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## Совет по правам человека

### Пятьдесят третья сессия

19 июня — 14 июля 2023 года

Пункт 3 повестки дня

**Поощрение и защита всех прав человека,  
гражданских, политических, экономических,  
социальных и культурных прав,  
включая право на развитие**

## Посещение Турции

**Доклад Специального докладчика по вопросу о насилии  
в отношении женщин и девочек, его причинах и последствиях,  
Рим ас-Салем\* \*\***

### *Резюме*

Специальный докладчик по вопросу о насилии в отношении женщин и девочек, его причинах и последствиях Рим ас-Салем посетила Турцию с 18 по 27 июля 2022 года. В настоящем докладе она рассматривает пробелы и проблемы в выполнении обязательств государства по ликвидации насилия в отношении женщин и девочек, его причины и последствия, а также рекомендует меры по предотвращению насилия в отношении женщин и девочек в стране и борьбе с ним.

\* Резюме доклада распространяется на всех официальных языках. Сам доклад, содержащийся в приложении к резюме, распространяется только на том языке, на котором он был представлен.

\*\* Настоящий доклад был представлен позже установленного срока в связи с необходимостью включения в него самой последней информации.



## Annex

# Report of the Special Rapporteur on violence against women and girls, its causes and consequences, Reem Alsalem, on her visit to Türkiye

## I. Introduction

1. The Special Rapporteur on violence against women and girls, its causes and consequences, Reem Alsalem, visited Türkiye from 18 to 27 July 2022, at the invitation of the Government. The main objective of the visit was to assess the situation of gender-based violence against women and girls in the country, as well as the laws, policies and services to prevent and combat it, in order to provide recommendations to strengthen the efforts made and enable Türkiye to fully implement its international obligations relating to violence against women and girls and their human rights.

2. The Special Rapporteur extends her sincere appreciation to the Government of Türkiye for its invitation and for its engagement and cooperation before, during and after the visit, as well as for the frank and constructive dialogue.

3. During her visit, the Special Rapporteur met with several high-ranking government officials, including the Minister of Family and Social Services, the Minister of Internal Affairs, the Deputy Minister of Justice; representatives of the General Directorate on the Status of Women (Ministry of Family and Social Services), the Directorate for European Union Affairs (Ministry of Foreign Affairs) and the Ministry of Education; as well as the Chair of the Committee on Equal Opportunity for Men and Women of the Grand National Assembly, the Chief Ombudsman and the President of the Human Rights and Equality Institution. She also met with the Governor of Istanbul, the Governor of Diyarbakir, the Deputy Secretary-General of the Gaziantep Metropolitan Municipality, the Governor of Gaziantep and the Deputy Governor of Izmir. The Special Rapporteur visited violence prevention and monitoring centres and judicial support and victim services directorates in these provinces, the Family Academy and the Removal Centre in Gaziantep – the latter visit having been organized by the Provincial Directorate for Migration Management. However, she regrets that she was unable to meet with the Minister of Health and that she was not granted permission to visit a women's shelter or a women's prison.

4. The Special Rapporteur also met with representatives of international organizations, including the relevant agencies of the United Nations country team, civil society organizations, trade unions, bar associations, Turkish and foreign victims of violence, including both women and girls, and other stakeholders.

5. The Special Rapporteur expresses her gratitude to the Resident Coordinator Office, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the United Nations Population Fund and the United Nations Development Programme for their extensive support in preparing and facilitating the visit, and to all the representatives of international entities and civil society organizations for generously sharing their time and knowledge. In particular, she wishes to express her deepest appreciation to all the victims who agreed to relate their personal and often painful experiences of violence and gender-based discrimination. Their testimonies allowed her to gain insight into some of the systematic problems they face, and the challenges to their right to live a life free from violence.

6. The visit of the Special Rapporteur followed the examination of the eighth periodic report of Türkiye by the Committee on the Elimination of Discrimination against Women, in June 2022. She hopes that the recommendations outlined in the present report will be implemented in conjunction with those formulated by the Committee,<sup>1</sup> and will contribute to developing a road map to assist the Government in its efforts to eliminate violence against

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<sup>1</sup> CEDAW/C/TUR/CO/8.

women and girls and uphold the rights of women in the public and private spheres, in line with the Convention on the Elimination of All Forms of Discrimination against Women, the Declaration on the Elimination of Violence against Women<sup>2</sup> and Sustainable Development Goal 5, in particular target 5.5.

## II. Manifestations of gender-based violence against women

7. Violence against women in Türkiye is widespread and occurs in both the private and the public spheres. According to data received, 4 out of 10 women have experienced physical violence by their husbands or intimate male partners.<sup>3</sup> The persistence of entrenched patriarchal attitudes and discriminatory stereotypes are compounded by declarations made by some public and religious figures concerning the roles and responsibilities of women in the family and in society, which overemphasize their traditional role as mothers and wives. Such declarations undermine women's social status, autonomy, educational opportunities and professional careers, and constitute an underlying cause of gender-based violence against women. Violence against women belonging to minority groups is of particular concern, while online violence against women and girls is now an emerging issue.

8. Türkiye, like other countries worldwide, was significantly affected by the coronavirus disease (COVID-19) pandemic. To respond to these challenges, the non-stop (24/7) social support helpline ALO-183 was expanded to reduce response wait times for victims seeking support, and 71 facilities in 49 provinces were used as shelters during the pandemic. Fewer police interventions and limited access to courts and essential services for victims have emboldened perpetrators and aggravated the risks faced by women and girls. The economic impact has also disproportionately affected women.

### A. Femicide or gender-related killings of women

9. According to government sources, at least 3,175 femicides were reported in Türkiye between 2010 and 2020, and more than 300 women were murdered in 2021, most by their current or former intimate partners or husbands or members of their families. The actual numbers are estimated to be much higher owing to widespread underreporting.

10. The Special Rapporteur notes that, in many cases of killings committed by intimate partners, the victims had previously reported acts of violence to the police but had not been provided with adequate and effective protection. Many crimes against women and girls, including femicide, are committed in the name of so-called honour. Reports of suspicious deaths and forced suicides among women and girls are especially concerning.<sup>4</sup> In its Decision No. 2010/111 of 11 May 2010, the General Assembly of the Supreme Court of Appeals attempted to resolve this ambiguity by introducing three categories: (a) perpetrator acts, which carry the "belief of having a duty" to commit the crime in the name of "custom"; (b) "unjust provocation", which cannot be applied if the crime is committed in the name of "custom"; and (c) "provocation", whereby the crime is qualified as "honour killing". However, the Supreme Court found it difficult to establish criteria for determining the content of murder in the name of "honour" since there was no category for the application of "unjust provocation provisions in such conditions".

<sup>2</sup> General Assembly resolution 48/104.

<sup>3</sup> ICON-Institute Public Sector GmbH, Hacettepe University Institute of Population Studies and BNB Consulting Ltd. Co., "National research on domestic violence against women in Turkey: summary report" (Ankara, 2009). Available at [https://fs.hacettepe.edu.tr/hips/dosyalar/Ara%C5%9Ft%C4%B1rmalar%20-%20raporlar/Aile%20i%C3%A7i%20C5%9Eiddet%20Ara%C5%9Ft%C4%B1rmalar%20-%2008-TDVAW\\_Summary\\_Report.pdf](https://fs.hacettepe.edu.tr/hips/dosyalar/Ara%C5%9Ft%C4%B1rmalar%20-%20raporlar/Aile%20i%C3%A7i%20C5%9Eiddet%20Ara%C5%9Ft%C4%B1rmalar%20-%2008-TDVAW_Summary_Report.pdf).

