

RAINBOW ISTANBUL WOMEN'S ASSOCIATIONS PLATFORM (GIKAP)
THE NGO SHADOW REPORT
ON
THE RESPONSES SUBMITTED BY TURKEY TO THE GREVIO
COMMITTEE

I. Introduction

Violence against women is a social problem that threatens women's life, hindering their participation in social life, as underpinned in particular importance ascribed by the NGOs member of the Rainbow Istanbul Women Associations Platform (GIKAP) that is comprised of 52 associations and foundations and has been representing women and family issues in national and international events as well as putting its signature under many national lasting projects since 1995 when it was founded. The associations and foundations connected with the Platform, strive to work on one-to-one basis especially in this field. For violence against women is a worldwide issue despite the policies and practices determined at national and international levels, the solution of this problem requires multi-directional, holistic and comprehensive plans and policies as well as common and decisive struggle at the level of society. Now that only the works of government authorities are not enough, the works of the non-governmental organizations should particularly be supported.

"The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence", also known as the Istanbul Convention, is a very important step taken in the international arena for combatting violence against women. Having been one of the first signatories of the Istanbul Convention and approving the principles prescribed by the contract without reservation, Turkey has shown sincerity on the issue of combating violence against women. This Convention, which is for the first time binding and emphasizing that violence against women is a violation of human rights and, also regulated the establishment of an independent control mechanism. **For that reason, our Platform has deemed it as a duty to file a shadow report, as part of the Grevio process.**

The contributions of the non-governmental organizations into this field are also crucial. This issue is too comprehensive to be left only to the responsibility of the Government and no one can say that "just the Government should do it". Therefore, each and every individual, government or NGO should do their best they can. For instance, Turkey both assumed a leading role in the preparation of the Istanbul Convention and ratified the Istanbul Convention without any reservations, as in the case of other international conventions such as the CEDAW. The fact that Turkey was the first country ratifying the Istanbul Convention on 24 November 2014 shows its perspective regarding combating violence.

In addition, de facto implementation of these international conventions is also as important as their signing off. And this could be possible in cooperation with the non-governmental organizations. In order to implement the Istanbul Convention more effectively, Turkey drafted and enacted 'the 'Law no. 6284 on Protection of Family and Prevention of Violence against Women" in 2012. Within this scope, the non-governmental organizations actively contributed to the law-making process, too.

The Law no. 6284, like the Istanbul Convention, has become a significant milestone in combatting violence against women. This law is a comprehensive arrangement that supports combatting violence against women, in international arena. The aim of this fundamental law on combating violence is; "to protect women, children, family members and victims of unilateral stalking, who have been subject to violence or at the risk of violence, and to regulate the procedures and principles with regard to the measures of preventing the violence against those people." As the Law no. 4320, which used to be in force, could not assure sufficient protection, a need to draft a new law emerged. **In due course, we, as the non-governmental organizations, had a chance to personally participate in the law-making process. So, the Turkish Government listened to the NGOs, took our opinions into consideration because the law was directly related to the target-audience that we actually addressed to.**

The purpose in filing this report is that we, as the non-governmental organizations, want to make further contributions to the implementation of the law.

Laws are the pioneer in resolving social problems. In this sense, significant progress has been recorded in Turkey because, the legislative arrangements before the year 2002 contained challenging provisions especially from the standpoint of women. Within the process starting first of all with the Civil Code amendment of 2002, there have been revolutionary legislative regulations about women in the Labor Law in 2003 and the Turkish Criminal Law in 2004. The initiation of the legislative amendments corresponds to the year 2003 in the Labor Law containing the principle of equality and afterwards to the year 2004 in which the Constitutional Amendment took place. At that time, Articles 10 and 90 of the Constitution regarding International Treaties on equality before Law as well as fundamental rights and freedoms, were amended and brought into force. "Women and men are entitled to equal rights. The State has the obligation to ensure that this equality is put into life," was added to Article 10 of the Constitution and equality was emphasized. Also, the provision that follows as "in case of a conflict between the international conventions that are duly put into effect, concerning the fundamental rights and freedoms and the national laws containing different provisions on the same matter, the provisions of the international conventions shall prevail," was added and within this framework, the CEDAW Convention was rendered superior to the national regulations.

With the Turkish Criminal Law (TCK) which entered into force on 1 June 2005, the articles containing discrimination against women were abolished. In the current Turkish Criminal Law, women are acknowledged as individuals and crimes against women's sexuality, sexual violence against women are removed from the section on "the offences against society"; and regulated in the section on "offences against the person" and penal sanctions vis-à-vis such offences are envisaged. This change in the systematic of the law is important in that the legislator treats women as "an independent individual", not as "a part of the public morality."

Likewise, important demands such as rape in the union of marriage being an offense mentioned in the section of offences against the sexual integrity of women were accepted and became part of the domestic law. Considering that sexual offences used to be included into the "offences against the society and public morality" section, with the adopted law, a radical mentality change could be seen. In the Turkish Criminal Law no. 5237, the following are major reforms such as "sentencing to heavy life time imprisonment for premeditated murder with the "motive of honour"; "sentencing to imprisonment up to three years for sexual abuse at work" and "abolishing the article on the postponing of the sentence for the rapist in case the victimized woman marries her rapist" were primary reforms.

Additionally, in case domestic violence constantly occurs, it is accepted that what is committed is the crime of torture. The fact that the act is committed against the wife and the children is the reason for the aggravation of the punishment. In the Turkish Criminal Law, "violation of the liability arising from the family law" is also considered as a crime. **In the light of the opinions of the non-governmental organizations, the amendments made to 30 out of 35 Articles on sexual violence reflect the positive views about the issue. We hold the opinion that cooperation between the Government and the non-governmental organizations should be enhanced.**

Legislative works supporting the combat against violence continued later on. Between 2007 and 2010, "the National Action Plan on Combating Domestic Violence against Women" prepared by the General Directorate of the Status of Women came into force.

Also, the enacted "Municipal Law" included a regulation regarding the fact that opening shelters for women and children is amongst the responsibilities and duties of the Metropolitan Municipalities and municipalities with a population over 50,000. However, the number of the women shelters are not enough yet. The "Law on Probation, the Help Centers and the Protection Boards" containing provisions regarding the activities to prevent any crime by the persons on probation or cons and to enhance their reintegration into the society came into force. "The Parliamentary Resolution on the Establishment of a Parliamentary Investigation Committee for the Identification of the Measures to be Adopted in Investigation of the Reasons for the Honor Killings and Violence Against Women and Children" was published in the Official Gazette and this "Parliamentary Investigation Committee" started its activities within this framework.

In 2007, the Amendment to the Law no. 4320 on the "Protection of the Family" and in 2008, the Regulation on Implementation of the Law came into force.

Through the amendment to the Income Tax Law in 2007, it is accepted that the income generated by women as a result of selling their home-made goods at charity events, bazaars, fairs, festivals as well as the sales at temporary locations determined by the state institutions or organizations shall be tax-free.

In 2010, in accordance with the CEDAW the Convention on Elimination of all Forms of Discrimination against Women, the principle of affirmative action was added to the Constitution. Positive improvements for the disadvantaged groups in order to eliminate the actual inequality are now not considered to be contrary to the principle of equality in the Constitution. **Thus, in Turkey, it has paved the way for following practices such as providing more financial assistance to the girls than boys suffering from continuous**

financial deprivation, in return for attending their schools and granting the said money to the mothers instead of fathers.

As briefly mentioned above, after 2002 there have been many laws enacted for regulating the provision of equality between women and men in Turkey and providing additional measures to ensure the actual equality of women. What is important to us is the real execution and practice of the laws. And this requires women to be supported in every sense. For example, we see that the schooling rates in Turkey has increased in the last 13 years. Especially the rate of women in higher education raised from 13% to 40%. We know that increasing the school attendance and quality of girls' education is also an important factor in the reduction of the mentioned violence issue.

As a matter of fact, the presence of women in the professional life makes them more empowered when they are exposed to violence. Studies on this matter also makes an additional contribution to combat against violence. For example, with the Law no. 6111 in 2011, improvements were made regarding the maternity leave. An incentive has been introduced to the insurance premiums for women over the age of 18. According to the law, under appropriate conditions, women's insurance premiums are covered out of the unemployment insurance scheme of the Government, not by the employers. Furthermore, in relation to the provision in the first sub-section of Article 74 of the Labor Law No. 4857, " in principle, female employees must not be engaged in work during a total period of sixteen weeks which covers eight weeks before delivery and eight weeks after delivery. In case of multiple pregnancy, an extra two weeks period shall be added to the eight weeks before delivery during which female employees shall not work. However, a female employee whose health condition is suitable as approved by a physician's medical report, may work if she wishes so up until three weeks before delivery. Upon the provision "the time during which she has worked shall be added to the time period allowed to her after delivery," the following provision was added to the Law no. 6111: "in case of pre-term birth by a female employee, periods of on-leave before birth can be added to the postpartum period". In addition to all these aspects, within the scope of Law no. 6111, so as to provide new employment opportunities, the following provisions were added:

- a) For men older than 18 and younger than 29 years and women older than 18 years;
 - 1) The insurance premiums of vocational qualification certificate holders shall be covered out of the unemployment insurance fund for forty-eight months.
 - 2) This right shall apply for 36 months to those who have completed secondary or higher education or vocational and technical training or labour generating training courses organized by the Turkish Employment Agency.

