



GREVIO

Baseline Evaluation Report Turkey

” Group of Experts
on Action
against Violence
against Women and
Domestic Violence
(GREVIO)



Istanbul Convention

GREVIO's (Baseline) Evaluation Report
on legislative and other measures
giving effect to the provisions
of the Council of Europe Convention
on Preventing and Combating
Violence against Women and Domestic Violence
(Istanbul Convention)

TURKEY

Group of Experts
on Action against Violence against Women
and Domestic Violence (GREVIO)

GREVIO/Inf(2018)6

Published on 15 October 2018

Secretariat of the monitoring mechanism of the Council of Europe Convention
on Preventing and Combating Violence against Women and Domestic Violence
Council of Europe
F-67075 Strasbourg cedex
France

www.coe.int/conventionviolence

Table of contents

Foreword	5
Executive summary	7
Introduction	11
I. Purposes, definitions, equality and non-discrimination, general obligations	13
A. General principles of the Istanbul Convention	13
B. Fundamental rights, equality and non-discrimination (Article 4).....	13
1. Gender equality and non-discrimination	13
2. Intersectional discrimination	16
C. State obligations and due diligence (Article 5).....	19
D. Gender-sensitive policies (Article 6)	24
II. Integrated policies and data collection	26
A. Comprehensive and co-ordinated policies (Article 7).....	26
B. Financial resources (Article 8).....	27
C. Non-governmental organisations and civil society (Article 9).....	29
D. Co-ordinating body (Article 10).....	32
E. Data collection and research (Article 11).....	33
1. Administrative data collection.....	33
2. Population-based surveys.....	39
3. Research	39
III. Prevention	41
A. General obligations (Article 12)	41
B. Awareness raising (Article 13).....	42
C. Education (Article 14).....	44
D. Training of professionals (Article 15)	45
E. Preventive intervention and treatment programmes (Article 16)	48
1. Programmes for perpetrators of domestic violence	48
2. Programmes for sex offenders	50
F. Participation of the private sector and the media (Article 17).....	51
1. The private sector	51
2. The media.....	51
IV. Protection and support	53
A. General obligations (Article 18)	53
1. Obligation to ensure protection and support based on a multi-agency approach.....	53
2. Obligation to ensure service provision based on a gendered understanding of violence.....	55
3. Obligation to ensure service provision aiming at victims' empowerment.....	55
4. Obligation to ensure that service provision is not dependent on the victim's willingness to press charges	56
B. Information (Article 19)	57
C. General support services (Article 20)	58
1. Financial aid.....	58
2. Employment.....	59
3. Child care.....	59
4. Affordable housing	59
D. Specialist support services (Article 22).....	60
E. Shelters (Article 23).....	61
F. Telephone helplines (Article 24).....	64
G. Support for victims of sexual violence (Article 25)	65

H.	Protection and support for child witnesses (Article 26)	67
V.	Substantive law	69
A.	Civil law	70
1.	Civil lawsuits and remedies (Article 29)	70
2.	Compensation (Article 30)	71
3.	Custody and visitation rights (Article 31)	71
B.	Criminal law	74
1.	Psychological violence (Article 33)	74
2.	Stalking (Article 34)	76
3.	Sexual violence, including rape (Article 36)	76
4.	Forced marriages (Article 37) and civil consequences of forced marriages (Article 32)	79
5.	Female genital mutilation (Article 38)	83
6.	Forced abortion and forced sterilisation (Article 39)	83
7.	Sexual harassment (Article 40)	84
8.	Unacceptable justifications for crimes, including crimes committed in the name of so-called “honour” (Article 42)	84
9.	Sanctions and measures (Article 45)	86
10.	Aggravating circumstances (Article 46)	88
11.	Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)	89
VI.	Investigation, prosecution, procedural law and protective measures	91
A.	Immediate response, prevention and protection (Article 50)	91
1.	Reporting to and investigations by law-enforcement agencies	91
2.	The role of the prosecution services and conviction rates	94
B.	Risk assessment and risk management (Article 51)	95
C.	Emergency barring orders (Article 52); Protection orders (Article 53)	97
D.	Investigations and evidence (Article 54)	101
E.	Ex parte and ex officio proceedings (Article 55 paragraph 1)	102
F.	Victim support in legal proceedings (Article 55 paragraph 2)	103
G.	Measures of protection during investigations and judicial proceedings (Article 56)	103
H.	Legal aid (Article 57)	104
VII.	Migration and asylum	105
A.	Overview of the specific situation in Turkey	105
B.	Migration (Article 59)	107
C.	Gender-based asylum claims (Article 60)	107
D.	Non-refoulement (Article 61)	109
	Concluding remarks	110
	Appendix I: List of proposals and suggestions by GREVIO	111
	Appendix II: List of representatives of Turkey present at the state dialogue with GREVIO	130
	Appendix III: List of the national authorities, other public bodies, non-governmental organisations and civil society organisations with which GREVIO held consultations	131

Foreword

The Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) is an independent human rights monitoring body mandated to monitor the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (“the Istanbul Convention”) by the parties to the convention.

It is composed of 10 independent and impartial experts appointed on the basis of their recognised expertise in the fields of human rights, gender equality, violence against women and/or assistance to and protection of victims.

GREVIO’s statutory activities include country-by-country monitoring of the Istanbul Convention (evaluation procedure), the initiation of inquiries into specific circumstances within a party to the convention (inquiry procedure) and the adoption of general recommendations on themes and concepts of the convention.