<sup>4</sup> In 2020, 178 women died under suspicious circumstances and 41 women attempted and/or committed suicide (Human Rights Association, "2020 report on human rights violations in Turkey" (Ankara, 2020)).

## B. Domestic violence

11. Domestic violence continues to pervade society in Türkiye, with incidents recorded by the police over the past six years indicating a steady rise. In 2021, 268,817 incidents were recorded, compared with 162,110 in 2016.<sup>5</sup>

12. Domestic violence is still considered primarily a private matter and not an issue of public concern in most parts of the country. Incidences of domestic violence are still underreported, owing in part to the lack of public awareness about the problem, fear of retaliation and stigmatization, lack of trust in law enforcement agencies and the poor quality of existing services and protection mechanisms for victims of violence.

13. The dissemination of a new circular by the Ministry of the Interior, in April 2022, outlining a series of measures to combat domestic violence is a welcome development. It includes establishing local risk management teams to monitor threats to victims of recurrent domestic violence and those at high risk, creating a system to instantly notify the police when convicted perpetrators of domestic violence are released from prison, increasing the use of electronic tags to be worn by perpetrators, providing more training for police officers and increasing financial resources.<sup>6</sup> In 2022, violence prevention and monitoring centres were accessed by 256,507 women and 16,230 children.

## C. Sexual violence and sexual harassment (including in the workplace)

14. According to data received, 12 per cent of all married women in Türkiye stated that they had experienced sexual violence at some time in their lifetime; 5 per cent stated that they had experienced such violence during 2014.<sup>7</sup> Sexual violence within intimate partner relationships is largely a taboo subject, with low levels of reporting. When sexual abuse by an intimate partner is reported, it is usually less likely to result in prosecution and conviction than assault by a stranger.

15. The Special Rapporteur was informed of significant efforts under way to allow for economic independence among women and girls, in line with the 2018–2023 Strategic Paper and Action Plan on Women’s Empowerment. Laudable efforts are also under way in some provinces, and some women and girls, including those in rural areas, have benefited greatly from programmes that have been established – including cooperatives, which are providing them with the opportunity to earn a living independent of their spouses or partners. The Special Rapporteur was encouraged by the Government’s commitment to recognizing unpaid care work.

16. For women and girls already in the workforce, ratification of International Labour Organization Violence and Harassment Convention, 2019 (No. 190), would provide the necessary basis for legislation to protect women and girls from physical, psychological and sexual violence at work. While relevant laws protect women against sexual harassment, exploitation and abuse in the workplace, enforcement is still problematic. Trade unions, in particular women’s groups within those unions, are doing important work to raise awareness, advocate and pursue specific actions to combat sexual harassment and abuse, and the wider issue of gender-based violence in the workplace, including through their active engagement with the Committee to Combat Mobbing within the Ministry of Labour.

17. Although public awareness of violence against women has increased in recent years, harmful stereotypes about sexual harassment remain and often result in victims being blamed. The Special Rapporteur welcomes the amendments to the Law to prohibit harassment in the

<sup>5</sup> Türkiye, General Directorate for Security and Gendarmerie General Command, Common Crimes Department report to the Parliamentary Enquiry Commission on investigating the causes of violence against women and measures to be taken (6 March 2022), p. 426. See [www.tbmm.gov.tr/sirasayi/donem27/yil01/ss315.pdf](http://www.tbmm.gov.tr/sirasayi/donem27/yil01/ss315.pdf).

<sup>6</sup> Türkiye, Ministry of the Interior website, “Combating violence against women”, action plan circular sent to 81 provincial governorates (1 April 2022) (in Turkish).

<sup>7</sup> Hacettepe University Institute of Population Studies, *Research on Domestic Violence against Women in Turkey* (Ankara, 2015).

workplace, but notes that much work is needed to fully implement them. She also notes that sexual harassment in public spaces is not sufficiently addressed.

#### **D. Violence against women in politics**

18. According to statistics provided by the General Directorate on the Status of Women, 98 women were elected as members of Parliament in the general elections held on 7 June 2015, representing 17.82 per cent of the total number of seats. In the general elections held on 24 June 2018, 104 women were elected, for a representation rate of 17,45 per cent. In the current presidential system of government that entered into force with the 24 June 2018 elections, there is one female Minister (5.88 per cent) in the Cabinet, and three (5.08 per cent) Deputy Ministers.

19. One of the main barriers preventing women from participating in political and public life is the risk of being subjected to gendered violence and harassment. While there is no solid evidence base on its root causes, manifestations and consequences in Türkiye, testimonies by women in public positions reveal widespread online and offline violence cutting across party and other lines. Acts of such violence tend to be treated as isolated incidents rather than manifestations of widespread, structural discrimination against women in political and public life.<sup>8</sup>

#### **E. Child marriage**

20. Harmful practices, such as forced and early marriage, pose a barrier to the advancement of women and increase the risk of violence against girls. The legal age for marriage is 18 years under the Civil Code; however, exceptions are allowed for marriage at 17 years (arts. 11 and 124) with the approval of parents or guardians and, in exceptional circumstances, at 16 years with the approval of a judge. Religious marriages conducted by sheikhs or imams are not recognized by the Turkish authorities, although they are tolerated.

21. A study commissioned by the Government in 2014 indicates that more than 26 per cent of women reported that they were married before the age of 18 years, and almost 20 per cent of those women reported that they were compelled to do so and had not consented.<sup>9</sup> The practice is particularly widespread among Syrian refugees in Türkiye, in part as an economic coping mechanism.<sup>10</sup>

22. The National Strategy and Action Plan on the Prevention of Early and Forced Marriage, drafted in 2018 and revised in 2020, has not yet been officially endorsed. However, in 2022, some 140 provincial staff received training on supporting the implementation of provincial action plans on combating early and forced marriage.

#### **F. Trafficking in women and girls**

23. In 2003, Türkiye ratified the United Nations Convention against Transnational Organized Crime, which prohibits trafficking, while article 80 of the Penal Code of Türkiye provides the elements that constitute the crime of trafficking and stipulates the penalties therefor. The 2016 Regulation on Combating Human Trafficking and Protection of Victims has improved the protection of victims in a more systematic manner, and the capacity to identify victims of trafficking and of forced labour has been significantly increased. Psychosocial support is also included in the service provisions for victims of trafficking.

<sup>8</sup> UN-Women Türkiye Office, “Gender equality in political leadership and participation in Turkey” (2020).

<sup>9</sup> Hacettepe University Institute of Population Studies, *Research on Domestic Violence against Women in Turkey* (Ankara, 2015), pp. 77 and 342.

<sup>10</sup> Hacettepe University Institute of Population Studies, *Turkey Demographic and Health Survey 2018* (Ankara, 2019) – contains information on the prevalence of child, early and forced marriage among Turkey’s Syrian migrant population.

24. Despite this progress, the Special Rapporteur is especially concerned about the difficulty for victims to secure access to protection services when formal criminal proceedings have not been initiated against their alleged traffickers, owing to misinterpretations of the law. There is also no provision in the legislation to protect children who are victims of trafficking, including for the purposes of sexual exploitation or from being prosecuted for their involvement in unlawful activities.