To the Articles 13 and 14 of the Law no. 4857, the following statement was added; "the obligation concerning the roll-over of the missing days to 30 days shall be applied to the general health insurance premiums for those who work under part-time labor contracts and those who work at household services less than 30 working days per month, as of 1 January 2012". So, a provision was added regarding the part-time labor contracts.

Women who were family heads were covered by insurance in 2012 and the condition necessary to be covered by the insurance scheme for women farmers dealing with agricultural activities on their own behalf to be counted as a family head was abolished by "the Law no. 6270 on the Amendments to the Law on the Pension Fund of the Republic of Turkey and Related Laws".

The *de-facto* prohibition on clothing of women, which was a different dimension of violence against women was abolished in 2013 and woman deputies entered the Turkish Grand National

Assembly (TGNA) wearing head-scarf so that prohibition and discrimination was terminated. **The empowerment of women and full exercise of their rights enable them to combat violence more easily when they face it.**

It is not actually possible to succeed in combatting violence through only making laws in a *de-facto* fashion. After all, the Government does not have the ability to assign a police per person. The violence that cannot be prevented at home affects children negatively and leads to violence in school, this interaction is reflected to the streets and in all walks of life. For this reason, violence against women should be considered as a social problem. **In order to eliminate violence against women and domestic violence, it is necessary for all concerned institutions and organizations to cooperate in a long-term combat. Turkey enacted very serious legislations in this regard, but the implementation has to be supported.**

Turkey is under a serious threat of terrorism. The country counters the PKK terrorist organization which uses 5-tons of bombs, the ISIS which massacres our people in the villainous attacks, the DHKP-C which killed a prosecutor in a court house, the FETO that crushed people through tanks and dropped bombs from F16 fighter jets in a failed coup attempt. The coup attempt was staged not only by the soldiers but also the police officers in the tanks and the academicians in the base of the coup plotters. After these incidences, as a result of the investigations carried out against terrorism, the number of police decreased. The sporadic attacks that alarmed all the European countries, for example, a few attacks that caused the extension of the state of emergency in France, unfortunately occur in Turkey on continuous basis. This appears as an element that hinders the issue of violence against women from coming to the forefront.

Wherever in the world and from whoever it comes, the steps to prevent any kind of violence case involves the identification of the causes of the violence, the development of the measures under which the victims could be protected and the strengthening of the legal infrastructure.

The Istanbul Convention is an important step in legal prevention of violence, in this sense and it is required that each society should locally develop original measures against violence in line with the values they have. The issue of violence should be handled in a multi-faceted and multi-disciplinary way. State institutions, non-governmental organizations, universities, media, religious institutions should act together in combatting violence and cooperate in generating fundamental solutions to the problems.

Although severe punishment in violence cases is extremely vital, the common solution is the analysis of the problem and developing problem specific special prescription. It shall be possible to develop protective and proactive services through educational programs and practices that start in childhood.

Our platform, representing 52 non-governmental organizations, is aware of the duty and responsibility on its part and is ready to make any possible contribution.

II. Integrated Politics and Data Collection (Convention Part II, Articles 7 to 11)

Please provide information on the adoption of comprehensive and coordinated policies on violence against women, the financial resources dedicated to the implementation of these policies, and support of the work of NGOs and other civil society actors, in particular women's organisations, the establishment of effective cooperation with these organisations, as well as data collection.

A. In line with Article 7, please give detailed information about the strategies/action plans and other policies adopted by your competent authorities in order to resolve violence against women. Particularly, please explain the below indicated items:

As far as our platform components follow, the national action plan prepared within the scope of violence against women in Turkey contains three implementation periods such as the Short (2012-2013), the Middle (2012-2014) and the Long term (2012-2015 and after). Objectives of 2014 and 2015 include:

1. Making legislative arrangements about the gender equality and combatting violence against women and domestic violence and elimination of malfunctions during implementation.
2. Creating social awareness about the gender equality and the violence against women and ensuring a mental change, with the aim of abolishing the negative attitudes and behavior generating and reinforcing the use of violence against women.
3. Enabling the arrangement and provision of the medical services for the women subjected to violence, her child/children if any, as well as perpetrators and possible perpetrators.
4. Strengthening the collaboration mechanism between relevant sectors and institutions/organizations that provide services to the women subjected to the violence and their child/children if any.

We consider that further inclusion of the non-governmental organizations into the action plan shall enable more tangible results.

Indeed, within the scope of the first paragraph of Article 1 of Law no 6284 on the Protection of Family and Prevention of Violence Against Women, the following provision is mentioned: "the aim of this law is to protect women, children, family members who are subjected to violence or at the risk of exposure to violence and the victims of unilateral stalking and to regulate the principles and procedures regarding the measures to be adopted to prevent the violence targeting these individuals."

It is also seen that in the sub-paragraph b of the first paragraph of the Article 2 of the law, the domestic violence expresses "any kind of physical, sexual, psychological and economic violence between the victim of violence and the perpetrator and the other people who are in the family or the house and or considered as the family member in spite of not sharing the same house"; as in the subparagraph ç, it expresses that "The violence against women: Gender based discrimination exposed only for being woman or affecting them and any kind of attitude and behavior causing human rights violation defined as violence in this law"; and as in the subparagraph d, the violence is defined as "The acts resulted in or are likely to result in the one's physically, sexually, psychologically or economically suffering and any kind of physical, sexual, psychological, verbal and economical attitudes and behavior containing the threat and oppression or blocking one's freedom arbitrarily for this purpose in social, public and private area".

It is clearly seen that the provisions of this Law truly correspond with the definition of violence stated in The Council of Europe Conventions on Preventing and Combating Violence against

Women and Domestic Violence as they contain similar provisions against violence¹.

On behalf of providing this harmonization, government officials have worked together with non-governmental organizations and expert academics in this field while drafting the law text. Right after, the Draft Law proposed by Prime Ministry and the Cabinet was enacted in the Parliament. Furthermore, it is possible to increase this cooperation more, so our work is proceeding in this way.

1. **Time period**
2. **How human rights of the victims are centered in policies**
3. **How these policies are coordinated to provide an effective, holistic and comprehensive intervention**

The task of coordination in combating violence is under the responsibility of the Ministry of Family and Social Policy. Within the framework of the authority, task and responsibilities of the Ministry of Family and Social Policy laid down by Decree Law on the Organization and Tasks of the Ministry of Family and Social Policies No. 633, the Ministry was entrusted with the task of providing the coordination between central organization and provincial organization along with the non-governmental organizations. The work which will be carried out within the scope of this authority and task is provided by the coordination of the Ministry of Family and Social Policy. *Strengthening this more and organizing regional meetings in regular periods will enable the better use of the accumulated knowledge and experience of the non-governmental organizations.*

4. **Measures taken for implementation at the regional/national level**
5. **Progress made in the implementation.**

The places where the women who are exposed to violence can go and continue their lives have always been a problem in Turkey. The women who don't have the necessary financial resources or the family support are having the problem of sheltering and affording their lives when they encounter with violence. For that reason, Turkey has established the Violence Prevention and Monitoring Centers (ŞÖNİM). The purpose here is not to leave the victims of violence alone during their combat with violence.

In ŞÖNİMs, for implementing the protective and preventive measures effectively and preventing the violence, there are supportive and empowering services in the fields they need

¹In addition, we also see that not only the definition of violence within the scope of the agreement is considered but also the newly shaped types of violence like *Moldova TM-CM 2014 decision* in accordance with European Court of Human Right (ECHR) are followed. The Court has already noted that domestic violence can take various forms, including psychological violence or verbal abuse (e.g., *Opuz*, para. 132). However, as far as I am aware, “economic abuse” appears to be a novel element in the Court’s conceptualization of domestic violence. The Court’s inclusion of economic abuse can only be welcomed, as this aspect apparently tends to be largely overlooked in domestic violence cases [4] – although it has been around for quite a while in international documents.[5] One definition states: “Economic abuse includes acts such as the denial of funds, refusal to contribute financially, denial of food and basic needs, and controlling access to health care, employment, etc.”The fact that the Court repeats that domestic violence is not just about physical abuse but also about other forms of violence – including economic abuse – is surely one of the highlights of the reasoning. As the *T.M. and C.M.* case shows, the prosecutor’s view of domestic violence was not an isolated example. It was a reflection of a broader misconception in Moldova, where domestic violence is not perceived as a problem warranting legal intervention unless it results in serious injury (findings of the UN Special Rapporteur on Violence against Women in 2008 Visit to Moldova, para. 37, *Eremia*, which the Court includes in *T.M. and C.M.*, paras. 25 and 62).

assistance as well as the consultancy and guiding services that women who have suffered violence or at the risk of being a victim of violence can apply. This has proved that a lot of progress has been achieved on combating violence. The fact that the law No. 6284 is quite comprehensive indicates the importance that Turkey utters for combating violence against women. Legislative regulations have led to bring successful conclusions and with the law No. 6284 there has been a decrease in the cases of violence against women in the recent years. However, the rates are still above the targets. Just one person to be exposed to violence is enough for us to care about this issue.

For us, besides the fact that these works are so important, they should be further enhanced and more people should be reached. And this is only possible to sustain this combat all together with the non-governmental organizations.

