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Meeting: 1451st meeting (December 2022) (DH)

Communication from an NGO (Mor Çatı Women's Shelter Foundation) (23/11/2022) in the case of OPUZ v. Turkey (Application No. 33401/02).

Information made available under Rule 9.2 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Réunion : 1451^e réunion (décembre 2022) (DH)

Communication d'une ONG (Mor Çatı Women's Shelter Foundation) (23/11/2022) dans l'affaire OPUZ c. Turquie (requête n° 33401/02) **[anglais uniquement]**

Informations mises à disposition en vertu de la Règle 9.2 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

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14 November 2022

Communication

**In accordance with Rule 9.2. of the Rules of the Committee of Ministers concerning
Opuz Group Cases (no. 33401/02) Submitted by
Mor Çatı Women's Shelter Foundation**

This Rule 9.2 communication is submitted by the Mor Çatı Women's Shelter Foundation in response to the Action Plan (24/10/2022) submitted recently by the national authorities.

In the Action Plan, the state provides information about the legislation on violence against women but does not address their implementation. The government has adopted an *anti-gender* political approach which manifested itself in Turkey's withdrawal from the Istanbul Convention. This is also manifested in the national action plan (2021-2025), shared as an annex, which avoids the use of the concept "*gender equality*" at all (in the previous action plan the concept gender equality was used 30 times). Turkey was the first state to ratify the Convention to take the responsibility of its failure to protect women, as found in the *Opuz vs. Turkey* case. The withdrawal is a clear reflection of loss of commitment to protect women from violence.

Individual Measures

M.G.'s ex-husband continues to threaten the applicant; M.G. did not ask for any protective measures anymore as she does not trust the Turkish authorities' justice for protection anymore. The social assistance she received only covers a fraction of the basic needs that the applicant needs to continue her life considering the health problems she experienced after severe violence, her disability, and her inability to work due to being prevented from studying and working. These social aids do not even meet the applicant's basic needs and do not eliminate the difficulties experienced by her in accessing justice.

General Measures

The authorities provide detailed information about the existing laws; however, the main issue that on the ground is the implementation of these measures. The fact the state's Action Plan does not mention any issues with the implementation indicates that the state does not recognize implementation problems as a serious issue, does not put in place monitoring and evaluation processes to achieve standards in its practices and does not have any sanctions against bad practitioners.

The data provided in the Action Plan is not qualified which raises questions about how they are collected. First of all, there is a large gap between the supports provided and the support needed or demanded by women who are exposed to male violence. The statistics provided do not reveal the supports demanded and needed by women under the Law No. 6284. It is misleading to present the average number of forced imprisonment decisions as the average of all the decisions made. The state must present how many violations of a decision were found, and how many resulted in forced imprisonment. Although perpetrators violate the decision, it is known that very few perpetrators are punished with forced imprisonment as a result of these reports. Secondly, the figures presented regarding the adequacy of the number of shelters also does not reflect the truth. It is known that as of October 2022, 149 women's shelters in 81 provinces serve with a capacity of 3,624. The 70% occupancy rate indicates the gaps in certain cities and does not reveal the realistic situation regarding the occupancy rate of the shelters in the 5 metropolitan cities, where approximately 38 percent of the Turkish population lives, for example. These statistics should be evaluated for each city and the figures should reveal the incoming demand and the fulfilled demand. Lastly, there are no statistics provided by the State that reveal the situation in which the complaint or request is not even recorded, which is one of the biggest difficulties regarding implementation in Turkey. It is necessary by the State to further evaluate issues such as the number of complaints received, the feedback mechanisms and the sanctions as a result of these complaints.

The statistics shared by the state regarding the number of measures granted in accordance with the Law No. 6284 reveal one of the main problems with implementation: many of the services granted by the law are rarely provided. Victims of domestic violence who need these services cannot access them even if they make a request. Furthermore, the data provided does not contain information on the duration of the measures, which were seen to be given frequently. In addition, for the cases in which the protection measures are violated, there is no information on how many perpetrators are imprisoned for breaching the measures. The sharing of general data makes it impossible to see what type of support is not given to victims. By presenting the data in this manner, it is not possible to assess violations and poor practices.