### **III. Groups of women and girls who are at particular risk of violence**

25. The Special Rapporteur paid special attention to the situation of women and girls who encounter multiple and intersecting forms of discrimination and violence, and experience higher rates of all forms of violence.

26. Despite the fact that the principle of non-discrimination, including on the basis of gender, is enshrined in the Constitution, intersecting forms of discrimination against disadvantaged and marginalized groups of women and girls persist, in particular Kurdish women, refugees and asylum-seekers, women with disabilities, lesbian, bisexual, transgender and intersex women, as well as women living in remote rural areas and women human rights defenders.

27. Disadvantaged and marginalized groups of women in Türkiye face multiple forms of discrimination and often endure extreme forms of marginalization, exclusion and denial of social and economic rights. Their rights to political participation and representation are also curtailed, while their vulnerable economic status, combined with patriarchal values, exposes them to various forms of violence.

#### **A. Women with disabilities**

28. In 2019, the Committee on the Rights of Persons with Disabilities expressed concern about the absence of a strategy to identify situations with a heightened risk of abuse and to address cases of gender-based violence against women and girls with disabilities, in particular in the family, residential facilities and schools.<sup>11</sup> The Special Rapporteur received reports that women with psychosocial disabilities faced significant obstacles to obtaining access to justice. The prevalent practice of restricting the exercise of legal capacity makes it impossible for such women to initiate or participate in legal proceedings on their own behalf and, owing to prejudices, public officials tend to doubt the credibility of their testimonies. Women and girls with disabilities, in particular non-Turkish women, face additional obstacles in leaving situations of family violence. They often live in a circle of poverty, violence and homelessness, and service providers are often slow to react to financial abuse by family members. The Special Rapporteur noted that there was a lack of culturally sensitive services for disabled women.

#### **B. Civil society actors and women human rights defenders**

29. The Special Rapporteur is deeply concerned about the growing polarization of Turkish society with regard to women's rights and gender issues. Türkiye has traditionally had a vibrant and active civil society with women's rights organizations, including those representing the rights of minority ethnic groups, women human rights defenders, journalists, migrant women, and women and girls of diverse sexual orientation and gender identity. While civil society organizations and initiatives have remained active, the space for advocacy, policy dialogue and participation in decision-making is shrinking. Reports suggest that women's organizations were not included in the preparation of the State's report to the Committee on the Elimination of Discrimination against Women in June 2022.<sup>12</sup>

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<sup>11</sup> CRPD/C/TUR/CO/1, para. 34.

<sup>12</sup> CEDAW/C/TUR/CO/8.

30. The introduction of Law No. 7262 on the Prevention of the Financing of the Proliferation of Weapons of Mass Destruction, which entered into force in December 2020, provides for additional restrictions and financial reporting obligations for civil society organizations, which has significant implications on their ability to carry out legitimate and lawful activities and on their members' right to association. Of particular concern is the infringement on the rights of women and girls, including lesbian, bisexual, transgender and intersex women, women human rights defenders and Kurdish women, to freedom of expression, opinion and assembly.

31. The Special Rapporteur was especially concerned by reports of the violent dispersal and detention of women participating in rallies to celebrate International Day for the Elimination of Violence against Women, on 25 November 2022. Similarly, several gatherings organized by women's rights organizations to coincide with the tenth anniversary of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, in May 2021, and the date on which Türkiye withdrew from the Convention, in July 2021, were reportedly subjected to arbitrary restrictions and excessive use of force by police. Furthermore, the Women's Platform for Equality was prevented by the police from delivering a press statement outside the Council of State building in Ankara, on 24 June 2021, while the annual Istanbul Pride march was banned for the eighth successive year, in 2022.

32. Women human rights defenders, in particular those working on gender justice, lesbian, gay, bisexual, transgender and intersex rights and those belonging to ethnic minorities, have been targeted, criticized, threatened, intimidated and subjected to surveillance and harassment, including online, owing to both their gender and their work. The majority of documented incidents show that women human rights defenders, as well as their family members and intimate partners, face reprisals, death threats, verbal abuse and harassment by State and non-State actors attempting to delegitimize their work.

### **C. Kurdish women**

33. The Special Rapporteur reiterates the concerns outlined by the Committee on the Elimination of Discrimination against Women in relation to the intersecting forms of discrimination faced by Kurdish women and girls, based on their ethnic and linguistic identity, their marginalization in society and limited enjoyment of their human rights, as well as the concerns about the high number of predominantly Kurdish civilians, including many women, who have reportedly been killed or subjected to violence, including sexual violence, by the Turkish security forces in the context of counter-terrorism operations against the Kurdistan Workers' Party (PKK), which is considered a terrorist organization by Türkiye and other States.<sup>13</sup> The Special Rapporteur is further concerned about reports suggesting that Kurdish women and girls in remote areas often live in poor economic and social conditions, and are routinely subjected to harassment and intimidation, with many facing arbitrary and prolonged detention and unfair trials with limited access to legal aid. They are also disproportionately represented among the victims of so-called honour killings.

### **D. Lesbian, bisexual, transgender and intersex women**

34. Pervasive negative stereotypes about persons of diverse sexual orientation and gender identity persist, leading to the "invisibility" of violence against lesbian, bisexual, transgender and intersex women. Transgender women, in particular foreign sex workers, are reportedly at higher risk of violence. The apparent tolerance of acts of intimidation and violence against lesbian, bisexual, transgender and intersex women by the authorities has done little to prevent it, and insufficient data collection makes it difficult to assess and address the violence against this group. Victims tend to mistrust available government-provided services – often owing to negative past experiences – therefore civil society organizations and their services are the main or sole providers of shelters, psychosocial and health-care support. There are also

<sup>13</sup> CEDAW/C/TUR/CO/8.

indications that lesbian, bisexual, transgender and intersex women in detention are at heightened risk of discrimination.

## **E. Refugee and migrant women and girls**

35. Türkiye is strategically located along the migration route, and serves as a country of origin, transit and destination. Türkiye continues to host the largest number of refugees worldwide – about 3.7 million from the Syrian Arab Republic (granted temporary protection status), and over 400,000 from Afghanistan, Iraq and other non-European countries. Türkiye is a party to the 1951 Convention relating to the Status of Refugees and retains the geographical limitation whereby it only fully recognizes as refugees, people fleeing persecution in Europe. However, in 2013, Türkiye adopted a comprehensive Law on Foreigners and International Protection – its first domestic law on asylum, which establishes a legal framework for asylum and affirms its obligations towards all persons in need of international protection, regardless of country of origin. The Directorate General for Migration Management is mandated to administer migration and asylum.<sup>14</sup> In 2016, Türkiye reached an agreement with the European Union, whereby all new irregular migrants and asylum-seekers arriving on the Greek islands from Türkiye and whose applications for asylum have been declared inadmissible could be returned to Türkiye. This agreement comes at an immeasurable cost to people seeking safety and protection.