B. Please provide an account of financial resources allocated to the implementation of the above-mentioned policies, as required by Article 8, with an indication of the sources of financing (amount of financing allocated and its percentage of the total annual state budget; amount of financing allocated and its percentage of regional budgets; amounts from other sources)

C. 1. How is the work of NGOs and other civil society actors, in particular women's organisations, recognised, encouraged and supported, as required by Articles 8 and 9?²

In Turkey, non-governmental organizations are generally being supported much more in the context of the project. The independent identity of the non-governmental organizations allows them to pursue their actions only with the assistance. While our citizens are supporting the education and assistance activities so much, the same support cannot be seen in the activities about combating violence. At this point, the associations and foundations dependent to our platform are conducting more efficient works with more projects. From this point of view, the non-governmental organizations should be supported more on the basis of the project. In 2015, Ministry of Family and Social Policy carried out "The Project on Active Participation of the Non-Governmental Organizations on the Policy Making, Implementation and Monitoring Processes in the Field of Social Policy". *Increasing and repeating this kind of projects will provide the background studies to be more useful.*

2. Which measures are taken to ensure effective cooperation with these organisations at national and regional/local levels?

D. Please provide details on the body(ies) established or designated in application of Article 10.

1. Have your authorities established or designated one or more official bodies³ for the co-ordination and implementation of policies and measures to prevent and combat all forms of violence covered by the Convention?

If so, for each body, please indicate the

² Support for NGOs and other civil society actors means allocating appropriate financial resources for the activities by such actors and recognition of their work by, "for example, tapping into their expertise and involving them as partners in multi-agency co-operation or in the implementation of comprehensive government policies which Article 7 calls for" (Explanatory Report, paragraphs 66 and 69).

³ The term "official body" is to be understood as any entity or institution within government.

- a. name;**
- b. administrative status;**
- c. powers and competences;**
- d. composition (in particular, please specify if NGOs active in combating violence against women are members);**
- e. annual budget;**
- f. human resources (namely number of staff, their general professional backgrounds and any training on the Convention received); and**
- g. main results obtained since its establishment.**

2. Have your authorities established or designated one or more separate body(ies) for monitoring and evaluating policies and measures to prevent and combat all forms of violence covered by the Convention?

If so, for each body please indicate the

- a. name;**
- b. administrative status;**
- c. powers and competences;**
- d. composition (in particular, please specify if NGOs active in combating violence against women are members);**
- e. annual budget;**
- f. human resources (namely number of staff, their general professional backgrounds and any training on the Convention received); and**
- g. main results obtained since its establishment.**

E. 1. Please specify the entities⁴ collecting relevant data and the type of data collected by each of them.

2. With regard to each type of data, please indicate if the data is disaggregated by sex, age, type of violence as well as the relationship of the perpetrator to the victim, geographical location, and any other factors deemed relevant, for example disability.

3. How is this data collated and made public at national level?

F. Please give information on any research supported by your government in relation to Article 11 paragraph 1b in the years 2011-2015.

G. Please provide information on any population-based survey(s) conducted on violence against women as required by Article 11, paragraph 2.

For each survey, please indicate

- 1. the form(s) of violence covered;**
- 2. its geographic reach (state-wide, regional, local);**
- 3. its main results; and**
- 4. whether the results were made public (with an indication of the sources).**

⁴ Please specify if data are collected by all publicly funded agencies which are mandated in your country to assist victims and prevent violence. If so, please explain which data are collected, for example, by:

- a. law enforcement agencies/criminal and civil justice services (including the police, prosecution services, courts, and prison and probation services);
- b. health care services (for example doctors, accident and emergency services, hospitals);
- c. social services, social welfare and specialist victim services (state and NGO); as well as
- d. other official bodies generally mandated for data collection, such as the statistical office/bureau.

III. Prevention (Chapter III of the Convention, Articles 12 to 17)

In light of the overarching general obligations in the area of prevention provided for in Article 12, paragraphs 1 to 6, please provide an account of preventive action taken, including to promote changes in the social and cultural patterns of behaviour of women and men with a view to eradicating prejudices, customs, traditions and other practices which are based on the idea of the inferiority of women or on stereotyped roles for women and men. Such preventive action must address the specific needs of persons made vulnerable by particular circumstances and place the human rights of all victims at their centre. It must also encourage all members of society, especially men and boys, to contribute actively to preventing all forms of violence, and include the promotion of programmes and activities for the empowerment of women. Please also indicate which measures have been taken to ensure that culture, custom, religion, tradition or so-called honour are not considered as justification for any acts of violence.

Please bear in mind that the above principles apply to all preventive measures taken in accordance with the obligations contained in Chapter III.

A. What campaigns and programmes on any of the forms of violence covered by the Convention have your authorities promoted or conducted in accordance with Article 13, paragraph 1?

In Turkey, rather than the idea that one gender is superior or inferior to the other, there is a basic point of view that the powerful one can use this power as he/she likes. And this is not compatible with our own right-based values. All in all, being just a man or woman does not require to be superior or inferior to another one. The government has to end this perception. **Our main duty as non-governmental organizations is to make efforts for a discipline based on justice and fairness, value people for just the honor of being a human by means of member associations and foundations of our platform.**

The Ministry of Family and Social Policies provides continuous trainings to soldiers, police and religious officials through the protocols they made. At the same time, training of trainers are provided. But considering that Turkey has 18 million students, this issue shouldn't only be addressed with short term training activities.

In the awareness activities, the effect of the media and television on the people should be taken into consideration more and the activities should be increased in this issue.

B. What steps have your authorities taken to include teaching material⁵ in formal education curricula at all levels of education, and/or in non-formal education, as required by Article 14, paragraph 1?

C. Please indicate (using Table 1 in the Appendix) the categories of professionals who receive initial training (education or professional training) as required by Article 15⁶. Additional information which you consider relevant in this context may be provided in narrative format.

⁵ The term "teaching material" refers to material on issues such as equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in inter-personal relationships, gender-based violence against women and the right to personal integrity.

⁶ This comprises training on the prevention and detection of violence against women, standards of intervention, equality between women and men, the needs and rights of victims, prevention of secondary victimisation, multi-agency co-operation.

D. Please indicate (using Table 2 in the Appendix) the number of professionals per year who have benefitted from in-service training on violence against women. Additional information which you consider relevant in this context may be provided in narrative format.

E. Please provide information on action taken to set up or support programmes for perpetrators of domestic violence as referred to in Article 16, paragraph 1. In particular, please provide details on:

1. the overall number of existing programmes, their geographical distribution, the implementing institution/entity/body (prison service, probation service, NGOs, other), their compulsory or voluntary nature, as well as the number of places and the number of perpetrators enrolled annually;

2. the measures taken within the framework of these programmes to ensure that the safety of, support for and the human rights of women victims are of primary concern and that they are implemented in close co-ordination with specialist support services for women victims;

3. how a gendered understanding of violence against women has been incorporated in these programmes;

4. funding sources and annual amounts for these programmes; and

5. measures taken to evaluate their impact.

F. Please provide information on action taken to set up or support programmes for sex offenders as referred to in Article 16, paragraph 2. In particular, please provide details about:

1. the overall number of existing programmes, their geographical distribution, the implementing institution/entity/body (prison service, probation service, NGOs, other), their compulsory or voluntary nature, as well as the number of places and the number of perpetrators enrolled annually;

2. the measures taken within the framework of these programmes to ensure that the safety of, support for and the human rights of women victims are of primary concern and that they are implemented in close co-ordination with specialist support services for women victims;

3. how a gendered understanding of violence against women has been incorporated in these programmes;

4. funding sources and annual amounts for these programmes; and

5. measures taken to evaluate their impact.

G. What action has been taken to encourage the private sector, the information and communication technology (ICT) sector and the media, including social media, to

participate in the elaboration and implementation of policies as set out in Article 17, paragraph 1?

H. Please specify which self-regulatory standards such as codes of conduct for the ICT sector and the media, including social media, exist in the area of violence against women and/or gender equality (for example to refrain from harmful gender stereotyping and spreading degrading images of women or imagery which associates violence and sex).

I. What measures have been taken to encourage the establishment of protocols or guidelines, for example, on how to deal with sexual harassment in the workplace; and to raise awareness of human resources staff on issues of violence against women, including domestic violence?

J. Please indicate any other measures taken or planned to prevent violence against women.

IV. Protection and support (Chapter IV of the Convention, Articles 18 to 28)

Please provide general information on measures taken to offer appropriate protection and support to women victims and child witnesses of any form of violence covered by the Convention as required by Article 18, paragraphs 1 and 2. This includes measures to ensure multi-agency co-operation and effective referrals to general and specialist support services. Please bear in mind the general principles set out in Article 18, paragraph 3 that must be applied to all measures taken in implementation of Chapter IV of the Convention. These are the need for a gendered understanding of violence against women, a focus on the human rights and safety of victims, and an integrated approach to protection and support services. All protective and supportive measures must also aim at avoiding secondary victimization, address the specific needs of vulnerable persons, including child victims, and aim at the empowerment and economic independence of women victims. In addition, general and specialist support services must be offered irrespective of the victim's willingness to press charges or testify against the perpetrator.

A. Please provide details on action taken to ensure that women victims of all forms of violence covered by the Convention receive information on support services and legal measures available to them, as required by Article 19. The information must be adequate⁷; timely⁸ and in a language they understand⁹.