This report is the fruit of the first (baseline) evaluation procedure carried out in respect of Turkey. It covers the Istanbul Convention in its entirety¹ and thus assesses the level of compliance of the Turkish legislation and practice in all areas covered by the convention. In light of the scope of the convention – as set out in its Article 2, paragraph 1 – the baseline evaluation focuses on measures taken in relation to “all forms of violence against women, including domestic violence, which affects women disproportionately”. The term “violence against women” used throughout this report thus refers to all forms of violence against women criminalised (or, where applicable, otherwise sanctioned) under Chapter V of the convention, which are psychological violence, stalking, physical violence, sexual violence – including rape – forced marriage, female genital mutilation, forced abortion, forced sterilisation and sexual harassment. It also refers to domestic violence against women, which is defined as physical, sexual, psychological or economic violence which occurs within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim. Hence, the term “victim” used throughout this report is to be understood as referring to a woman or girl victim.

Based on this assessment, it proposes measures to strengthen the implementation of the convention. In proposing such measures, GREVIO has adopted the use of different verbs which correspond to different levels of urgency. These are, in order of priority, “urge”, “strongly encourage”, “encourage” and “invite”. GREVIO uses the verb “urge” where it considers that immediate action is required to bring the party’s legislation or policy into compliance with the Istanbul Convention, or to ensure its implementation. The verb “strongly encourages” is used where GREVIO has noted shortcomings which need to be remedied in the near future in order to ensure a comprehensive implementation of the convention. A third level of urgency is indicated by the use of the verb “encourages”, which is used for shortcomings that require attention, though possibly at a later stage. Lastly, the verb “invites” points to small gaps in implementation which the party is requested to consider closing or to proposals made to provide guidance in the implementation process.

The first (baseline) evaluation procedure is made up of several steps, each of which allows GREVIO to obtain critical information upon which to base its report. It is carried out as a process of confidential dialogue with the aim of offering country-specific proposals and

¹ With the exception of Chapter VIII of the convention, which GREVIO considered as less relevant in assessing the national situation in each contracting party.

suggestions for improvement developed within the national context of the party. These include the following:

- submission, by the party, of a report (the state report) drawn up on the basis of GREVIO's baseline questionnaire (this report is, in general, made public);
- a state dialogue with representatives of the party on issues emanating from the report on legislative and other measures giving effect to the provisions of the convention, submitted by the authorities for consideration by GREVIO, in accordance with Article 68, paragraph 1 of the convention;
- an evaluation visit to the party under review to meet with governmental and non-governmental representatives working in this field;
- comments by the party on GREVIO's draft report;
- publication of GREVIO's report after its adoption together with any comments received from the party.

In addition, GREVIO collects additional information from various other sources, including non-governmental organisations (NGOs), other members of civil society, national human rights institutions, Council of Europe bodies (Parliamentary Assembly, Human Rights Commissioner and other pertinent bodies), as well as other international treaty bodies. Within the framework of the evaluation of Turkey, GREVIO received written contributions from the the Istanbul Convention Monitoring Platform; the Independent Communication Network BIANET, the Rainbow Istanbul Women's Associations Platform (GIKAP), the Women and Democracy Association (KADEM) and the Foundation of Support and Training for the Women in Healthcare (KASAV).

The analysis, suggestions and proposals contained in this first baseline evaluation report were drawn up under the exclusive responsibility of GREVIO. It covers the situation as at 9 May 2018. Developments since that date are neither covered in the analysis nor taken into account in the conclusions and proposals therein.

According to the convention, national parliaments shall receive this report from the national authorities (Article 70, paragraph 2). GREVIO requests the national authorities to translate this report into their official national language and to ensure that it is widely disseminated, not only to the relevant state institutions at all levels (national, regional and local), in particular to the government, the ministries and the judiciary, but also to NGOs and other civil society organisations which work in the field of violence against women.

Executive summary

Following Turkey's ratification of the Istanbul Convention, a major step forward in Turkey's response to violence against women was the enactment in 2012 of Turkey's central piece of legislation on violence against women, namely, Law No. 6284 on the Protection of Family and Prevention of Violence against Women.

The implementation of this law was supported by a chain of measures, comprising three consecutive national action plans spanning the years 2007 to 2020. All these measures fall into a broader scheme which tackles violence against women as a form of discrimination requiring targeted measures to promote gender equality and women's empowerment. GREVIO welcomes the consistent approach taken by the authorities to couple measures against violence against women with measures to promote gender equality, a core requirement of the Istanbul Convention to ensure the success of any measure to curb violence against women.

Throughout its analysis, GREVIO highlights areas impacted by the current context that prevails in Turkey. It finds that such diverse factors as the anti-terror measures, the security operations in South-East Turkey, and the draining of resources in the civil service sector that came with the mass dismissal of civil servants following the failed coup attempt are not propitious to the fulfilment of women's right to live a life free from violence.

More particularly, GREVIO finds that a number of factors are undermining the authorities' efforts to prevent and combat violence against women. One such factor is the lack of a systematic and thorough assessment of general policies in terms of their potential impact on equality between women and men and violence against women. A second factor stems from the tendency to emphasise women's traditional roles as mothers and care-givers, which do little to challenge discriminatory stereotypes concerning the roles and responsibilities of women and men in family and society. GREVIO is concerned that these factors could divert from the country's endeavours to enhance women's rights and equality and that they might work against Turkey's efforts to prevent violence against women effectively. Hence, GREVIO finds that there is a need to continue to raise awareness and promote *de facto* gender equality as the key principle at the centre of measures to prevent and combat violence against women.