36. Syrian women under temporary protection, as well as refugees, migrants and other women and girls who are undocumented or who do not have regular migration status, are especially at risk of gender-based violence. The Special Rapporteur is deeply concerned at the relentless wave of violence and threats of violence that many face at the hands of multiple actors. The increased xenophobia and racism that Syrian migrants are subjected to in different parts of the country also affect women and girls, including those with a disability. Racism has been particularly felt by Syrian children, including girls, in Turkish schools, making schools unsafe for them. The different policies introduced to regulate the entrance and stay of Syrians in the country have rendered their situation more unstable and further discourage Syrian women and girls from reporting violence or seeking protection, for fear of retaliation and/or deportation.

37. Furthermore, national initiatives and available response services, including shelters and special services for vulnerable groups, do not generally support non-Turkish women and girls who would otherwise meet the eligibility criteria to benefit from these services. As a result, refugee and migrant women are reportedly unwilling to contact violence prevention and monitoring centres owing to concerns that they would not obtain appropriate or adequate support.

38. While commending the efforts of the Government to guarantee access to the country for all persons in need of international protection in the context of the migrants and refugees who have arrived in Türkiye since 2018, the Special Rapporteur is concerned about the lack of a strategy to combat gender-based violence and activities for identifying, preventing and responding to situations of all forms of violence affecting migrants and refugees, including measures aimed at facilitating the access of women to migration alternatives and/or simplified regularization procedures, particularly in the context of its response to migrants and refugees from the Syrian Arab Republic. She is also concerned about reports indicating that the principle of non-refoulement, which prohibits the return of refugees to places where their lives or freedom would be threatened, is often not upheld.

## **F. Women in detention**

39. The Special Rapporteur regrets that she was unable to visit a women's detention centre or prison, as she had requested. Nonetheless, she was able to visit the Gaziantep Removal Centre, where she met with some migrant women who were being detained pending a

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<sup>14</sup> Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence, *Baseline Evaluation Report: Turkey* (Strasbourg, France, 2018).

decision as to whether they had broken the law and should be removed. It is not uncommon for migrant women, including Syrian women, to be separated from their family members and spouses and deported on their own. Based on information received, an estimated 8.43 per cent of foreign nationals who entered the prison system in 2020 were women. They are unable to reach consulates and embassies and, owing to the lack of interpretation services, they are unable to obtain adequate services, including health and legal services. In addition, it may take two to three years before they are transferred to another country, including their own, owing to the lack of return arrangements and agreements with many countries. Furthermore, some female foreign prisoners are at risk of deportation upon release if they do not have international protection.

40. According to information received, many of the women and girls in detention centres in Türkiye have been victims of multiple and intersecting forms of violence, sexual assault, trauma and abuse. While there are provisions for mother-and-child programmes in some detention centres, the lack of adequate medical care for children and on-site paediatricians in some facilities is of considerable concern, as is overcrowding, the lack of adequate facilities and access to health care for detainees.

## **IV. State response and measures to address violence against women**

### **A. Incorporation and implementation of the international legal framework on violence against women**

41. Türkiye is party to eight of the nine principal human rights treaties, including the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto, which were ratified in 1985 and 2002, respectively.

42. According to article 90 of the Constitution, international treaties ratified by Türkiye form an integral part of national law, and “the provisions of international agreements shall prevail.” However, this does not always apply in practice, as the lack of full harmonization of the relevant laws with international human rights standards, combined with implementation gaps in almost all social policies relating to women’s rights and the elimination of violence against women is hampering progress in this regard.

#### *Withdrawal from the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence*

43. Türkiye was the first country to both sign and ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence,<sup>15</sup> and initially took well-placed pride in the fact that the Convention had been developed under its leadership. The Convention is the only international treaty that is specifically designed to tackle systematic and widespread violence against women and girls, and that provides a comprehensive structure for combating gender-based violence in all its forms through four key principles – prevention, protection, criminal prosecution and policy coordination.

44. On 20 March 2021, the President of Türkiye issued Decision No. 3718<sup>16</sup> announcing the withdrawal of Türkiye from the Convention. On 28 April 2022, the Council of State<sup>17</sup> deliberated 10 cases filed against the decision to withdraw from the Convention. In its opinion, the Prosecutor’s Office of the Council of State stated that withdrawal from the Convention by means of a presidential decision was unlawful, as the Convention had initially been ratified by the Parliament. As the Parliament had not annulled the law regarding the ratification of the Convention, nor had it passed a new law regarding its termination, it was thus concluded that the presidential decision was not legally recognized in accordance with

<sup>15</sup> On 11 May 2011 and 14 March 2012, respectively.

<sup>16</sup> The decision was based on the authority granted to the President by Presidential Decree No. 9 to ratify, implement, cease implementation and terminate international treaties.

<sup>17</sup> The highest administrative court in Türkiye.

the principle of parallelism of authority and proceedings. On 19 July 2022, a decision was taken by the 10th Chamber of the Council of State, by 3 votes to 2, to reject the request to annul the presidential decision on withdrawal from the Convention.

45. The Special Rapporteur regrets that Türkiye is the first and only country to withdraw from the Convention, especially as the decision was taken without a parliamentary debate, and reportedly without wider consultation with civil society, including women's groups, survivors of violence and women human rights defenders. Of particular concern is the reasoning for its withdrawal: an official statement was issued by the Communications Directorate of the Presidency justifying the decision with the claim that the Convention was being used in an attempt to "normalize homosexuality, which is incompatible with Türkiye's social and family values."<sup>18</sup>

46. In response to this statement, the Committee on the Elimination of Discrimination against Women characterized the withdrawal as a retrogressive measure that was inconsistent with the State party's due diligence obligations under the Convention on the Elimination of All Forms of Discrimination against Women to prevent and protect women and girls from violence.<sup>19</sup>

47. In August 2022, the Special Rapporteur, jointly with the Working Group on discrimination against women and girls and the Committee on the Elimination of Discrimination against Women, sent an expert opinion letter to the Council of State of Türkiye expressing their concern about the decision to withdraw from the Council of Europe Convention.<sup>20</sup> In the letter, the human rights experts noted that the Council of Europe Convention, together with other key human rights treaties to which Türkiye was a signatory (including the Convention on the Elimination of All Forms of Discrimination against Women and the Convention for the Protection of Human Rights and Fundamental Freedoms) had been central to the development of the national laws and mechanisms to end discrimination against women and girls and to achieve gender equality. In withdrawing from the Council of Europe Convention, the Government of Türkiye was conveying the message that its commitment to ending discrimination against women and girls had weakened.

48. The withdrawal of Türkiye from the Council of Europe Convention played into the hands of public figures and regressive voices within Turkish society who had organized campaigns of disinformation in particular around the term "gender". The Special Rapporteur regrets that the Government did not take more proactive steps to counteract those campaigns and clarify to the Turkish public that "gender" is mentioned in article 4 of the Council of Europe Convention as one of the grounds on which discrimination is not allowed and that the relevant article does not promulgate or advocate any particular gender ideology or sexual orientation. The duty not to discriminate on any grounds is a fundamental principle of human rights law and is enshrined in many of the treaties to which Türkiye is party.<sup>21</sup>

## **B. Constitutional, legislative and policy framework**

49. Article 10 of the Constitution specifically provides that everyone is equal before the law without discrimination, including on the grounds of language, race, colour, sex, political opinion, philosophical belief and religion. Men and women have equal rights before the law, and the State is obliged to ensure that such equality exists in practice, and that any measures taken for this purpose shall not be interpreted as contrary to the principle of equality.