The temporary measures provided to women who are victims of domestic violence do not meet their specific needs. The disaggregated data provided by the authorities points to this conclusion – for example, a temporary alimony measure has only been granted to one woman.

The authorities also referred to the Women Support System (KADES) application. KADES is an application that makes it easier for women to reach the police. However, implementation problems regarding KADES persist, as the application only facilitates reaching the police, but does not provide any measures to ensure the quality of support. The state shares the number of notices, but no segregated data regarding the action taken for each case. In practice, police officers who attend the domestic violence call do not work in line with the domestic violence bureau, therefore are not qualified to work on violence against women cases, to understand the cases and decide on the actions to be taken.

The inconsistency in the figures shared by the government reflects the problem experienced in the quality of the data kept by the authorities. For example, there is no pattern to explain the sudden drop in the demands for shelter in 2021. With the 2021 withdrawal from the Istanbul Convention, 2021 was a year in which bad practices and perpetrators of violence were treated with impunity much more than usual. This inconsistency is a significant reflection of the incomplete and ineffective manner of collecting disaggregated data by the national authorities.

The ideal conditions for the shelters described by the authorities are not reflected in practice. First, not every woman is admitted to the shelter; especially unregistered migrant women, migrant women who do not experience physical violence (including but not limited to psychological violence, economic violence, sexual violence) even though they are registered, and women with psychiatric diagnoses are not admitted to the shelters. There is also discrimination in the regulations. For example, women over the age of 60 are not admitted to the shelters. Women with boys over the age of 12 are not admitted to shelters with their children, and they are very rarely offered an alternative where they can be safe with their children, despite the authorities' claims that they determine alternative spaces in the shelters for women with sons over the age of 12.¹ The fact that no data is shared on women in these situations indicates that these women do not have access to effective support.

The statistics presented by the government regarding the numbers of shelters do not change the fact that the number of shelters for victims of domestic violence is insufficient in Turkey. The statistics provided by the state show the occupancy of shelters all over Turkey. However, for example, in Istanbul, where approximately 19 % of the Turkish population resides, the shelters are often full, and women must stay for weeks in the first reception centers (where they must stay for a maximum of 2 weeks) on the grounds that there is no place in the shelters. Moreover, the multitude of problems related to the quality of the work in the shelters overshadows the problem of the number of shelters.²

¹ <https://en.morcati.org.tr/oampepee/2021/12/Cocuk-Haklari-Golge-Rapor-websitesi.pdf>

² <https://en.morcati.org.tr/oampepee/2022/05/The-Monitoring-Report-on-Coordination-in-Combating-Against-Male-Violence-in-Turkey.pdf>

Services claimed to be provided by the ŞÖNİMs are not provided in practice. As the Action Plan states, there are only 81 ŞÖNİMs that provide services in Turkey, where more than 42 million women live in 81 provinces. One of these cities, Istanbul has a population of approximately 16 million people and there is only ŞÖNİM providing support to women who experience violence. Even the number of these centers shows that they will not be able to provide the specific social services that women need to stay away from violence.³

The problems experienced in relation to implementation of support by law enforcement are very common. Law enforcement units are the institutions where women who apply to Mor Çatı experience violations of their rights most frequently. One of the main problems experienced in law enforcement is that the complaints by women are not taken seriously and not even recorded. Therefore, it is not possible for the state to identify and eliminate the problems without developing an effective monitoring mechanism for the law enforcement activity in this area.

The government provides the number of femicides for the years between 2018-2022 and states that almost 10% of women were murdered while there was an injunction order in force. First, these data are not reliable - the numbers collected from media are higher than official numbers⁴. Second, the state does not explain how come these women are murdered under protection. These numbers reflect the failure of the authorities to protect women and the lack of an explanation on how the authorities failed to protect these women.

Conclusion

Having in mind the remarks above, Mor Çatı Women's Shelter Foundation maintains the recommendations listed in its' previous submission and kindly requests the Committee of Ministers to take these comments into consideration during its next examination of the Opuz v. Turkey group of cases.

³ For example, it takes 1 hour to reach Istanbul ŞÖNİM by public transport from Mor Çatı Women's Shelter Center's solidarity center located in the center of Istanbul.

⁴ For the data of 2021 please see: <https://bianet.org/5/102/257657-men-kill-at-least-339-women-in-2021>