GREVIO welcomes the authorities' extensive efforts towards improving data collection, collecting comprehensive data on Law No. 6284 and carrying out research as an essential pre-requisite for developing evidence-based policies to prevent and combat violence against women. It notes positively the leading role that the national co-ordinating body, namely the General Directorate on the Status of Women within the Ministry of Family and Social Policies, has taken in driving this process since the enactment of Law No. 6284. Nevertheless, GREVIO regrets that the authorities did not seize the opportunity of the evaluation procedure for obtaining and communicating available administrative data beyond that pertaining to the application of Law No. 6284. The unavailability of judicial data on investigation, prosecution and sentencing of perpetrators of criminal offences constitutes a serious obstacle to the authorities' ability to monitor conviction rates and thus effectively monitor the implementation of laws by law-enforcement agencies, prosecution services and courts.

Such data are furthermore indispensable to assess the degree to which the authorities fulfill their duty of due diligence, in accordance with Article 5 of the convention. Despite the absence of relevant data, GREVIO finds that there is sufficient evidence to suggest that the failure of the state system to protect victims can at times operate as a cause of revictimisation and/or secondary victimisation of women in Turkey. It appreciates that by

establishing a dedicated post-homicide review working group operating under the co-ordination of the Ministry of Family and Social Policies, the authorities are seeking to identify systematically whether gaps in their institutional response to violence contributed to such victimisation in cases where the victim was killed.

The authorities acknowledge that a multi-stakeholder approach to combating violence against women and achieving gender equality requires a close co-operation with NGOs and civil society, such as the co-operation which enabled devising and implementing Law No. 6284. GREVIO is however alarmed over the increasingly restrictive conditions experienced by civil society organisations, in particular independent women's organisations who have advocated the Istanbul Convention and its principles. This situation points to the urgent need to provide an enabling and conducive environment allowing women's organisations representing all groups of women to thrive and to co-operate with the authorities in the development and evaluation of policies. Moreover, GREVIO finds that the potential represented by NGOs in terms of enhanced support to women could be considerably developed by further encouraging and financially supporting women NGOs to run women's centres and women's shelters.

GREVIO welcomes the considerable investments made in developing the infrastructure of support services called for by Law No. 6284, comprised of Violence Prevention and Monitoring Centres (Şönims), first admission stations, women's shelters and other services. In order for this infrastructure to achieve its aim of facilitating victims' recovery from violence and empowering them economically, GREVIO finds that more efforts are needed to empower women economically and to enable them to live an independent life, by providing them with financial aid, access to education and employment, free child care and affordable housing and other means of economic empowerment. Besides completing the full roll-out of Şönims in all the provinces of Turkey in adequate numbers to meet the needs of the population, the further development of specialist services should be pursued to match the needs of victims of all forms of violence against women covered by the Istanbul Convention, in particular in respect of shelters, telephone helplines and support for victims of sexual violence. While recognising that the authorities have undertaken initial actions to bridge the current gap in service provision with respect to adult victims of sexual violence, GREVIO emphasises that prospective solutions need to be based on the principle that victims should be granted services regardless of their willingness to report or testify against any perpetrator. All these measures need to be based on a strong gendered understanding of violence against women, focus on the human rights and safety of victims and aim at encouraging the development of alternative, low-threshold specialist support services giving victims the choice to decide whether or not to press charges.

Legislative reforms have brought forward notable progress in terms of aligning the Turkish criminal legislation with the requirements of the Istanbul Convention, for instance by defining sexual violence against adults as an offence based on the absence of freely given consent without requiring the use of force. Still, a number of requirements of the convention have yet to be fully taken on board by the Turkish legislator and/or are not fully implemented in practice. This is particularly the case for the offences of stalking, forced marriages and sexual violence against girls between the ages of 15 and 18, for which the laws in place fail to provide any adequate solution. Improvements in the implementation of relevant legal mechanisms are furthermore required to bring courts' practices in line with the standards of the convention regarding the prohibition of historically used justifications of acts of violence against women (including crimes committed in the name of "honour") and the need to ensure the dissuasive function of criminal sanctions. Extremely low reporting levels, especially as regards certain forms of violence such as sexual violence, are a source of concern. They need to be addressed through targeted policies addressing the underlying causes of underreporting and aiming at raising victims' trust in the institutional response to violence.

GREVIO welcomes the establishment of specialist offices within law-enforcement agencies and prosecution services to deal with cases of violence against women, including domestic violence. By ensuring that cases of violence are handled by trained staff and granting them the authority to immediately issue direct orders to arrest the perpetrator and enforce protection orders, these offices play an important role in protecting and supporting victims. While commending the wide array of protective civil measures foreseen under Law No. 6284, GREVIO has observed a tendency to view such measures as a replacement for criminal prosecution. This runs counter to the need to uphold the criminal accountability of the perpetrator, especially in cases of repeat and more serious violence. Risk assessment and management procedures have been introduced but should be reinforced by incorporating a form of multi-agency response based on the human rights and needs of the victim concerned, by providing co-ordinated safety and support for victims and by ensuring that risk factors are reviewed on a case-by-case basis. GREVIO finds that an effective application of protective orders would require reviewing statutory agencies' tendency to issue such orders for short periods of time, without due consideration for the victim's safety and the need for her empowerment and recovery. Finally, GREVIO highlights the need to uphold the principle stated in Law No. 6284 that the victim's statement is evidence for the purpose of issuing protective measures, as well as the need for law enforcement agencies to take a proactive role in gathering evidence and reacting diligently to breaches of protection orders.