<sup>18</sup> Türkiye, Presidency of the Republic, Directorate of Communications, "Statement regarding Türkiye's withdrawal from the Istanbul Convention", 22 March 2021.

<sup>19</sup> [CEDAW/C/TUR/CO/8](#).

<sup>20</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR), "Expert opinion to the Council of State of Türkiye on the withdrawal from the Istanbul Convention", 20 August 2022.

<sup>21</sup> *Ibid.*

## Legislative framework and policies on combating and preventing violence against women

50. Considerable strides have been made over the past 15 years to strengthen the country's legal framework to eliminate discrimination and combat violence against women and girls, including through the adoption of Law No. 6284/2012 on the Protection of Family and Prevention of Violence against Women, and four consecutive national action plans on combating violence against women since 2007, the most recent being the fourth National Action Plan (2021–2025). The inclusion of several important measures in the recently adopted National Human Rights Action Plan is also a welcome development. Although this progress is indeed important, considerable gaps remain with respect to both the scope and the implementation of laws relating to the rights of women and girls, which continue to pose significant challenges, in particular at the local level and in remote areas.

51. While the Special Rapporteur welcomes the adoption by the Turkish Grand National Assembly in March 2022 of a Parliamentary Enquiry Commission<sup>22</sup> report that examines the causes of violence against women in Türkiye, she notes that the report provides only a limited analysis of the implementation of the country's wide-ranging framework to combat domestic violence. In the report, it is acknowledged that gaps in protection exist and recommendations are proposed to improve coordination between agencies, increase awareness, build capacity, enhance monitoring and training, and standardize data collection.

### *Law No. 6284/2012 on the Protection of Family and Prevention of Violence against Women*

52. Law No. 6284 on the Protection of Family and Prevention of Violence against Women, and its implementing regulation represent an important step in advancing women's rights. The Law contains many progressive provisions, including comprehensive measures on prevention, protection and reparation. It also refers to many forms of violence against women and girls in all settings and provides for a national intersectoral system for its implementation. The Law broadens the definition of gender-based violence to include physical, verbal, sexual, economic and psychological violence, establishes measures to protect women, children, family members and victims of stalking who have been subjected to violence or are at risk of violence (art. 1 (1)), and provides for the prosecution and punishment of perpetrators. It is founded on the Constitution and the international agreements to which Türkiye is a party, especially the Council of Europe Convention, and stipulates that those instruments and other current regulations shall prevail (art. 1 (2) (a)).

53. Law No. 6284 extends existing protective measures to all women, regardless of their marital status, and proposes several protective measures.<sup>23</sup> While the Law protects survivors of all forms of violence against women, it does not qualify acts of violence against women as misdemeanours or criminal offences. For example, psychological violence is recognized in law but it is not explicitly criminalized in the Penal Code.<sup>24</sup>

54. Law No. 6284 proposes several promising initiatives; however, its implementation is limited owing to its incomplete "operationalization". There is a lack of proper coordination between the police, the judiciary, social services, the health-care system and other relevant actors.

55. Furthermore, many of the interlocutors with whom the Special Rapporteur met indicated that withdrawal from the Council of Europe Convention had not only hindered advancement, but had also created confusion as to the legality and continued applicability of key provisions in Law No. 6284 that were based on the Convention.

<sup>22</sup> Türkiye, Parliamentary Enquiry Commission, "Report on the causes of violence against women and determination of measures to be taken (March 2022).

<sup>23</sup> Baker McKenzie, "Fighting domestic violence – Turkey", n.d., available at <https://resourcehub.bakermckenzie.com/en/resources/fighting-domestic-violence/europe/turkey/topics/illegal-provisions>

<sup>24</sup> In judicial practice it is mostly dealt with under the offences of threat, blackmail, coercion, defamation and ill-treatment (Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence, *Baseline Evaluation Report: Turkey* (2018), p. 75).

*Penal Code and other criminal legislation*

56. A new Penal Code was adopted in 2004 with a view to harmonization with the European Union and international norms. Article 3 of the Penal Code states that there shall be no discrimination against individuals on a number of grounds, including gender.

57. The new Penal Code introduces several positive amendments, including the prohibition of virginity tests and a longer prison term for polygamy, and outlines the conditions under which so-called honour killings are considered by the Courts, introducing life sentences for those convicted of “honour” crimes. The offence of sexual violence does not stipulate that there must have been use of force, and marital rape is explicitly recognized as an offence under article 102 (2), although it is subject to prosecution only if the victim files a complaint.

58. Law No. 7331 on Amendments to the Criminal Procedure Code and Certain Laws, commonly known as the “4th Judicial Package,” was adopted by Parliament and published in the *Official Gazette* No. 31541 on 14 July 2021. The new Law was passed by Parliament in May 2022 and is aimed at increasing penalties for perpetrators of domestic violence. It introduces the crime of stalking, punishable with a prison sentence of six months to two years. The Law punishes the intentional killing of a woman with a prison sentence of aggravated life imprisonment, while intentional injury of a woman is considered a “catalogue” offence for which perpetrators may be placed in pretrial detention.<sup>25</sup>

59. The amendments made to the Criminal Procedure Code provide that, in addition to strong criminal suspicion, concrete evidence will be sought for imposing pretrial detention during trial in the catalogue of crimes, including sexual assault and abuse. Despite the inclusion of those positive clauses, the Special Rapporteur was informed that some men who have committed violence against women have successfully referred to “custom” in order to have their sentences reduced under article 29 of the Penal Code.

60. While some of the aforementioned amendments represent important steps in strengthening national legislation, the Special Rapporteur is concerned that the lack of genuine political will, combined with gender bias by the judiciary and law enforcement, often upholds perpetrator impunity. The limited capacity to guarantee full and effective investigation of cases, along with limited allocation of resources, does little to discourage perpetrators and remains a serious problem in preventing cases of violence against women and girls.

*National action plans*

61. Since 2007, Türkiye has had national action plans in place aimed at eradicating violence against women. The fourth National Action Plan on Combating Violence against Women (2021–2025) was introduced in 2021, while a Coordination Plan on Combating Violence against Women (2020–2021) was developed jointly by several key ministries<sup>26</sup> and the Presidency of Religious Affairs. Provincial action plans for combating violence against women are also in place in all provinces.

62. The fourth National Action Plan (2021–2025) proposes a wide range of measures, including improving risk assessment. It also proposes positive recommendations that stalking and forced marriage should be separately named as crimes in the Penal Code, which could provide additional protection from domestic violence.

63. While welcoming the aforementioned initiatives, the Special Rapporteur notes that previous plans lacked a holistic and human rights-based approach to violence against women, and did not sufficiently address the need for adequate crisis services, shelters or safe houses for women and children. She is concerned about reports suggesting that the most recent National Action Plan on Combating Violence against Women (2021–2025) was adopted after

<sup>25</sup> Human Rights Watch, *Combating Domestic Violence in Turkey: The Deadly Impact of Failure to Protect* (May 2022), p. 10.

<sup>26</sup> Including the Ministry of Family and Social Services, the Ministry of the Interior, the Ministry of Justice, the Ministry of National Education and the Ministry of Health.

only one meeting with stakeholders and therefore does not contain specific recommendations made by civil society and women's rights organizations.