Our platform works with non-governmental organizations on children based studies and rights of the child. On occasion of sexual exploitation of children, children will give their testimony Children Monitoring Center (CMC) not to police officers. Because a child with trauma giving testimony to a police officer, even if he is specially trained, will cause another huge trauma to the children. Children Monitoring Centers providing service under the Ministry of Health should consider the sensitivity of this situation and should be on duty in all provinces.

⁷ "Adequate information" is understood as information that sufficiently fills the victim's need for information. This could include, for example, providing not just the name of a support service organisation, but issuing a leaflet that contains its contact details, opening hours and information on the exact services it offers (Explanatory Report, paragraph 124).

⁸ "Timely information" refers to information that comes "at a time when it is useful for victims" (Explanatory Report, paragraph 124).

⁹ This obligation is limited to languages that are most widely spoken in the Party (Explanatory Report, paragraph 124).

A special regulation about testimonies at the court is available. As stated in the Regulation on Procedures and Principles Regarding Law for the Protection of Children; while the victim child is giving their testimony there should be an expert available on psychology, psychiatry, medicine or education. According to the rules about the referees, the courts need to have Children's Judicial Interview Room.

This subject should be taken very seriously. The victim and the offender should not be in the same courthouse hallway. Of course it should be done in a manner which should not violate the accused person's right to defense himself/herself and right to fair trial. Being the most serious and traumatic kind of violence, sexual exploitation of children needs to have special working on it.

B. 1. Please provide a short description of the measures taken to ensure that the following general support services ¹⁰(as referred to in Article 20, paragraph 1) take the situation of women victims systematically into account, employ measures and interventions to ensure their safety, and are equipped to meet their specific needs and to refer them to the appropriate specialist services:

- a. financial support services;**
- b. housing services;**
- c. legal counselling services;**
- d. psychological support services;**
- e. education and training services;**
- f. employment services; and**
- g. any other relevant service.**

As it is observed by the non-governmental organizations, the process during which women are filing an application to law enforcement agencies stating that they are being abused is followed as below, as required by the law:

Primarily considering

- Providing sheltering for her and her children ,if necessary, in the province she lives or elsewhere,
- and giving psychological, vocational, legal help and consultancy services;

it also introduces additional regulations such as providing temporary financial assistance without prejudice to assistance provided under any other law; providing temporary protection ex officio or on the request of the individual in case the presence of a life-threatening situation; four months of day care, maximum two months for those who have a job, is provided to children of the protected persons to support the person`s integration into work life; the amount which cannot exceed the half of the net minimum wage paid to those older than 16 years of age with

¹⁰ “General support services” are understood as “help offered by public authorities such as social services, health services and employment services, which provide long-term help and are not exclusively designed for the benefit of victims only but that serve the public at large” (Explanatory Report, paragraph 125).

the condition of documenting is covered from the Ministry`s related budget.¹¹ Since there are too many reports of violence, these verdicts are not effectively implemented. Non-governmental organizations will be follow up the progress of implementations.

- Services towards women who are subjected to violence are also provided by non-governmental organizations. Non-governmental organizations also give legal and psychological advice at their consultancy centers and, if necessary, provide shelter to women.

Regarding applications on this issue, documents and evidence are not asked. It is decided by the complaint of the victim, Ministry and law enforcement`s request or ex officio. We especially think that women who are victims of violence should be supported more with temporary financial support.

As a matter of fact, it is stated in the first paragraph of Article 7 in the Law No. 6284 that individuals who are required to be provided shelter by a court decision are provided with temporary accommodation in social institutions, residences, dormitories or similar public places until the safe transfer is completed. These temporary shelters should be places affiliated to the Ministry or be operating under the supervision and control of the Ministry. These decisions are taken by the civilian authority in the cases where the provided accommodation capacity is inadequate or, for urgent cases, they are taken by the request of the Ministry or law enforcement forces. But these institutions and alike do not want their facilities used by women who were subjected to violence.

According to the scope of the second paragraph for the cases when there is no place to stay, ŞÖNİM (Violence Prevention and Monitoring Center) will pay for the place to stay. Through ŞÖNİM (Violence Prevention and Monitoring Center), Ministry of Family and Social Policy finds places for women to stay for a fee. According to the sub-paragraph 2 of the law "Until the safe transfer of the person under protection, with her kids if any, to women shelters affiliated to the Ministry or under the supervision of the Ministry is completed by ŞÖNİM, she will be accommodated in social facilities, dormitories and etc. The fee will be paid and security will be provided by the law enforcement. Board and lodging expenses are paid by ŞÖNİM. The information on the place in which the person under protection reside is reported to ŞÖNİM. ŞÖNİM will find a first admission unit or a shelter by considering the needs of the person under protection."

The article has especially many detailed verdicts about sheltering. NGOs should be supported with more opportunities and distributed roles are necessary in order to achieve de facto implementation of the legislation and wide-reaching services offered to women who are victims of violence.

Likewise, Council of Europe's active participation in state-based or NGO-based projects for woman victims of violence will also contribute to improving the current situation. Women who applied for the platform are provided with sheltering assistance. Considering Turkey is a country with the population of 80 million people with the obstacles it has to overcome, Turkey needs to be supported about this issue.

2. Please provide information on measures taken in relation to Article 20, paragraph 2, to ensure women victims benefit from appropriate health care and social services. Please also provide information on protocols and guidelines for staff assisting women victims

• ¹¹ Because there are so many reports of violence these verdicts are not effectively implemented.

and for their referral to additional appropriate services.

3. Please provide information on the annual number of women victims of violence who have been assisted by health and social services

C. What steps have been taken to ensure that victims have information on access to and assistance with individual or collective complaints mechanisms (including legal advice) offered at regional or international level (Article 21)¹²?

D. Please provide a description of the measures taken in relation to Articles 22, 23 and 25 to provide or arrange for specialist women's support services¹³ for all women victims and their children.

For each category of service (women's shelter, rape crisis and sexual assault centre, women's counselling centre, etc.), please provide information broken down by individual women's shelter/rape crisis centre/counselling centre/other service on:

- 1. their number and geographical distribution (with an indication of the number of places in women's shelters¹⁴);**
- 2. the number of paid staff per service;**
- 3. their accessibility (for example 24/7 or other);**
- 4. the criteria defining a service as a specialist women's service as well as the standards of intervention, protocols, and any guidelines which are applied in order to ensure a gendered understanding of violence against women and a focus on the safety of the victims;**
- 5. the different groups of victims they are available for (for example women only, children, migrant women, women with disabilities, other);**
- 6. the annual number of women seeking help from these services. Please provide specific information on the annual number of women who requested and those who received, together with their children, accommodation in women's shelters.**
- 7. their funding (source, funding periods and legal basis);**
- 8. who they are run by (for example women's NGOs, other NGOs, faith-based organisation, local government);**
- 9. whether they are free of charge for all women (that is, irrespective of their income);**
- 10. co-ordination between specialist support services and with general support services.**

E. Please provide information on measures taken to set up telephone helplines to provide advice to callers in relation to all forms of violence covered by the Convention, as referred to in Article 24.

¹² Individual complaints can be addressed, for example, to the ECtHR or the United Nations Committee on the Elimination of Discrimination against Women (CEDAW Committee), whereas collective complaints can be addressed to the European Committee of Social Rights of the Council of Europe.

¹³ Specialist support services refer to dedicated services for victims of the different forms of violence against women made up of "specialized and experienced staff with in-depth knowledge of gender-based violence", including among others counselling centres, shelters, rape crisis centres and sexual violence referral centres

¹⁴ The Final Activity Report of the Council of Europe Task Force to Combat Violence against Women, including Domestic Violence (EG-TFV (2008)6) recommends safe accommodation in specialized women's shelters is available in every region, at a rate of one family place per 10 000 head of population.

In this context, please specify:

1. if they are state wide?

CALL 183 is a nationwide service.

2. if they are free of charge?

Yes, they are free of charge

3. if they operate round-the-clock (24/7)?

Yes.

Call 183, which provides services on 24/7 basis, is the social support hotline of the Ministry of Family and Social Policy. It offers counselling service to all those who are calling this service in relation to each kind of violence. It serves free of charge, and individuals with hearing and speech disabilities can access to this service by either sending SMS or through video calls.

Since Call 183 is a social service hotline line for Family, Women, Children and Disabled Individuals, it is possible to separate violence only against women and children.

By getting help from TV series about this point, it is possible to embed the idea that social service hotlines can help people on 24/7 basis when they need help. There are public service ads in Turkey. And yet, it must be sought that these ads and short videos are watched more often and their efficiency is to be enhanced.

Thus in Turkey, there are hotlines accessible on 24/ basis when exposed to violence. Some of these are as follows:

- CALL 155 Police Emergency Hotline,
- CALL 156 Gendarmerie Emergency Hotline,
- CALL 183 Social Support Hotline,
- 112 Emergency Hotline,
- CALL 144 Social Assistance Hotline of Ministry of Family and Social Policy,
- 0212 656 96 96 – Emergency Service Hotline for Domestic Violence,
- 444 43 06 - Gelincik Hotline.

While indicating that there are numerous service lines in Turkey, it is possible to separate especially CALL 183 hotline. In a similar way, as 911 in the US, Police 155 hotline is a very renowned emergency service line. In cases where the police are called and yet there is no judicial case, it would be much better to directly connect these individuals to CALL 183 rather than telling them that they can call this line.