Whilst GREVIO welcomes Turkey's ratification of the Istanbul Convention, it has identified a number of priority issues requiring further action by the Turkish authorities to comply fully with the convention's provisions. In addition to the above considerations, these issues relate to the need to:

- strengthen the co-ordinated response to violence against women by comprehensively addressing all forms of violence covered by the Istanbul Convention, with a particular emphasis on sexual violence against women and girls, forced marriage and crimes in the name of "honour";
- dedicate appropriate human and financial resources to preventing and combating violence against women at both the central and local levels, including to support NGOs;
- improve the co-ordination, monitoring and evaluation of policies, namely by strengthening the national co-ordinating body and by intensifying the participation of civil society organisations, including in particular women's NGOs;
- systematise data collection in the health-care sector and ensure the collection of all administrative and judicial data complies with standards on data protection;
- step-up awareness-raising efforts on the different manifestations of violence against women covered by the convention;
- pursue measures to provide all professionals concerned with appropriate compulsory initial and in-service training, by involving the expertise of women's NGOs in designing and implementing training;
- facilitate victims' access to compensation, as well as legal aid and protection measures during legal proceedings;
- take additional measures to ensure that victims exercise their free will in agreeing to take part in criminal mediation;
- develop, in co-operation with specialist women's NGOs, gender-sensitive procedures, guidelines and support services for women asylum seekers.

Furthermore, GREVIO has identified a number of additional areas in which improvement are required in order to comply fully with the obligations of the convention. These relate, among others, to measures to prevent and combat violence which affects women who are or might be exposed to intersectional discrimination (including women in rural areas, women belonging to certain ethnic groups - Kurdish women for example -

women with disabilities, lesbian women, migrant and refugee women) and to measures to support and protect children, including child witnesses, particularly when settling issues of custody and visitation rights.

Introduction

Turkey signed the Istanbul Convention on 11 May 2011, the date on which the convention was opened for signature, and was the first country to ratify it on 14 March 2012. Turkey ratified the convention with no reservations. The convention entered into force with respect to Turkey on 1 August 2014.

The Istanbul Convention is the most far-reaching international treaty to tackle violence against women and domestic violence. Its comprehensive set of provisions spans wide-ranging preventive and protective measures as well as a number of obligations to ensure an adequate criminal justice response to such serious violations of human rights. It covers new ground by asking that root causes of violence against women (such as gender stereotyping, traditions harmful to women and general manifestations of gender inequality) be addressed.

The convention sets up a monitoring mechanism to assess the level of implementation by its parties. This monitoring mechanism consists of two pillars: the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent expert body, and the Committee of the Parties, a political body composed of official representatives of the parties to the convention.

In accordance with Article 68 of the convention, GREVIO initiated the baseline evaluation in respect of Turkey by letter and transmission of its questionnaire on 3 January 2017. The order of reporting to GREVIO is based on a combination of regional groupings and order of ratification. The Turkish authorities subsequently submitted their state report on 3 July 2017. Following a preliminary examination of the Turkish state report and of the additional information submitted by a coalition of NGOs, GREVIO held a state dialogue with representatives of Turkey on 11 October 2017 in Strasbourg. A list of representatives of the Turkish Government who participated in the state dialogue can be found in Appendix II. As a second step, GREVIO carried out an evaluation visit to Turkey which took place from 30 October to 6 November 2017. The delegation was composed of:

- Biljana Brankovic, member of GREVIO,
- Françoise Brié, member of GREVIO,
- Rosa Logar, member of GREVIO,
- Anthony Wills, independent expert,
- Bridget T. O’Loughlin, Executive Secretary of the monitoring mechanism of the Istanbul Convention,
- Christina Olsen, administrator at the Secretariat of the monitoring mechanism of the Istanbul Convention.

During the evaluation visit, the delegation met with a range of governmental and non-governmental representatives working in the area of preventing and combating violence against women, including legal and medical practitioners, social workers, representatives of the media and of international governmental and non-governmental organisations. A list of the national authorities, non-governmental organisations and others met is set out in Appendix III of this report. GREVIO is grateful for the valuable information provided by all of them.

The state dialogue and evaluation visit was prepared in close co-operation with Meryem Tatlier Baş, who was appointed as contact person for the evaluation by GREVIO. GREVIO wishes to extend its gratitude for the co-operation and support provided throughout the entire evaluation procedure, and for the constructive approach adopted by the Turkish authorities.

As a first baseline evaluation, GREVIO has looked into the measures of implementation taken by the Turkish authorities with regard to all aspects of the convention and reviewed data from the years 2014 and 2015. For the sake of brevity, this report prioritises some provisions over others. While it addresses all chapters of the convention (except Chapter VIII), it does not present detailed assessments and conclusions on every provision in each of these.