64. The 2021–2025 plan also does not mention the Council of Europe Convention or the 2018 baseline report on Türkiye by the Group of Experts on Action against Violence against Women and Domestic Violence or the specific recommendations formulated by the Committee on the Elimination of Discrimination against Women in 2016. It, however, anticipates a more significant role for religious counsellors in psychosocial services that will be provided to women in shelters and their spouses in the course of divorce proceedings. The plan does not outline the outcome of the previous five-year action plans, and the data and evidence base informing it are outdated; it relies on the country's most recent research findings, which were conducted in 2014.<sup>27</sup>

65. However, the Special Rapporteur welcomes the adoption of local gender equality action plans at the municipal and district levels, which contain dedicated action points and propose the creation of task forces focusing on violence against women; she encourages their operationalization.<sup>28</sup>

#### *National action plan on women, peace and security*

66. Reiterating the recommendation made by the Committee on the Elimination of Discrimination against Women in 2022, the Special Rapporteur urges the Government to establish a clear time frame for the finalization and adoption of the draft national action plan for the implementation of Security Council resolution 1325 (2000), in cooperation with representatives of women's organizations, ensure that it takes into consideration the full spectrum of the Council's agenda on women and peace and security, and implement it without delay.<sup>29</sup>

#### *Data collection and analysis*

67. The last national survey on violence against women in Türkiye – conducted in 2014<sup>30</sup> – indicated that 38 per cent of women (45 per cent in some regions) had been physically and/or sexually abused by their husbands or intimate partners at least once during their lifetime, while 44 per cent had been subjected to emotional violence, and 30 per cent to economic violence from their husbands, male partners or ex-partners. The lack of emphasis on data collection in the country prevents the authorities and the public from having a solid grasp of the scale of violence against women and the gaps in implementing protection measures, which contribute to ongoing risks for victims. There are discrepancies in the data on the number of protective and preventive orders issued over the past five years, but available data show that the number of orders being issued is increasing. The National Action Plan (2021–2025) includes a specific goal relating to the collection of data and statistics, which is much needed. The Special Rapporteur welcomes the proposed follow-up national survey scheduled for 2024.

68. Non-governmental organizations, in particular women's organizations, have been working to complement national statistics with data collection, documentation and analysis of violence against women and girls, including femicide, at the local level. One of the country's largest women's rights networks, We Will Stop Femicide, had been providing legal support to survivors of domestic violence and collating information and data on gender-based violence, associated injuries and femicide for many years. It is therefore very concerning that We Will Stop Femicide was shut down by the Prosecutor's Office in April 2022, for allegedly

<sup>27</sup> Hacettepe University Institute of Population Studies, *Research on Domestic Violence Against Women in Turkey* (Ankara, 2015). The first research was conducted in 2008 with the aim of identifying the extent of violence against women, determining the causes and collecting data on types of violence and demographics.

<sup>28</sup> Association for Humane Living and a Democratic Society (İYADER), "First digital monitoring study of municipalities' gender equality action plans", 24 November 2021. Available at <http://iyader.org.tr/2021/11/24/izlemecalismasi/> (in Turkish).

<sup>29</sup> CEDAW/C/TUR/CO/8, para. 34.

<sup>30</sup> Hacettepe University Institute of Population Studies, *Research on Domestic Violence Against Women in Turkey*.

acting with immorality and “disintegrating the family structure by ignoring the concept of the family under the guise of defending women’s rights”.<sup>31</sup>

### **C. National machinery for the advancement of women and girls and independent human rights institutions**

69. In accordance with Decree Law No. 633 on Organization and Duties of the Ministry of Family and Social Policies, the General Directorate on the Status of Women was restructured in 2018 and designated as the body responsible for ensuring the full application and fulfilment of the relevant rights enshrined in the Constitution and in international human rights instruments. It has also been mandated to manage gender-mainstreaming across all public policies relating to the rights of women. The adoption of a Strategy Paper and Action Plan on Women’s Empowerment (2018–2023) prepared by the Directorate is a welcome development.

70. The Special Rapporteur notes that, while the Directorate on the Status of Women has the mandate to lead and coordinate the design and implementation of gender equality policies within the respective entities at the national and local levels, the percentage of the official budget allocated for the implementation of gender equality policies is insufficient. Furthermore, coordination between the Directorate and other line ministries in the implementation of the national action plan on violence against women and children should be strengthened.

71. While the Special Rapporteur welcomes the establishment of the Human Rights and Equality Institution of Türkiye, she reiterates the concerns outlined by the Committee on the Elimination of Discrimination against Women with regard to the current status of the Institution, in particular with regard to impartiality in the appointment of its members and the adequacy of the human and financial resources allocated to it.<sup>32</sup> She is also concerned about reports she received during her visit suggesting that the Human Rights and Equality Institution had openly called for a change in or the repeal of domestic law and international treaties that were deemed to have a detrimental effect on traditional family values, such as the Council of Europe Convention and Law No. 6284.

### **D. Access to essential services**

72. Service providers and other interlocutors with whom the Special Rapporteur met all pointed to the dire shortage of adequate shelters across the country offering safety for women and girl victims of violence, in particular within migrant and Kurdish communities and in rural and remote areas.

73. Municipality Law No. 5393 requires that every municipality with a population of over 50,000 establish a shelter for women and children. There are currently 149 shelters in operation, with a total capacity of 3,624,<sup>33</sup> which is insufficient to cover the needs. There are only 33 women’s shelters run by municipalities, and several municipalities have not yet opened shelters. Violence prevention and monitoring centres exist in all 81 provinces; however they do not operate on a non-stop basis (24/7), and they lack adequate human and financial resources, including interpretation capacity. Women’s counselling centres throughout the country are also deficient, as are outreach services to the most vulnerable groups, in particular migrant and refugee women, women belonging to ethnic minorities and women and girls in remote areas. According to government figures, as of 2023, women’s shelters across the country are operating at an 80-per-cent occupancy rate.

<sup>31</sup> Stockholm Centre for Freedom, “Turkish authorities start legal process to close down the We Will Stop Femicide platform”, 13 April 2022. Available at <https://stockholmcf.org/turkish-authorities-start-legal-process-to-close-down-the-we-will-stop-femicide-platform/>.

<sup>32</sup> CEDAW/C/TUR/CO/8, para. 22.

<sup>33</sup> Of those shelters, 112 are run by the Ministry of Family and Social Services; 33 by municipalities; and 3 by the Directorate General for Migration Management (CEDAW/C/TUR/8, para. 31).

74. The limited support provided to existing shelters and the lack of coordinated, gender-friendly and comprehensive essential services for the survivors of gender-based violence are of considerable concern. The lack of a safe refuge and awareness of their rights likely contributes to the high level of impunity of perpetrators.

75. While the introduction of a non-stop (24/7) general social support helpline is a step in the right direction, the Special Rapporteur is concerned that it is not specialized or offered in all relevant languages. In addition, there is no specialized hotline for victims of sexual violence.

76. The women's emergency support mobile application (KADES), launched in 2018, is a progressive electronic monitoring system that indicates the geographical location of perpetrators and their proximity to victims. It is an essential tool for increasing women's access to emergency support services and speeds up response time. In 2022, the application was translated into several languages, and a promotional text message was sent to approximately 46 million women, which resulted in some 604,477 women reportedly using it. However, currently, the application can only be activated with a Turkish identity number, which excludes unregistered migrant and refugee women, as well as women of diverse gender identities.