4. How confidentiality and/or anonymity is ensured?

5. If those responding to calls have been trained on all forms of violence against women; and?

6. The annual number of calls made to seek help for women victims.

F. Please provide information on action taken to ensure that, in the provision of the abovementioned general and specialist support services to victims, due account is taken of the rights and needs of child witnesses of all forms of violence against women as specified in Article 26, including age-appropriate counselling.

G. Please indicate any other measures, including measures taken with regard to reporting as provided for in Articles 27 and 28, taken or planned to provide protection and support to victims of violence against women.

V. Substantive law (Chapter V of the Convention, Articles 29 to 48)

Please provide information on the legal framework pertaining to violence against women, with particular emphasis on the criminalization of acts of violence against women, unacceptable justifications for such acts (including crimes committed in the name of so-called honour), sanctions and measures, action taken to provide women victims with adequate civil remedies and to ensure their right to claim compensation as well as to prohibit mandatory alternative dispute resolution processes.

A. 1. Please provide information on the relevant legal framework in place (for example criminal law, civil law, administrative law) which gives effect to the provisions of the Convention, including action taken to avoid legislative gaps.

With regards to violence, Prime Ministry Circular 2006/17 on the Precautions for Preventing Violence against Children and Women as well as Honor Killings has been issued in Turkey in 2006. Following this Circular, which was issued with the signature of the Prime Ministry and in which all relevant agencies and line ministries were entrusted in detail, the issue of violence against women has been the priority of the State. We have problems in terms of the practice, not the law.

2. Does your internal law contain any specific legislation addressing violence against women?

There is a special legislation on this issue. After Turkey ratified the Istanbul Convention, Law No 6284 on the Protection of Family and Prevention of Violence against Women was enacted. Following that, Governing Regulation for the Law No 6284 and related Circular for implementation have been put into force.

Before that, Prime Ministry Circular 2006/17 on the Precautions for Preventing Violence against Children and Women had determined the responsibilities of the institutions on this issue.

3. Please provide in an appendix a compilation of extracts from or summaries of the relevant legal texts, including specific legislation addressing violence against women. These texts should be provided in one of the official languages of the Council of Europe (English or French), as well as in the original language, where applicable.

B. What action has been taken to provide relevant professionals with guidance on how to implement the above legal framework (for example drawing-up of protocols for police and other law enforcement officials, guidelines for prosecutors, and setting up of special units)?

C. Please detail the procedures available to women victims to provide them with civil remedies.

1. **against the perpetrators (Article 29, paragraph 1)¹⁵**
2. **Where applicable, against state authorities which have failed in their duty to take the necessary preventive or protective measures within the scope of their powers (Article 29, paragraph 2)**

Failing in carrying out the legal duties is considered as impeachment. In accordance with Article 257 of the Turkish Penal Code, any public officer who intentionally fails to perform a public duty entrusted her/him by law is sentenced to a term of 6 months to 2 years. In addition, committing this crime by omission is penalized with a term of 3 months to 1 year. Similarly, this same offense requires disciplinary punishment in accordance with the Law on Public Officials.

Please provide any available data, broken down by year and by forms of violence, on:

- a. **the number of civil law remedies applied for against perpetrators;**
- b. **the number of civil law remedies applied for against state authorities;**
- c. **the number of civil law remedies granted under categories a. and b**

D. Please detail the procedures available to women victims.

1. **to claim compensation from perpetrators for any of the offences established in accordance with the Convention (Article 30, paragraph 1)**
2. **to obtain, where applicable, state compensation when any such offence involves sustained serious bodily injury or impairment of health (Article 30, paragraph 2)**

Please provide any available data, broken down by year and by forms of violence, on:

1. **the number of women victims who claimed compensation from perpetrators;**
2. **the number of women victims who obtained such compensation, with an indication of the time given to perpetrators to pay compensation;**
3. **the number of applications for state compensation;**
4. **the number of women victims who were awarded state compensation, with an indication of the timescale for granting such compensation and amounts**

E. Please detail the procedures in place to ensure that:

1. **incidents of violence against women are taken into account in the determination of custody and visitation rights of children (Article 31, paragraph 1) as a superseding concern)**
2. **women victims and their children remain safe from any further harm in the exercise of any visitation or custody rights (Article 31, paragraph 2)**

Please provide examples of how these procedures have been implemented.

F. Please indicate how your internal law criminalizes the following forms of violence.

1. **Psychological violence, as defined in Article 33**

Proofs for psychological violence and its defamatory nature have been defined in our legislation and it is accepted as a cause for divorce. The law provides that if one of the

¹⁵ Civil remedies against the perpetrator include ordering a person to stop a particular conduct, refrain from a particular conduct in the future or to compel a person to take a particular action (injunctions) (Explanatory Report, paragraph 157)

spouses assaults the other spouse for the purpose of humiliating and insulting, this can constitute a ground for divorce providing that it is approved by the Court. It is not a requirement that this assault is committed in the presence of a third party but the assaults where the parties are alone are also considered sufficient in terms of staining one's honor.

2. Stalking, as defined in Article 34¹⁶

Stalking is included within the scope of the law. Law No. 6284 covering all women and family members. In Turkey, Law on the Protection of Family of 1998 covered only the spouses and thus even divorced partners had not been protected under this law in many cases according to the discretion of the judge.

In Article 3, paragraph 1, sub-paragraph § in the Implementing Regulation Concerning the Law No 6284 for the Protection of Family And Prevention of Violence Against Women, stalking is defined; "Unilateral Stalking: Regardless of the family connection or relation, it means the perpetrator's all attitudes and behaviors actually, verbally, in writing or using every kinds of communication instruments towards the victim and restraining the victim in a way to worry about his/her security and cause fear and despair physically and psychologically."

3. physical violence, as defined in Article 35¹⁷

Physical violence is defined as a crime which requires imprisonment in accordance with Turkish Penal Code. It is also a cause for divorce according to the Turkish Civil Code. The punishment for "tormenting" was aggravated in accordance with the law which was put into force in 2004.

4. sexual violence, including rape, as defined in Article 36, paragraph 1, having due regard to the definition of consent under Article 36, paragraph 2

Please also indicate how your internal law criminalizes acts of sexual violence, including rape, committed against former or current spouses or partners (Article 36, paragraph 3).

Sexual assault in marriage is considered as an offense subject to a complaint in Turkish Penal Code.

On 18.06.2014, punishment for "sexual assault" was aggravated. In accordance with Article 102 of the Turkish Penal Code;

"(1) Any person who violates the physical integrity of another person, by means of sexual conduct, shall be sentenced to a penalty of imprisonment for a term of two to five years, upon the complaint of the victim. If the said sexual behavior ceases at the level of sexual importunity, the term of imprisonment shall be from two years to five years.

(2) Where the act is committed by means of inserting an organ, or other object, into the body, the offender shall be punished with a term of imprisonment no less than twelve years. If the act is committed against the offender's spouse, conducting an investigation and prosecution shall be subject to a complaint by the victim.

(3) Where the offence is committed: a) against a person who is physically or mentally incapable of defending themselves; b) by misusing the influence derived from a position in public office, a private working relationship or custody; c) against a person with whom he has third degree

¹⁶ See also Explanatory Report, paragraph 182

¹⁷ See also Explanatory Report, paragraph 188

blood relation or kinship, or by stepfather, stepmother, half-sibling, adopter or adopted child, d) by using weapons or together with the cooperation of more than one person, e) by using the advantage of environment where people have to live together collectively, the punishments imposed according to above paragraphs are increased by one half.”

In addition, where, as a result of the offence, the victim enters a vegetative state, or dies, a penalty of aggravated life imprisonment shall be imposed.

In addition, sexual harassment is considered as a crime in the context of Turkish Penal Code. In accordance, sexual conduct which are not at the level of assault is sexual harassment.

“Article 105 of Turkish Penal Code states: “(1) If a person is subject to sexual harassment by another person, the person performing such act is sentenced to a term of imprisonment from three months to two years or to a judicial fine; and if the act of sexual harassment is committed against a child, the offender is sentenced to imprisonment from six months to three years upon complaint of the victim.”

Circumstances for aggravation is described in the second paragraph. If the act of offence is committed: “a) by undue influence based on public office or employment relationship or by using the advantage of intra-familial relationships, b) by his/her guardian, tutor, instructor, caregiver, foster parents or by those who provide him/her with health care or are under an obligation to protect, look after or supervise him/her, c) by using the advantage of working in the same workplace with the victim, d) by using the advantage provided by mail or electronic communication instruments, e) by the act of exposing, the punishment to be imposed according to the above paragraph is increased by one half. If the victim was obliged to quit his/her job or leave his/her school or family for this reason, the punishment to be imposed cannot be less than one year.”

Please specify the age, under your internal law, at which a person is considered to be legally competent to consent to sexual acts.

5. forced marriage, as defined in Article 37

6. female genital mutilation as defined in Article 38

There is not any case on female genital mutilation which was covered in the media or passed to the court. Such an inhumane behaviour has not been seen by our association, in the media, or anywhere else.

7. forced abortion, as defined in Article 39a

Forced abortion is stated in Article 99 of Turkish Penal Code. Abortion is legal up to 10 weeks pregnancy with consent. Forced abortion or abortion by unauthorized person, even if the woman gives consent, is a crime.

8. Forced sterilization, as defined in Article 39b.

Forced sterilization, as defined in Turkish Penal Code, is a crime which requires a penalty of imprisonments for a term of three to six years.