I. Purposes, definitions, equality and non-discrimination, general obligations

A. General principles of the Istanbul Convention

1. Chapter I of the Istanbul Convention sets out general principles which apply to all the substantive articles contained in Chapters II to VII. These include, among other things, that it is a fundamental human right for everyone, particularly women, to live a life free from violence in both the public and the private sphere, that the convention must be implemented without discrimination on any ground and that the potential for, and effects of, multiple forms of discrimination should be borne in mind. Another principle which constitutes “the backbone” of the convention is that which is spelled out in Article 6 of the convention requiring the state parties to devise and implement gender-sensitive policies and to ensure that a gender perspective is applied not only when designing measures in the implementation of the convention, but also when evaluating their impact. As forming part of the general obligations of parties set out in Chapter I, the application of Article 6 extends to all other articles of the convention.

B. Fundamental rights, equality and non-discrimination (Article 4)

1. Gender equality and non-discrimination

2. In recent decades, considerable legislative progress was achieved in Turkey to promote equality between women and men. The principle of equality before the law which is embodied in Article 10 of the Turkish Constitution underwent a first amendment in 2004, imposing upon the state the duty to ensure not only *de jure* equality but *de facto* equality as well. A second amendment enacted in 2010 further strengthened the principle of equality by introducing positive discriminatory measures in support of gender equality. The relevant provisions of the Constitution² now read as follows: “[paragraph 1] Everyone is equal before the law without distinction as to language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such grounds. Men and women have equal rights. [paragraph 2] The State has the obligation to ensure that this equality exists in practice. Measures taken for this purpose shall not be interpreted as contrary to the principle of equality”.

3. The revised Civil Code which came into effect in 2002 with the vigorous support of women’s movements in Turkey placed a clear emphasis on gender equality. It abolished the principle of the supremacy of man in marriage and granted equal rights to women and men. Accordingly, it remodelled the notion of family as an entity “based on the equality of spouses” and their equal participation in decision making as regards family matters. It also raised the legal age of marriage to 18 for both sexes (17 with the consent of the parents) instead of the previously differentiated ages of 17 for men and 15 for women.

4. Following the revision of the Civil Code, the women’s movement campaigned for a reform of criminal law from a gender equality perspective. The most remarkable advances in terms of women’s human rights and equality between women and men were the 2004 amendments to the Penal Code. These included the recognition of women’s right to autonomy over their bodies and sexuality, which is inherent to the categorisation of sexual crimes as crimes against individuals rather than crimes against society, family or public

² Paragraphs 1 and 2 of Article 10 of the Turkish Constitution.

morality; the criminalisation of marital rape; more stringent sentencing for sexual crimes; the abolition of reduced sentencing for so-called “honour” crimes; and the deletion of the provisions in law which legitimised rape and abduction in cases where the perpetrator married the victim. In the meantime, noteworthy progress was equally achieved through the 2003 amendments to the Labour Law No. 4857 whereby employers incur sanctions if they set lower wages based solely on the sex of the employee. In addition, sex, marital status, family responsibilities, pregnancy and child birth cannot constitute justified reasons for the termination of women’s employment.

5. Throughout this period of intense positive legislative changes to promote women’s rights and gender equality, various policies and measures were developed by the authorities in support of women’s social, economic and human rights. A national action plan on gender equality and three consecutive national action plans on preventing and combating violence against women were launched under the auspices of the Ministry of Family and Social Policies (MoFSP) and its predecessor. Currently, a specific chapter is devoted to policies in favour of gender equality under Turkey’s Tenth National Development Plan covering the areas of education, health, violence, employment and participation in decision making and politics. An Action Plan spanning the period 2017-19 under the ongoing National Employment Strategy for 2014-2023 encompasses several measures aimed at expanding women’s participation in the labour market. A Strategy Paper and Action Plan on Women’s Empowerment has been launched for the period 2018-23 with the aim of ensuring women’s enjoyment of their rights on an equal footing with men.³ GREVIO welcomes the authorities’ sustained efforts in these areas, which should be continued and strengthened if significant and lasting change is to be achieved.

6. While there are figures to show that these efforts have translated into tangible results in the area of narrowing the gender gap in illiteracy rates,⁴ great distances remain to be covered in areas such as women’s employment rates, gender pay gaps and women’s participation in politics. This is highlighted by the 2017 Global Gender Pay Gap Report of the World Economic Forum, which ranks Turkey in 131th position out of 144 participating countries in general and in 128th position in the area of women’s economic participation.⁵

7. GREVIO recalls that inequality among women and men is a cause as much as it is a consequence of violence against women. It notes how discrimination and violence against women constitute one of the most important barriers preventing women in Turkey from accessing education and employment. Indeed, research has revealed that almost one out of three women has been prevented from pursuing her education and one out of ten has been prevented from participating in the labour force after the age of 15 or forced to leave their job.⁶ GREVIO notes with satisfaction that this is a reality acknowledged under Turkey’s ongoing National Action Plan on Violence against Women (2016-20), which is based on the premise that preventing women from working or causing them to leave their jobs constitutes a form of economic violence.

³ GREVIO was not in a position to examine the Strategy Paper and Action Plan since these documents had not been finalised at the time of GREVIO’s evaluation.

⁴ Abundant data provided by authorities during the evaluation procedure highlighted, *inter alia*, that the rate of women’s illiteracy, which was 9.4% in 2010, decreased to 5.8% in 2016.

⁵ See www3.weforum.org/docs/WEF_GGGR_2017.pdf.

