary²⁵.

Today, even in developed countries, women are still not equal to men in social life and human rights. In developed countries, gender discrimination and the obstacles placed in front of women at every stage of their working life, from admission to employment to promotion, are the most common forms of this inequality. In addition to the problems in developed countries, problems in basic life situations such as being subjected to violence and being deprived of education are more common in developing countries.

Violence Against Women

For centuries, violence against women, as a violation of human rights and a form of discrimination, continues to exist all over the world, regardless of ethnicity, class, religion, social status, cultural, economic and geographical boundaries.

According to the patriarchal mentality, even if a woman is a victim of violence, she is the one who harbors the cause of the crime. Considering that every woman victim of violence may have provoked the perpetrator, her "criminal" behavior is questioned.

Violence is defined by the UN as all individual or collective acts that cause physical or mental harm to people by applying force and pressure²⁶.

Violence against women is defined by the World Health Organization as any behavior that results or is likely to result in physical, sexual, psychological, economic harm to women, including the prevention of freedom through coercion, whether in public or private life²⁷.

Violence against Women in the Historical Process

Archaeological studies trace the origin of women's experiences of physical violence back to 3000 years ago in ancient times. While 9-20% of the bones of male mummies found in these studies were fractured, this rate was 30-50% in female mummies. During the Roman Empire, it is known that men could beat their wives and had the right to kill them for reasons such as adultery and drunkenness. In England, the law allowed men to beat their wives until 1887. In ancient Indian traditions, it is known that women whose husbands died were burned together with their husbands. In pre-Islamic Arab geography, girls were often buried alive because they were seen as a disgrace to society.

When the dates show March 8, 1857, the incident in which 129 women workers died as a result of the police intervention against striking workers in a textile factory in New York, the workers were locked in the factory, and then the workers could not

escape in the fire that broke out, is one of the biggest examples of violence against women in our recent history. March 8 was first celebrated as Women's Day in Denmark in 1910, and is now commemorated annually as International Women's Day following a decision taken by the United Nations (UN) General Council in 1977.

On November 25, 1960, three sisters, Patria Mercedes, Minerva Argentina and Maria Terasa (the Mirabel sisters), were taken out of their car, raped and murdered as they went to visit their husbands in prison. With the resolution adopted by the UN General Assembly in 1999, November 25th of each year is celebrated as the "International Day for the Elimination of Violence against Women and International Solidarity".

Causes of Violence against Women

Sexist approach that does not believe in equality (gender inequality), family conflicts and disharmony, low income level, personality disorders, exposure to violence in childhood, substance abuse (alcohol, drugs, etc.), traditional assumptions (reflection of patriarchal structure), low level of education, honor and ritual excuses are the most common causes of violence against women. The most fundamental cause of violence against women is gender discrimination and asymmetrical power relations stemming from the patriarchal social structure. In the UN action plan on combating violence against women (2016-2020), the concept of gender is defined as the socially constructed roles, behaviors, masculinities and attitudes that a given society deems appropriate for women and men. We are one of the countries with the highest gender inequality and the deepest "gender gap". In this study conducted by the World Economic Forum in 2021, we ranked 133rd out of 156 countries. In the same study, we are the 1st country in the world in the rate of dismissal of women during the Covid-19 pandemic²⁸.

The Most Common Types of Violence against Women

Physical violence, psychological violence, sexual violence, economic violence, stalking, forced or child marriage, trafficking in women and forced prostitution, genital mutilation of women are the most common forms of violence against women. According to the World Health Organization, one in every three women is subjected to physical or sexual violence by an intimate partner. Two out of every five women (43%) are known to have experienced psychological violence by their current

or former partner/life partner. Worldwide, 38% of femicides are committed by the victim's partner or intimate partner. Twice as many women die in domestic violence as in wars and global conflicts. Women aged 15-44 are more likely to die from rape and domestic violence than from cancer, traffic accidents or infectious diseases²⁷.

Femicides

In general terms, it is the killing of women or girls, regardless of who commits it, because they are women. It is evaluated separately from male homicides due to its purpose, i.e. gender discrimination.