G. How does your internal law criminalize or otherwise address sexual harassment, as defined in Article 40?

H. How does your internal law address aiding or abetting in relation to psychological violence, stalking, physical violence, sexual violence (including rape), forced marriage, the performance of female genital mutilation, forced abortion and forced sterilisation (Article 41, paragraph 1)?

In our law, aiding and abetting is considered as complicity. Article 39 of Turkish Penal Code determines punishment according to the offense. Accordingly; “A person who assists another with the commission of an offence shall be sentenced to a penalty of imprisonment for a term of fifteen years to twenty years if the offence committed requires aggravated life imprisonment, and to a term of ten to fifteen years imprisonment if the offence committed requires life imprisonment. Otherwise the penalty to be imposed shall be reduced by one-half. However, in this case, the penalty to be imposed shall not exceed eight years.”

In addition, a person remains culpable as an assistant if he/she: encourages the commission of an offence, or reinforces the decision to commit an offence, or promises that he will assist after the commission of an act; provides counsel as to how an offence is to be committed, or provides the means used for the commission of the offence; facilitate the execution of an offence by providing assistance before or after the commission of the offence.

I. How does your internal law address attempts of physical violence, sexual violence (including rape), forced marriage, female genital mutilation, forced abortion and forced sterilization (Article 41, paragraph 2)?

The person is penalized also in the event of attempt. In accordance with Article 35 of the Turkish Penal Code; “Any person who begins to directly act, with the appropriate means and with the intention of committing an offence, but has been unable to complete such offence due to circumstances beyond his control, shall be culpable for the attempt. The penalty shall be reduced by one-quarter to three-quarters depending on the status of the offense.”

J. How does your internal law ensure that, in criminal proceedings initiated following the commission of any of the acts of violence covered by the Convention, culture, custom, religion, tradition or so-called honour cannot be regarded as justification for such acts nor as mitigating circumstances (Article 42)?

Turkish Penal Code clearly sets forth the punishments. Turkish Penal Code has been regulated to state that unjust provocation would be taken into account on event that it is relevant to the scope of the crime. *In addition, the judge may give good conduct time if the judge is in the opinion that the person would not reoffend.* However in practice, the men who use violence against their spouses arrive in the court house in suits and try to evoke the opinion. The good conduct time allowances which are sometimes covered in media prick public’s conscience.

To prevent implementation of mitigating circumstances during the trials and judgment for crimes with elements of culture, custom, so-called honor or based on such causes, Article 82 of Turkish Penal Code under Offenses Against Life in the event of intentional killing, paragraph (k) states that if the crime is committed with the motive of `tradition`, the offender shall be sentenced to aggravated imprisonment. For any other offense, mitigating circumstances provision is implemented.

As the civil society organisations, we put efforts to prevent the use of good conduct allowance by the judges only because of good manners in the court in the cases which involves violence against women and sexual assault. The statements in some court decisions, which disturbs the conscience of the public, indicate that amendment in the law is not sufficient; it is also necessary to create awareness among the judges.

K. Please describe how your internal law ensures that the offences established in accordance with the Convention apply notwithstanding the nature of the relationship of the perpetrator to the victim (Article 43).

In our law, committing crime against the spouse, mother, father, and child increases the punishment.

In Law No. 6284, the relationship between the perpetrator and the victim is not taken into account in crimes of violence for applying injunctions.

In Article 2, paragraph 1, sub-paragraph b, domestic violence is defined as, “b) Domestic violence: Any physical, sexual, psychological and economical violence between the victim of violence and the perpetrator of violence and between the family members and the people who are considered as a family member whether they live or do not live in the same house”

In Article 2, paragraph 1, sub-paragraph (ç) “ç) Violence against women: The gender- based discrimination directed against a woman just because she is a woman or that affects women and any attitude and behavior violating the human rights of women and defined as violence in this Law.

L. For each form of violence covered by the Convention, please specify:

1. the applicable sanctions, including sanctions other than criminal, and, where appropriate, when sanctions involve deprivation of liberty which can give rise to extradition (Article 45, paragraph 1)

Criminal sanctions are included in Turkish Penal Code. In the penal code, the articles on intentional killing, intentional injury, and offenses against sexual integrity are also implemented for the offenses which are included in the scope of the convention.

The measures besides the criminal sanctions are included in sub-paragraph (ğ) under paragraph 1 of Article 2 in the Law No 6284: “Injunction Order: The injunction order is taken in regard to the victims and perpetrators of violence, ex officio or upon a request, by the judge, law enforcement officers and administrative chiefs within the scope of this Law.”

For instance, Article 5 of the law is about the injunctions to be taken by the judge:

“**MADDE 5** –(1) One of the following preventive measures, several of them or similar measures deemed appropriate shall be decided by the judge with regard to the perpetrators of violence:

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

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

c) Not to approach to the person under protection and their residences, schools and workplaces.

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

d) Not to approach the friends or relatives and children of the person under protection, if considered necessary, even though they haven’t been subject to the violence, without prejudice to the decisions that allows personal connection with children.

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

- f) Not to cause distress to the person under protection by means of communication instruments or alternative channels.
- g) To hand over the officially permitted and authorized weapons to the law enforcement officials.
- ğ) To hand over the weapon to the employing institution, even if the person is in a profession of public service that requires carrying a weapon.
- h) Not to use alcohol, drugs or stimulants in places where the person under protection is present or not to approach him/her and whereabouts while under the influence of these substances and to ensure to have a medical examination and treatment including in-patient treatment in case of the addiction.”

The foundations and associations affiliated with our platform guide the applicants to the courts with regards to the issue. In Turkey, except for extreme conditions, girls and boys under age 15 are given to the custody of the mother. For the children above age 15, the consent and best interest of the child are the determinants. The father conducts personal relation with the children on the days determined in the court decision. Unless there is an agreement between the parties regarding the visit days, the father sees the children in company with the bailiff, pedagogue, and the police. In the event of severe accusations and concrete doubt, it is possible to revoke the decision of personal relation but only through judicial decision. In any case, the best interest of the child is pursued. The associations and foundations affiliated to our platform put efforts for ensuring that the hostility between the mother and father is reflected on the children at minimum and that the children are affected at minimum level from this event which may cause psychological stress for them.

2. the relevant further measures which may be taken in relation to perpetrators, such as:

a. the monitoring or supervision of convicted persons

Law No 6284 regulates the establishment and duties of monitoring and support centers to prevent the perpetrators to use violence again. Since the figures are high, there are concerns about the implementation of the relevant article of the law. *The civil society organisations affiliated with our platform express the need for a more effective implementation related to the issue because the offender reoffends after being released from the prison. It is vital that effective monitoring mechanisms would be put into practice. However, another concern conveyed to our platform is that monitoring the offender after the end of jail time would violate the person’s legal rights and that the person would have the same rights as everyone after the jail time.*

b. the withdrawal of parental rights, if the best interests of the child, which may include the safety of the woman victim, cannot be guaranteed in any other way (Article 45, paragraph 2)

M. How does your internal law ensure that the circumstances referred to in Article 46, insofar as they do not already form part of the constituent elements of the offences, may be taken into consideration as aggravating circumstances?

The provisions which are considered as aggravating circumstances under intentional killing (Articles 81 and 82), intentional injury (Articles 86 and 87) and offenses against sexual integrity (Articles 102, 103, 104, and 105) correspond to the elements listed in Article 46 of the Convention. The circumstances listed in Article 46 are aggravating circumstances, if not parts of constituent elements of the offense. In such cases, the penalty is aggravated.

N. 1. How does your internal law – in criminal and civil law – prohibit mandatory alternative dispute resolution processes, including mediation and conciliation, in relation to all forms of violence covered by the Convention (Article 48)?

In accordance with the special provision included in the Law on Mediation, should there be a claim on violence, the issue is out of the scope of mediation. This indicates that the issue is secured by the provision of law.

2. Please specify how your internal law ensures that such processes are not otherwise imposed on women victims of domestic violence, for example within the framework of legal separation and divorce proceedings.

O. Please provide, on a yearly basis, administrative and judicial data on the following matters:

1. in relation to cases resulting in the death of a woman

a. the number of such cases;

b. the number of cases in which the authorities had prior knowledge of the woman's exposure to violence;

c. the number of perpetrators convicted in relation to these cases;

d. the number and type of sanctions and further measures imposed as a result of criminal proceedings (including deprivation of liberty), with an indication, where appropriate, of their suspended execution and average length.

2. in relation to acts of violence against women amounting to attempted murder

a. the number of such cases;

b. the number of cases in which the authorities had prior knowledge of the woman's exposure to violence;

c. the number of perpetrators convicted in relation to these cases;

d. the number and type of sanctions and further measures imposed as a result of criminal proceedings (including deprivation of liberty), with an indication, where appropriate, of their suspended execution and average length.

3. in relation to all other cases of violence against women

a. the number of complaints made by victims and the number of reports by third parties, to law enforcement agencies/criminal justice authorities;

b. the number of criminal proceedings and/or any other legal action initiated as a result;

c. the number of perpetrators convicted;

d. the number of criminal and other sanctions imposed with an indication of the type of sanctions imposed (for example fine, court-ordered participation in perpetrator programmes, restriction of liberty, deprivation of liberty) and, where appropriate, of their suspended execution and average length.

e. the number of further measures imposed, with an indication of the type of measures adopted (for example monitoring or supervision of the perpetrator, withdrawal of parental rights).

f. the number of perpetrators subjected to further measures referred to in Article 45,

paragraph 2.