⁶ See page 344 of the Research on Domestic Violence against Women in Turkey, conducted in 2014 by the Hacettepe University and the Institute of Population Studies, with the support of the MoFSP (hereafter referred to as the “2014 research on domestic violence”), available at: www.hips.hacettepe.edu.tr/eng/violence2014.shtml.

8. GREVIO further recalls that in mainstreaming gender equality, parties should carefully assess the potential impact of their policies on equality between women and men and violence against women. GREVIO is concerned that a number of recent policies in Turkey are not screened against this criterion and might therefore produce unintended consequences in terms of greater *de facto* inequality and a heightened exposure of women to violence. One such policy is what is known as the 4+4+4 education scheme, which allows pupils, subject to parental approval, to opt for home schooling from the age of 12 or to continue their education at specialist religious schools (*Imam hatip*). While it acknowledges the merits of this reform for having lifted the number of years of compulsory primary education from 8 to 12, GREVIO shares the concern of CEDAW (Committee on the Elimination of Discrimination against Women) that home- and religious-based education may reinforce the traditional role of girls as wives and mothers and therefore have a particularly negative effect on girls. Other policies which the authorities should closely monitor to ward off any unwanted harmful consequences for girls and women are examined further in this report.

9. GREVIO acknowledges the important fact that in line with Article 90 of the Constitution of Turkey, international treaties ratified by Turkey form an integral part of national law and, in case of conflict between the laws and international agreements duly put into effect in the field of fundamental rights and freedoms, the provisions of the international agreements take precedence. In the absence of data about court proceedings, including direct applications to the Constitutional Court, in which provisions of the Istanbul Convention were directly invoked or applied, GREVIO finds that there is an issue of lack of awareness of the convention in society in general, and among women in particular, as well as insufficient knowledge among the judiciary of its provisions.⁷

10. Bearing in mind that the realisation of *de jure* and *de facto* equality between women and men is a key element in the prevention of violence against women, GREVIO urges the Turkish authorities to:

- a. continue to develop and considerably strengthen policies and measures ensuring the practical realisation of the principle of gender equality and the abolition of practices which discriminate against women;
- b. expand efforts to develop capacities of judges and prosecutors to understand and apply international legal norms and standards on women's human rights and equality between women and men, including provisions of the Istanbul Convention, as well as carry out awareness-raising activities for all women and girls aimed at increasing their knowledge on these provisions and on the available remedies to claim their rights, including before the Constitutional Court;
- c. assess laws and policies, including the recent 4+4+4 education scheme, for their impact on gender equality and violence against women, amend if necessary such laws and policies, and ensure that all legislative and policy proposals undergo an impact analysis from a gender perspective;
- d. mainstream measures to prevent and combat violence against women in any policy aiming at supporting girls' exercise of their right to education and women's aspiration to gain economic independence.

11. GREVIO is aware that the notion of "gender justice" is used in the public sphere as an alternative concept to gender equality. This vague concept tends to overly emphasise

⁷ See a similar finding of the CEDAW Committee in paragraphs 16 and 17 of its Concluding Observations on the seventh periodic report of Turkey.

women's family duties as mothers and care-givers and carries the risk of reinforcing rather than contesting traditional and stereotypical roles of women. GREVIO recalls that the crucial concept on which the Istanbul Convention is based is that of gender equality. GREVIO fully recognises that the term "gender justice" is not mentioned by the authorities in their policies and welcomes their efforts to address gender inequality in Turkey, as described earlier in this report. Nevertheless, GREVIO is concerned that the use of the concept of "gender justice" might stem from a lack of understanding of the principle of gender equality and of the gendered nature of violence against women, which should be addressed through increased awareness-raising and training.

12. GREVIO strongly encourages the Turkish authorities to continue to uphold the principle of gender equality as the core principle underlying government measures aimed at preventing and combating violence against women and to use every possible opportunity, including awareness-raising activities and training, to promote understanding and acceptance of the principle of gender equality.

2. Intersectional discrimination

13. Article 4, paragraph 3 of the convention requires parties to secure the implementation of their undertakings under the convention without any discrimination. This provision provides an open-ended list of grounds of discrimination which draws on that of Article 14 of the European Convention on Human Rights, as well as the list contained in its Protocol No. 12,⁸ and mentions further gender, sexual orientation, gender identity, age, state of health, disability, marital status, and migrant or refugee status or other status. This obligation stems from the realisation that discrimination against certain groups of women, for example at the hands of law-enforcement agencies, the judiciary or service providers, is still widespread.⁹ GREVIO takes positive note of the authorities' efforts to develop measures targeting different groups of victims who face or might face intersectional discrimination, such as the measures addressing disadvantaged women in the National Action Plan on Violence against Women for 2016-2020. It notes, however, that considerable gaps remain in implementing the principle of non-discrimination in all policies and measures to eliminate violence against women and domestic violence.