In 2019, in the Global Homicide Report published by the United Nations Office on Drugs and Crime, which investigates the rates of women being killed because they are women, it was reported that approximately 87000 women were victims of homicide in 2017 all over the world. Approximately 3/5 of these women were murdered by their lover, spouse or family member. Asian countries lead the list of countries where femicides are most common, followed by African and American countries. [29] In Turkey, 303 women were murdered in 2015, 328 women in 2016, 409 women in 2017, 440 women in 2018, 474 women in 2019, 413 women in 2020, 419 women in 2021, 403 women in 2022, 284 women in 2023 so far (19/09/2023)³⁰.

The Effects of Violence Against Women on Human Health

Violence deprives women of their right to health, which is their most fundamental right. Women victims of violence face physical and psychological consequences. Violence can lead to negative health behaviors such as smoking, alcohol and substance abuse, decreased physical activity, overeating and obesity. Negative effects on mental health such as low self-perception, post-traumatic stress disorder, depression, anxiety, phobias, panic attacks and social exclusion can be observed. Unwanted pregnancies, sexually transmitted diseases, gynecological diseases such as pelvic inflammatory disease, pregnancy complications, unsafe abortion may occur, which may negatively affect women's reproductive health. It has been reported that women who experience violence during pregnancy are negatively affected in terms of reproductive health, and newborns and fetuses are also affected by this situation³¹. Violence can result in homicide or suicide and have fatal consequences.

Where Can Women Victims of Violence Apply?

89% of women who are subjected to violence do not apply to any institution. 8% apply to law enforcement agencies, 5% to family courts, 4% to health institutions, 3% to prosecutor's offices, 1% to bar associations.

In our country, women who have been subjected to violence can apply to administrative law enforcement bodies (governorships, district governorships), judicial law enforcement bodies (Police Centers under the General Directorate of Security, Gendarmerie Police Stations under the General Command of Gendarmerie), public prosecutor's offices, family court judgeships, health institutions, the Ministry of Family and Social Services and its affiliated units, local governments, bar associations and non-governmental organizations³².

Preventing Violence against Women

The "Universal Declaration of Human Rights" drafted by the UN after World War II. Although the "Universal Declaration of Human Rights" prepared by the UN after World War II is a comprehensive international convention, it is not legally binding. Published in 1979 to combat all forms of discrimination against women, the "CEDAW" convention is legally important. It has been accepted by 165 countries, including Turkey³³. CEDAW was prepared based on the basic principles and principles in the Universal Declaration of Human Rights, and it has put the fundamental rights and freedoms for all human beings on a legal basis for women.

One of the internationally recognized and binding conventions on violence against women is the Istanbul Convention. It was adopted on April 7, 2011. With this convention, physical violence against women, domestic violence, sexual violence including rape, psychological violence, stalking, forced marriages, forced abortion, forced sterilization and sexual harassment are defined as violence against women. The Istanbul Convention aims to prevent violence against women, protect victims, punish perpetrators of violence, and develop holistic state policies on the issue³⁴. It was repealed in our country with the Presidential

Decree published in the Official Gazette No. 31429 on March 20, 2021³⁵.

The most important piece of legislation on violence against women in Turkey is the "Law No. 6284 on the Protection of the Family and Prevention of Violence against Women", which was drafted in light of the provisions of the Istanbul Convention and entered into force in 2012. Another important piece of legislation, the "Regulation on the opening and operation of women's guesthouses" entered into force in January 2013. The "Regulation on Violence Prevention and Monitoring Centers (ŞÖNİM)" on Violence Prevention and Monitoring Centers to which women victims of violence can apply entered into force in 2016. There are ŞÖNİM in 73 provinces and 144 guest houses in 81 provinces³⁶.

Conclusion and Recommendations

Enacting laws to eliminate gender discrimination, making arrangements to ensure equal opportunities in education, increasing women's employment in business life, providing women with the same economic freedom as men, strengthening and supporting women's social and economic status, ensuring women's equal representation in politics and decision-making mechanisms and their effective participation in these areas, ensuring that the media conveys the negativity of violence in an appropriate language and raising awareness in society. It is important for us to prevent violence against women and gender discrimination, to make programs based on gender equality on state radio and television, to include courses on women's human rights and gender equality in the curriculum, to make preventive and deterrent regulations on early and forced marriages (child brides, religious marriages, polygamy and honor killings), to change the socio-cultural structure dominated by patriarchal structure, to develop decisive state policies to prevent gender inequality and to improve women's rights.

Compliance with Ethical Standards

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