Please ensure the above-requested data is disaggregated following the criteria described earlier (see section I. Introduction).

4. the number of cases which resulted in the death of the children of the women victims

P. Please provide information on any other measures taken or planned in relation to substantive law, together with any available data on the recourse to such measures.

VI. Investigation, Prosecution and Protection Measures on Procedural Law (Chapter VI of the Convention, Articles 49 to 58)

Please provide information on action taken in accordance with the principles set out in Article 49 of the Convention, in order to ensure that:^[SEP]

i) investigations and judicial proceedings are carried out without undue delay while taking into consideration the rights of women victims during all stages of the criminal proceedings; and

ii) acts of violence against women are investigated and prosecuted in an effective manner.

To this end, the competent authorities must be able to respond promptly and appropriately to all forms of violence covered by the Convention, issue emergency barring orders or restraining or protection orders and take measures of protection during the investigations and criminal proceedings. Non-governmental/civil society organizations must be able to assist and/or support women victims in legal proceedings (for example as third parties) and appropriate arrangements must be made to facilitate women victims' access to justice.

A. 1. Please provide information on measures adopted to ensure a prompt and appropriate response from law enforcement agencies to all forms of violence covered by the Convention by offering adequate and immediate protection to women victims (Article 50).

Legal arrangements have been made for law enforcement authorities to combat domestic violence. In addition, wide range of trainings have been given under different projects. However, in this regard, NGOs should be allowed to fight more effectively.

In general, men have more financial possibilities. Perpetrators hold lawyers who will defend themselves better. On the other hand, women do not have the financial possibilities to hold a lawyer. Women apply to the Women's Rights Centers of Bars. However, the conditions for assigning a free lawyer are heavy and a limited number of women can benefit from this opportunity. For example, if the house deed is on woman's name, she cannot benefit from a free lawyer.

Under certain circumstances, the fees of Lawyers are sent to the Bars by the State. In addition, the Ministry of Family and Social Policy assigns its legal advisors for woman victims. All the work done at this point is very valuable. In addition to all of these, providing legal support by specialized lawyers will contribute to the fight against violence.

2. Please provide any available administrative data (see section I. Introduction) on the number of interventions carried out annually by law enforcement agencies in relation to violence against women.

B. What procedures have been put in place to ensure that an assessment of the lethality risk, the seriousness of the situation and the risk of repeated violence is carried out by all relevant authorities and duly taken into account at all stages of the investigation and the application of protective measures (Article 51)?

C. 1. Please indicate which authorities are granted the power to issue an emergency barring order when a woman victim (or at risk) of domestic violence is in a situation of immediate danger, as referred to in Article 52 (that is, ordering the perpetrator to immediately vacate the residence of the woman victim and/or prohibiting the perpetrator from entering the residence of or contacting the woman concerned).

Under the Law No. 6284, the competent authority on decision on violence cases is the Family Courts.

Administrative Chiefs and in case of their delays police officers are authorized to enter the house and to make a decision of emergency removal in case of inconvenience. In such cases of violence, the police can prohibit the perpetrator from entering the residence address of the woman. This is an exceptional regulation introduced by law. Under normal circumstances, the police cannot enter a house without a court order; however, as domestic violence is an emergency case, they have the power to make decisions like a judge. In practice, it is observed that the courts are much more effective in this regard, as there are few cases where the police use these authorities.

3. Please specify:

- a. **the time required to issue an emergency barring order;**
- b. **the maximum duration of an emergency barring order;**
- c. **if the duration can be extended until a protection order can be issued;**
- d. **if emergency barring orders can apply to all women victims of domestic violence; if not, please specify any exceptions;**
- e. **the type of measures used to enforce emergency barring orders and ensure the safety of the woman victim;**
- f. **what sanctions can be imposed in case of a breach of such an emergency barring order;**
- g. **the support and advice made available to women seeking such protection.**

4. **Please provide, on a yearly basis, administrative and judicial data (see section I. Introduction) on:**

- a. **the number of emergency barring orders issued by the competent authorities;**
- b. **the number of breaches of such orders;**
- c. **the number of sanctions imposed as a result of these breaches.**

D. **How are restraining or protection orders made available to women victims of all forms of violence covered by the Convention (Article 53, paragraph 1)?**

Regarding the restriction and protection decisions of victims of violence;

When a petition is filed for the purpose of complaining, the police officers who take the application will investigate the crime and deliver the documents to the prosecutor's office. Victims of violence may also contact the prosecutor's office directly. When the prosecutor's office receives a request, it will file a criminal case if it is necessary, and if the domestic violence is detected, it will apply to the Family Court for a protection decision without regard to the condition of complaint.

Victims of violence may apply to the nearest family court to make a protection order. The case to be filed is exempted from the fee in order to receive a protection order and the decision is provided in a short time. The protection order is sent quickly to the related police station by the prosecutor's office. The person who committed the violence is informed about this decision. If the person who commits the violation contradicts the decision to protect the family member, a criminal case is filed against him.

Lawyers are appointed free of charge at the police stations and the prosecutor's office when they are requested to appoint a lawyer from the Bar's victim rights service. If a lawyer is requested in cases of direct applications to the family court without referral to the police station and the prosecutor's office, the victim could directly benefit from the provincial Bar assistance service by submitting the poverty documents, residence and identity cards. When the application is accepted, the victim can still benefit from legal aid without paying the lawyer fee again. The lawyers assigned by the Bar are paid by the Ministry of Justice.

However, assigning lawyer which is free of charge at the Bars also differs according to the cities, and there are too many procedures to take advantage of the help of the lawyer and these procedures need to be eased.

Please specify:

1. **the procedures in place to apply for a restraining or protection order;**

Woman victims of violence can apply for family court protection orders. Similarly, if a lawsuit is filed in the prosecutor's office on the case of violence, the Prosecutor's Office can request protection regardless of whether the woman complains or not. Within the scope of our platforms, there has been no problem with the files at the point of giving a protection order.

2. **if restraining or protection orders can apply to all victims of violence covered by the Convention; if not, please specify any exceptions;**

It applies to all victims of violence.

3. if there are any fees levied against the applicant/woman victim (with an indication of their amount);

Filing a case in Turkey depends on the payment of application fee and court fee. In the protection decisions made under the Law No. 6284, no fees are applied and the costs are covered by the state.

4. the delay between issuing such an order and when it takes effect;

5. the maximum duration of restraining or protection orders;

Considering the information on applications that associations and foundations affiliated to our platform have received, the decision is made the day after the application is filed. Moreover, if the court finds the application to be unfounded and refuses, the decision of rejection is not notified to the other spouse. The spouse is not informed of the protection decision application, thanks to an exceptional regulation on the law. While the law has been planned out in this way, the courts are able to make false pretenses in the files by presenting the workload of the courts as an excuse.

6. if such orders are available irrespective of, or in addition to, other legal proceedings;

It is possible that family courts may give a protection decision either in the divorce file or by another file number.

7. if restraining or protection orders can be introduced in subsequent legal proceedings;

8. the criminal and other legal sanctions which can be imposed (including deprivation of liberty, fines, etc.) in case of breach; and

In case of breach of the protection order, compulsory imprisonment is envisaged. This was a criminal offense in the Turkish Criminal Code as "not complying with court decisions". However, it was not possible to achieve the aim because the trial in the criminal court lasted too long. The family court was authorized to make decisions granted by the Law No: 6284. This is a deterrent because it allows rapid decision-making. *Nevertheless, in some cases it is not to be ignored that non-compliance with injunctions results in the murder of women. The number of protection decisions is expressed in tens of thousands. No police protection is given for every woman who gets a protection decision. In some cases, in Turkey, the woman was already killed near the protection police next to her, and some even some police officers were killed even though they were professionals. Criminal sanctions should be implemented more effectively.*

9. the support and advice made available to women seeking such protection.

E. Please provide, on a yearly basis, administrative and judicial data (see section I. Introduction) on:

- 1. the number of restraining or protection orders issued by the competent authorities;**
- 2. the number of breaches of such orders; and**
- 3. the number of sanctions imposed as a result of these breaches.**

F. How does your internal law provide for the initiation of legal proceedings ex officio (namely, in order not to place the onus of initiating such proceedings and securing convictions on the women victims) in relation to each of the forms of violence covered by

the Convention (Article 55, paragraph 1)?

a. Please specify which authorities have the power to initiate such proceedings.

Prosecutors take action when legal conditions arise. In some cases witnessed by our associations show that some legal actions are taken against perpetrators regardless the woman's consent. These type of cases are public cases, so the state is following it.

b. Please also indicate, for each of the forms of violence covered by the Convention, what provisions in law, policy or guidelines define when prosecution is or is not in the public interest.

Even if the woman gives up the complaint, as the cases are public, public prosecution office continues the case. The continuation of the cases even though the women want to give up their complaints is highly criticized in the eyes of public. There are also cases where women suffer due to the fact that men are in prison. There are a lot of insistent demands in this direction. The Government has not made any changes despite the requests in this direction, since it is not known in which circumstances the women give their true consent. In particular, women's NGOs have supported the continuation of public cases.