14. Inequality affecting women in rural areas and their difficulties in accessing education, employment, social services and health care exposes them to violence and compounds its effects. Available prevalence data indicate higher rates of lifetime exposure to physical and/or sexual violence by husbands and intimate partners in rural areas compared to urban areas.¹⁰ Women in rural areas face particularly discriminatory stereotypes about the traditional gender roles which constitute a further obstacle towards reporting violence. GREVIO commends the authorities' efforts to reach out to these women, with reference in particular to the awareness-raising activities of the units of the gendarmerie specialised in dealing with violence against women. During the evaluation, GREVIO took positive notice of the activities of one such unit which comprised female representatives of the gendarmerie.¹¹ The authorities informed GREVIO that similar activities are carried out by the specialist units of the gendarmerie in all districts of Turkey. Large-scale and sustained initiatives of this kind, aimed at reaching out to women in rural areas throughout Turkey, which may be implemented by various professionals responsible for addressing the issue of violence against women, would be necessary to uproot prevailing patriarchal attitudes

⁸ The discrimination grounds in question include sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

⁹ See paragraphs 52-54 of the Explanatory Report to the Istanbul Convention.

¹⁰ See page 438, Figures 5.3 and 5.4 in the Annex to the 2014 research on domestic violence.

¹¹ GREVIO visited the specialist Gendarmerie units in the city of Malatya.

affecting women and girls in rural areas. Similarly, the authorities should consider supporting awareness-raising activities and other programmes of women's NGOs that target women in rural areas and are tailored to their specific needs. In this process, women living in rural areas should be encouraged to form women's organisations promoting their advancement and the realisation of their rights.

15. There are numerous reports of human rights bodies expressing concern over the disadvantaged situation of Kurdish women and the discrimination they face on account of their ethnic and linguistic identity.^{12 13} These reports highlight that a large number of Kurds live in the least developed and most remote provinces in Turkey, often in poor economic and social conditions, with high illiteracy and unemployment rates, especially among women. According to these reports, inequalities faced by the Kurdish community seriously limit Kurdish women in gaining access to their economic, social and cultural rights on an equal footing with the rest of the population.

16. GREVIO refers further to Council of Europe findings indicating that the appointment of state commissioners to replace locally elected mayors in municipalities with a predominant Kurdish population has further halted or destabilised democratic processes which were aiming, *inter alia*, at advancing women's causes.¹⁴ Such circumstances are seemingly compromising the advancement of national and local policies and measures to prevent and combat violence against women.¹⁵ GREVIO recalls that comprehensive and co-ordinated policies to prevent and combat violence require involving all relevant actors, including national, regional and local parliaments and authorities (Article 7, paragraph 3 of the convention). Furthermore, the success of a co-ordinated and multi-agency response to violence against women requires embracing a participatory approach and providing for effective co-operation between all stakeholders, including all relevant state agencies, local and regional authorities as well as civil society organisations and other relevant organisations and entities (Article 18, paragraph 2).

17. The ongoing anti-terrorist operations in the eastern and south-eastern Anatolian regions and the ensuing displacements of populations expose women living in these areas, including in particular Kurdish women, to a heightened risk of violence. Inhabitants of these areas are not only threatened with death or injury, but also suffer from curfews that are imposed for entire weeks, during which civilians are not even allowed to leave their homes to buy basic food or to receive emergency health care. Violation of curfews can endanger the lives of those who violate them or otherwise penalise them.¹⁶ GREVIO is concerned that besides leading to possible violations of their human rights, these severe restrictions can seriously hamper victims' access to the necessary protection and support such as that

¹² See 2011 ECRI report on Turkey (fourth monitoring cycle), available at: www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Turkey/TUR-CBC-IV-2011-005-ENG.pdf.

¹³ Concluding observations on the combined fourth to sixth periodic reports of Turkey, Committee on the Elimination of Racial Discrimination, CERD/C/TUR/CO/4-6: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/003/50/PDF/G1600350.pdf?OpenElement>.

¹⁴ See paragraph 37 of the report by the Council of Europe Parliamentary Assembly Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), on the functioning of democratic institutions in Turkey (Doc. 14282 of 5 April 2017), as well as Resolution 416 (2017) of the Council of Europe Congress of Local and Regional Authorities.

¹⁵ See the report by the Peoples' Democratic Party, "Aftermath [of] the Appointment of State Commissioners to Local Authorities", available at: <http://en.hdpeurope.com/wp-content/uploads/2017/11/6-ReportonStateCommissioners2305843009215415390.pdf>. The authorities consider that available services for victims are increasing in these municipalities and have informed GREVIO that in 92 women's support centres set up by these municipalities 160 000 women benefited from different activities, while women's shelters exist in three of them, and initiatives are undertaken to open five new ones.

¹⁶ See the 2016 report by Human Rights Watch, available at: www.hrw.org/news/2016/07/11/turkey-state-blocks-probes-southeast-killings.

provided by hospitals and police stations, and further compound difficulties in reporting violence and benefiting from protective measures. It refers in particular to information provided in a report of the Office of the United Nations High Commissioner for Human Rights (the OHCHR), according to which women citizens of Kurdish origin, fearing police abuse and public shaming, are not only reluctant to discuss domestic violence outside their community but also fearful that police involvement would further increase the incarceration of Kurdish men, without resolving the issue of violence and its underlying cultural, social and economic causes.¹⁷ GREVIO is further concerned that statutory agencies might be overwhelmed by the consequences of the security operations and thus be unable or unwilling to combat violence against women as a matter of priority.¹⁸

18. GREVIO recalls that situations of conflict, post-conflict and displacement are liable to exacerbate existing violence against women, such as that by intimate partners, as well as non-partner sexual violence, and may also lead to new forms of violence against women. In the light of the allegations of human rights violations committed by public and military agents during the anti-terrorist operations in south-eastern Turkey,¹⁹ GREVIO is concerned about a heightened risk of violence, including in particular of sexual violence, for women in the affected areas and in particular for women who are detained or imprisoned as a consequence of these operations.