## E. Access to justice

77. Regarding access to justice, the Special Rapporteur notes that considerable efforts have been made to introduce various mechanisms and policies to provide support to victims of violence, including through the establishment of judicial support and victim services directorates, currently in place in 99 courthouses across the country,<sup>34</sup> the implementation of hospital-based child monitoring centres, primarily for victims of sexual or other violence, as well as an increased number of well-equipped child-friendly judicial interview rooms in courthouses.<sup>35</sup>

78. While the aforementioned developments are positive, the Special Rapporteur is concerned that many women with whom she interacted were unaware of their right to access justice or had been otherwise discouraged from reporting abuse owing to their negative interactions with law enforcement officers. More generally, the ineffective prosecution of perpetrators discourages reporting and serves to embolden the culprits. The limited scope of legal aid, both economically and substantively – resulting in non-eligibility of women earning the minimum wage –, the cumbersome procedure to prove eligibility and language barriers faced by women seeking justice, including Turkish women of different ethnic backgrounds, migrants, refugees and women with temporary protection status or no regular status, are of considerable concern.

79. Of concern also is the fact that the police often refer cases of domestic violence to mandatory mediation. For example, Aysa Tuba Arslan, who died on 11 October 2019 of injuries inflicted by her former husband, had been referred to mediation despite the fact that, between 2018 and 2019, she had lodged 23 complaints with the police and the Prosecutor's Office against her former husband, and had obtained four preventive orders, which he breached repeatedly without consequences.<sup>36</sup>

80. The adoption of constitutional amendments in 2017 has had a detrimental impact on the judiciary, undermining its ability to independently discharge its mandate. Approximately 20 per cent of active judges and prosecutors, including women, were dismissed during the state of emergency on grounds of "association with terrorism". Many judges have yet to be reinstated, despite their acquittal of criminal charges. In addition, the climate of fear of reprisals for actual or perceived political opinion does little to encourage women judges from returning to their previous positions. Those who have replaced them

<sup>34</sup> CEDAW/C/TUR/8.

<sup>35</sup> Ibid.

<sup>36</sup> Human Rights Watch, *Combating Domestic Violence in Turkey*.

are often inexperienced and face an already heavy caseload,<sup>37</sup> which serves to embolden perpetrators and increase impunity.

## F. Preventive and protection orders

81. Under Law No. 6284, victims of domestic violence can apply to the police, the district governor's office or the courts for protection orders (arts. 3 and 4), which can include a range of measures aimed at compelling perpetrators to stop all forms of harassment and abuse, including by barring them from approaching and contacting the victim.<sup>38</sup>

82. Courts often issue preventive orders for short periods, in some cases just weeks or a month, irrespective of the persistent risk and threat of violence. When courts convict perpetrators of domestic violence for crimes such as intentional injury, threats and insults, which happens rarely, the penalties are often issued late and are insufficient to constitute an effective deterrent to prevent further abuse. In December 2019, the Ministry of Justice issued a circular, in which it outlined steps to overcome problems during the implementation of preventive and protective orders. It announced the introduction of specialist prosecutors to deal with domestic violence and violence against women and provided detailed guidance on applying protective orders, dealing with the police, referral to social services and to violence prevention and monitoring centres, among others. The General Directorate of Security introduced its own measures in January 2020 to rearrange and increase the number of police units assigned to dealing with domestic violence, with an emphasis on recruiting more female officers.

83. While there are provisions in law to address femicide, the data collected show a lack of effective enforcement of protective and preventive orders. Figures presented by the Ministry of the Interior Ministry to a parliamentary commission on violence against women showed that about 8.5 per cent of the women killed between 2016 and 2021 had been granted ongoing protective or preventive orders at the time of her death.<sup>39</sup>

84. The view that violence against women is a private matter remains prevalent among law enforcement officers, resulting in delays in interventions, signs of domestic violence being ignored, and claims being dismissed. Victims are often discouraged from reporting offences and investigations into reports of violence against women are often less than diligent.

## G. Access to sexual and reproductive health services

85. Access to sexual and reproductive health services, including modern contraceptives, is very limited, especially for women belonging to ethnic minorities and rural women, resulting in a significant number of early and unwanted pregnancies. The Special Rapporteur is concerned that the ability of women to exercise their legal right to abortion within 10 weeks of pregnancy is not effectively possible in practice given that several public hospitals refuse to perform abortions. That compels many women to resort to expensive private clinics or to unsafe abortion. Migrant and refugee women find it particularly difficult to realize their sexual and reproductive rights, as do women with disabilities.

86. The Special Rapporteur urges the Government to ensure that these fundamental rights are restored, by ensuring that all women and girls have access to good-quality and free contraceptives, and that family planning services and safe and legal abortions are in line with relevant international standards. The requirement for parental or spousal agreement for abortions to proceed should be removed from legislation.

<sup>37</sup> CEDAW/C/TUR/CO/8.

<sup>38</sup> Human Rights Watch, *Combatting Domestic Violence in Turkey*.

<sup>39</sup> Türkiye, Parliamentary Enquiry Commission, "Report on the causes of violence against women and determination of measures to be taken (March 2022).

## H. Disaster risk management and response

87. The devastating earthquake that struck south-eastern Türkiye in the early hours of the morning on 6 February 2023 occurred several months after the Special Rapporteur's visit. It is estimated that as many as 4 million people had been displaced and, at the time of writing, 48,448 people had lost their lives, and 107,204 people had been injured.<sup>40</sup> While recognizing the enormous human and financial challenges that the country now faces to rebuild cities and lives that have been destroyed, the Special Rapporteur is concerned about the differentiated and gendered impact that the disaster has had on women and girls who may be exposed to an even higher risk of gender-based violence, including sexual violence, especially as access to shelters or safe spaces are limited. An increase in women's engagement in unpaid work, such as a particularly high care burden and finding resources to sustain their families, is also likely. She is also concerned about reports that unaccompanied children, including girls, have been handed over to adults claiming to be their relatives, without any adequate monitoring or appropriate supervision, which may lead to possible abductions and trafficking in children.

## IV. Conclusions and recommendations

88. Based on the above findings and in a spirit of cooperation and dialogue, the Special Rapporteur offers the following recommendations to the Government of Türkiye, which should be considered in conjunction with the relevant recommendations made by the Committee on the Elimination of Discrimination against Women, in June 2022.<sup>41</sup>

89. With regard to international treaties, the Government should:

(a) Reconsider its decision to withdraw from the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and rejoin the 37 countries that have ratified it, in recognition of its value and comprehensiveness;

(b) Ensure that the Convention on the Elimination of All Forms of Discrimination against Women, its Optional Protocol, as well as the Committee's general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and its jurisprudence are included as an integral part of the training of judges, prosecutors, lawyers, police officers and civil servants, in order to ensure their direct application in line with the Constitution of Türkiye.