G. How does your internal law allow for the continuation of legal proceedings ex parte (even if, for instance, the woman victim withdraws her statement or complaint) as referred to in Article 55, paragraph 1 (Article 55, par. 2)?

In accordance with the provision of the 86th article of the Turkish Criminal Code, intentional injury committed against the lineal kinship, wife or siblings shall continue without requiring any complaint. For this reason, although the victim does not complain, the case continues.

H. 1. How does your internal law allow for NGOs or other civil society actors and domestic violence counsellors to assist or support victims in legal proceedings (Article 55, paragraph 2)?

According to the Turkish Criminal Code, the Bar assigns a free lawyer to some criminal cases. In some cases, women's associations working for women's rights also want to participate in the case together with the victim. In this respect, legislative regulation should be made in Turkey. In order to engage in a case in criminal courts, it is required that the person should be suffering from a crime. According to the power of discretion, the courts do not generally allow civil society organizations to engage in cases because when a third party intervenes in the case, the case is extended as they also have the right to defense and appeal. At this point, at least the associations, whose objectives in their bylaws are coherent to the subject matter of the case, should be allowed to support the victims during cases.

2. Please specify the conditions for such participation as well as their legal status during these proceedings.

İ. 1. How does your internal law allow for NGOs or other civil society actors and domestic violence counsellors to assist or support victims in legal proceedings (Article 55, paragraph 2)?

2. Please provide details on all measures referred to in Article 56 paragraph 1, in particular to:

- **inform women victims, at least where they and their family might be in danger, when the perpetrator escapes or is released temporarily or definitively;**
- **enable women victims to be heard, to supply evidence and have their views, needs and concerns presented (directly or through an intermediary), and considered;**

- **provide women victims with appropriate support services so that their rights and interests are duly presented and taken into account;**
- **ensure that contact between women victims and perpetrators in law enforcement agency and court premises is avoided whenever possible.**

3. Please also describe what special measures are available to offer protection to child victims and child witnesses of violence covered by the Convention (Article 56, paragraph 2).

J. Please provide details on the availability of free legal aid for women victims, as required by Article 57, including eligibility criteria.

The case to be filed to the family court in order to obtain a protection order is exempted from the allowance and the decision is made as quickly as possible.

Lawyers are appointed free of charge at the police stations and the prosecutor's office when they are requested to appoint a lawyer from the Bar's victim rights service. If a lawyer is requested in cases of direct applications to the family court without referral to the police station and the prosecutor's office, the victim could directly benefit from the provincial bar assistance service by submitting the poverty documents, residence and identity cards. When the application is accepted, the victim can still benefit from legal aid without paying the lawyer fee again. The Ministry of Family and Social Policies generally provides free advocacy services in cases where women and children are victims.

K. Please provide information on any other existing investigation, prosecution, procedural law and protective measures in relation to violence against women, together with any available data on the recourse to such measures.

Apart from the Family Court Judge, the authorities and measures that give preventive and deterrent decisions are regulated in the Law No. 6284:

Public prosecutors and family courts have responsibilities in combatting violence. As a matter of fact, in the 3rd article of the law numbered 6284, "The protective cautionary decisions to be taken by the civilian authority" were regulated.

ARTICLE 3- (1) One of the following measures, several of them or similar measures deemed appropriate shall be decided by the civilian authority in regard to the persons who are protected within the scope of this Law.

- To provide an appropriate shelter to the person and if necessary to the person's children in the vicinity or in some other location.
- To provide financial aid to the person, without prejudice to other assistances provided within the scope of other laws.
- To provide psychological, professional, legal and social guidance and counseling services.
- To provide a temporary protection upon a request of the relevant person or ex officio if there is a life threatening danger for the person.
- If deemed necessary; four months of day care, maximum two months for those who have a job, is provided to children of the protected persons to support the person's integration into work life; the amount which cannot exceed the half of the net minimum wage paid to those older than 16 years of age with the condition of documenting is covered from the Ministry's related budget.

(2) In cases where delay is considered to be risky, the measures as contained in the paragraph

1, clauses A and Ç shall be taken by related law enforcement chiefs as well. Law enforcement chief shall present the report to the administrative chief for approval not later than the first work day after the decision is taken. The measures which are not approved by the administrative chief within forty-eight hours shall be per se abolished.

NGOs agree not only upon the de facto implementation of the law but also on supporting them.

VII. Migration and asylum (Chapter VII of the Convention, Articles 59 to 61)

Please provide information on the measures taken in relation to migrant women victims of violence as covered by the Convention, whose status makes them particularly vulnerable.

Please also provide information on the measures taken in relation to women asylum seekers who are fleeing gender-based violence.

A. 1. Please indicate how your authorities ensure that a migrant woman victim may be granted an autonomous residence permit in the following cases:

a. in the event of the dissolution of the marriage or relationship due to particularly difficult circumstances such as violence, irrespective of the duration of the marriage or relationship (Article 59, paragraph 1);

b. in the event of the expulsion of the (abusive) spouse or partner on whom her residence status depends (Article 59, paragraph 2);

c. where her stay in the country is necessary owing to her personal situation (Article 59, paragraph 3a);

d. where her stay in the country is necessary for the purpose of her co-operation in investigation or criminal proceedings (Article 59, paragraph 3b);

e. where she lost her residence status as a result of a forced marriage for which purpose she was removed from her country of residence (Article 59, paragraph 4).

2. Please provide data on the number of women who have been granted the right to remain in your country for any of the reasons set out in categories A.1.a to A.1.e and separate the data per type of residence status granted (permanent residence status, renewable residence status, other).

B. 1. Does your internal law recognize gender-based violence against women as a form of persecution for asylum claims as referred to in Article 60, paragraph 1¹⁸?

2. How do you ensure a gender-sensitive interpretation of the forms of persecution set out in Article 1, A (2) of the 1951 Convention relating to the Status of Refugees¹⁹?

Turkey is one of the countries having faced the highest migration wave after the World War II. 3 million Syrians and 200 thousand Iraqis are hosted in Turkey. These people are given free health and education services. All needs including accommodation and nutritional needs of 260 thousand Syrians staying in refugee camps are met by Turkey. A mass of foreigners rushing to Turkey, the number of which is higher than many European countries' population, are leading to very serious problems for Turkey.

¹⁸ Article 60, paragraph 1 of the Istanbul Convention refers to Article 1, A (2) of the 1951 United Nations Convention relating to the Status of Refugees, which defines the term "refugee" as "any person who (...) owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it."

¹⁹ See, for example, United Nations High Commissioner for Refugees' Guidelines on International Protection: Gender-Related Persecution within the context of Article 1, A (2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees.

Associations and foundations affiliated to our platform are working to improve the living conditions of refugee women. However, a migration wave of 3.5 million is not a situation that a single country can handle. At this point, a much more effective contribution is needed in each direction.

Along with this, below you can find the actions taken towards Syrian guests within the scope of Turkey's activities in 2014 for which we believe that it should be further enhanced:

- Within the framework of Combatting Gender Based Violence and Humanitarian Aid Program conducted by the DG on the Status of Women and UNFPA, various trainings have been planned to be given in 4 camps where Syrian refugees reside, in order to raise awareness of the national human resources in service provision on emergency cases such as migration/disaster about violence against women. "Helping the Helpers" trainings which started in 29th June 2013, aimed the Gaziantep Nizip-1 camp personnel, which was chosen as pilot camp within the scope of the program. The trainings were completed in December 2013 and a total of 37 trainings were held. 125 people participating in trainings received certificates as of January 2014. In addition, a brochure on violence against women, age of marriage, official marriage and women's rights was prepared for the Syrians and distributed in the camps.

Actions within the scope of 2015 activities:

- Combatting Gender Based Violence and Humanitarian Aid Program by the DG on the status of Women:

Within the framework of the Program implemented in collaboration between the Ministry and UNFPA, various trainings have been planned to be given in 4 camps where Syrian refugees reside, in order to raise awareness of the national human resources in service provision on emergency cases such as migration/disaster about violence against women. "Helping the Helpers" trainings which started in 29th June 2013, aimed the Gaziantep Nizip-1 camp personnel, which was chosen as pilot camp within the scope of the program. The trainings were completed in December 2013 and a total of 37 trainings were held. 125 people participating in trainings received certificates as of January 2014. In addition, a brochure on violence against women, age of marriage, official marriage and women's rights was prepared for the Syrians and distributed in the camps. The brochures were prepared in Turkish and Arabic and distributed 500,000 copies. Within the scope of the project, two "Helping the Helpers" trainings were held in 2015.

3. Please provide data on the number of women victims or those at risk who have been granted refugee status on one or more of the Convention grounds, as referred to in Article 60, paragraph 1, compared to the overall number of women who requested asylum in your country

4. Please provide data on the number of women victims or those at risk who received complementary/subsidiary protection on such grounds.

C. Please indicate steps taken to develop:

a. gender-sensitive reception procedures and support services for asylum seekers;

b. gender guidelines;

c. gender-sensitive asylum procedures, including refugee status determination and application for international protection, as required by Article 60, paragraph 3.

D. How do you ensure that women whose asylum claims have been rejected are not returned to any country where their life would be at risk or where they might be subjected to ill-treatment (including gender-based violence amounting to ill-treatment), as provided for in Article 61?

E. Please indicate any other measures taken in relation to the protection of migrant women victims and women asylum seekers in the area of immigration and refugee.

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