90. With regard to the constitutional, legislative, judicial and institutional framework on combating and preventing violence against women, the Government should:

(a) Ensure a robust inter-institutional coordination mechanism and an increased budget allocation for the implementation of Law No. 6284 and the National Action Plan on Combating Violence against Women (2021–2025), and guarantee systematic participation of women's organizations in its implementation and other decision-making processes concerning the protection of women's rights at the national and local levels and convene the Committee on Monitoring Violence against Women more frequently than once a year;

(b) Update the National Action Plan on Combating Violence against Women to ensure that it incorporates: (i) a robust inter-institutional mechanism for its implementation; (ii) clear roles and responsibilities for relevant line ministries; (iii) adequate financial and human resources; and (iv) a timeline and measurable targets requiring authorities at the federal, provincial and local levels to implement relevant laws to prevent and eliminate all forms of de facto discrimination against women;

<sup>40</sup> See <https://www.sbb.gov.tr/wp-content/uploads/2023/03/Turkiye-Recovery-and-ReconstructionAssessment.pdf>.

<sup>41</sup> CEDAW/C/TUR/CO/8.

(c) Strengthen the capacity of the specialized judicial units on violence against women, expand their outreach, including to remote and rural areas, and provide adequate resources and funding for their full operation;

(d) Ensure sustainable funding for a sufficient number of safe shelters throughout the country, offering culturally sensitive accessibility for women with disabilities, and other groups of women with particular vulnerabilities, in line with a human rights-based approach to integrated services and protection against violence, with a focus on shelters and protection orders.<sup>42</sup> Due consideration should be given to enabling women to empower themselves economically, so that they are not obliged to remain with their abusers;

(e) Establish an observatory on violence against women and include in its mandate a femicide prevention watch that should require the police and other stakeholders to collect administrative data on: (i) gender-related killings of women and girls (femicide) by intimate partners, based on the determined relationship between the victim and the perpetrator; (ii) gender-related killings of women and girls (femicide) by family members, based on the determined family relationship between the victim and the perpetrator; and (iii) other gender-related killings of women and girls (femicide);

(f) Ensure effective implementation of protection orders for all forms of violence against women and girls, including domestic violence. The orders must be effectively available and enforced all the time (24/7) to protect the well-being and safety of those under their protection, including children;

(g) Increase access by non-Turkish women to prevention, assistance and response mechanisms, including through the provision of interpretation services, and the recruitment of social workers from the communities to which they belong;

(h) Strengthen the mandate of the General Directorate on the Status of Women within the Ministry of Family and Social Affairs, and consolidate efforts aimed at ensuring systematic and institutionalized coordination between the Directorate and other relevant line ministries;

(i) Expand the activities of the Ombudsman, particularly in relation to receiving complaints from women victims of gender-based violence, including rape and sexual violence;

(j) Encourage women to report incidents of gender-based violence, including domestic violence, by tackling the rampant impunity for perpetrators of violence against women, in particular femicide and domestic violence, and ensure that all such cases are effectively investigated and that perpetrators are prosecuted and adequately punished;

(k) Reinstate without delay all the judges, including women, who were dismissed following the attempted coup against the Government and subsequently acquitted of criminal charges, and provide them with appropriate reparation;

(l) Ensure relevant mandatory training to all members of the judiciary, including members of judicial committees, and law enforcement officers on the rights of women and on gender-sensitive investigation and interrogation procedures in cases of gender-based violence against women;

(m) Shift the service delivery model of the police towards more intervention and prevention, and continue to work towards changing the underlying attitudes and behaviour of law enforcement in relation to violence against women, and introduce a risk assessment model for cases of violence against women;

(n) Ensure that the Ministry of Justice coordinates the creation of an effective system for recording all breaches of protective and preventive orders (through the national online judicial data system), categorizing by form of breach and response to the breach, and publish the full data regarding the breaches;

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<sup>42</sup> A/HRC/35/30.

- (o) **Guarantee access by women and girls to sexual and reproductive health services, including safe abortion;**
- (p) **Ensure the inclusion of age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health as a compulsory curriculum component for adolescents, including information on early pregnancy prevention and access to abortion, and monitor its implementation;**
- (q) **Amend the Labour Law and the Penal Code to explicitly criminalize sexual harassment in the workplace, and ensure that victims of sexual harassment in the workplace have access to an effective, independent and confidential complaint procedure and that all complaints are effectively investigated, perpetrators are prosecuted and adequately punished, and victims are protected from retaliation;**
- (r) **Work more effectively to eradicate child marriage, including the de facto tolerance of religious marriages, by explicitly outlawing child marriage in the Penal Code, and strengthen awareness-raising efforts regarding the harmful effects of child marriage on the health and development of girls, in line with Joint general recommendation/general comment No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices;**
- (s) **Take measures to eradicate discriminatory and sexist portrayals of women in the media, ensure that the activities and freedom of expression of representatives of non-governmental organizations working on women's rights are not restricted, and develop legislation to criminalize new forms of online violence against women and girls.**

91. **With regard to women with disabilities, the Government should:**

**Strengthen the implementation of legislation and provide for accessible monitoring and reporting mechanisms to detect, prevent and combat all forms of violence, including sexual violence, against women and girls with disabilities, in line with the recommendations made by the Committee on the Rights of Persons with Disabilities.<sup>43</sup> In particular, the modalities for including and assisting non-Turkish women and girls with disabilities should be strengthened.**

92. **With regard to women human rights defenders, the Government should:**

**Ensure that women human rights defenders and women representatives of non-governmental organizations can freely carry out their legitimate activities, and create an enabling environment for them to advocate for the human rights of women; investigate, prosecute and punish all abuses against them, including by public officials; ensure that they are protected from all forms of intimidation, violence and reprisal, in line with international law and the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms; amend provisions in laws that restrict the civic space and funding for civil society organizations for allegedly "acting against the law and against morality"; and refrain from applying article 7 of the Anti-Terror Law relating to leaders and members of armed organizations to convict women human rights defenders and sentence them to lengthy prison sentences.**

93. **With regard to Kurdish women, the Government should:**

(a) **Investigate, prosecute and adequately punish all acts of sexual and gender-based violence, including against Kurdish women and girls, perpetrated by the Turkish security and defence forces, as well as by any other armed group, and ensure respect for article 3 of the Geneva Conventions of 12 August 1949, irrespective of its position on the status of the conflict in the Turkish-Kurdish regions and the Kurdistan Workers' Party (PKK);**

<sup>43</sup> CRPD/C/TUR/CO/1, para. 35.

(b) Establish an independent and impartial investigation mechanism for this purpose, with international assistance, to conducted effective, impartial and transparent inquiries into such violations;

94. With regard to lesbian, bisexual, transgender and intersex women, the Government should:

Address the stigma and discrimination against, as well as the lack of effective protection measures for, lesbian, bisexual, transgender and intersex women, including by raising public awareness of their rights, in cooperation with civil society.

95. With regard to migrant and refugee women, the Government should:

(a) Strengthen efforts to combat discrimination against migrant, asylum-seeking and refugee women and girls, and ensure that they have full and equal access to asylum procedures and/or migratory alternatives, in line with the Committee on the Elimination of Discrimination against Women general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women;

(b) Strengthen the investigative capacity of the police to ensure that victims of trafficking are properly identified, protected and assisted, including through the establishment of specialized shelters, and that those who may be in need of international protection have access to asylum procedures;

(c) Ensure that measures are in place to protect women and girls in need of international protection in Türkiye against pushback and refoulement, in particular at the border with the European Union.

96. With regard to women in detention, the Government should:

Improve prison conditions for women and their children, ensure that there are adequate health-care facilities, including for obstetric and gynaecological care, and adopt a gendered approach to the incarceration of women and girls, in line with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

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