19. In Turkey, women with disabilities are at heightened risk of violence, in particular domestic violence and violence which occurs in closed institutions. Women suffering from mental disabilities are particularly susceptible to sexual violence and there are reports indicating that disabled victims who became pregnant as a result of rape have undergone forced abortions.²⁰ These reports describe the extra hardships confronting women with disabilities, ranging from difficulties in accessing information about their rights, seeking help, receiving adequate support and benefiting from existing specialist services for women victims of violence, as well as the discrimination they face in exercising their right of access to justice.²¹

20. There are distinct provisions in the applicable regulations addressing the situation of women victims who have disabilities.²² The interventions of the Violence Protection Monitoring Centres (Şönims) in the case of these victims is limited to the follow-up on any emergency barring or restraining or protection order which might have been issued in accordance with the provisions of Law No. 6284 on the Protection of Family and Prevention of Violence against Women. Otherwise, victims with disabilities are directed to the institutions affiliated to the Directorate General of Services for the Elderly and Disabled,²³ which are not

¹⁷ See paragraph 53 of the Report on the human rights situation in South-East Turkey issued in February 2017 by the OHCHR, available at www.ohchr.org/Documents/Countries/TR/OHCHR_South-East_TurkeyReport_10March2017.pdf. This report was rejected by the Turkish government, in a press release issued by the Ministry of Foreign Affairs on 10 March 2017; available at: www.mfa.gov.tr/no_-71_-bm-insan-haklari-yuksekkomiserligi_nin-ulkemizdeki-terorle-mucadele-operasyonlarinin-insan-haklari-boyutuna-iliskin.tr.mfa

¹⁸ *Ibidem*, paragraph 52.

¹⁹ See the 2016 Memorandum on the Human Rights Implications of Anti-Terrorism Operations in South-Eastern Turkey by the Council of Europe Commissioner for Human Rights, available at: <https://rm.coe.int/16806db68f>.

²⁰ See Submission to the Draft General Comment on Article 6 of the International Covenant on Civil and Political Rights – Right to life: Women with disabilities, Association of Women with Disabilities (ENKAD); see also the submission to the “right of persons with disabilities to participate in decision-making”, by the Social Rights and Research Association-Turkey (TOHAD).

²¹ See pages 67 to 69 of the shadow report endorsed by the Istanbul Convention Monitoring Platform.

²² These provisions are examined further in this report in relation to Article 23 (Shelters) of the Istanbul Convention.

²³ See Article 12, paragraph 2, of the Regulations on Violence Protection Monitoring Centres, in Annex 3 to the state report.

specialist services for victims of violence. Victims with disabilities do not have access to shelters and are housed in rehabilitation centres not designed to cater for their needs as victims of violence. The same restriction applies to women victims with children who are disabled.²⁴ NGOs also report instances in which victims with disabilities are placed in closed institutions, making them prone to revictimisation.

21. GREVIO takes positive note of the steps taken to lift the barriers preventing women with disabilities from accessing protection and support, notably by setting up a dedicated line for hearing-impaired victims which allows them to access the ALO 183 helpline through video calls using sign language. It welcomes the indication that the authorities are considering solutions to overcome the current restrictions preventing these victims' access to proper shelter services.

22. Lesbian, bisexual and transgender women in Turkey face high levels of prejudice and discrimination,²⁵ making them vulnerable to various forms of violence, including forced marriage and what is termed "corrective rape".²⁶ Victims also face discrimination in accessing support services and shelters.²⁷ GREVIO has received little information about measures taken by the authorities to address these issues either in general policies to combat intolerance towards LGBTI people, or in policies specifically targeting violence against women and domestic violence.

23. GREVIO strongly encourages the Turkish authorities to:

- a. **support efforts to prevent and combat violence which affects women who are or might be exposed to intersectional discrimination, including women in rural areas, Kurdish women, women with disabilities and lesbian women, by addressing the inequalities faced by these women;**
- b. **integrate the perspective of such women in the design, implementation, monitoring and evaluation of policies for preventing and combating violence against women, by supporting, funding and closely co-operating with women's NGOs representing them;**
- c. **mainstream preventing and combating violence against women in programmes which are tailored to the specific needs of these women, including by developing special programmes aimed at proactively reaching out to them;**
- d. **develop and improve accessibility of protection and support services for victims belonging to these groups of women;**
- e. **add specific indicators in data collection pertaining to violence against women which relate to women and girls who are or might be exposed to intersectional discrimination.**

C. State obligations and due diligence (Article 5)

24. GREVIO recalls that in its first limb, Article 5 of the convention requires parties to refrain from engaging in any act of violence against women and ensure that state authorities, officials, agents, institutions and others acting on behalf of the state act in conformity with this obligation. Amid emerging reports illustrating the adverse effects on women's rights in Turkey

²⁴ See Article 13, paragraph 1(c) and (e), of the Regulation on opening and operation of women's shelters, in Annex 3 of the state report.

²⁵ See paragraphs 97 to 105 of ECRI's report on Turkey (fifth monitoring cycle), October 2016.

²⁶ Among the various reports by NGOs, see Stonewall Global Workplace Briefings regarding Turkey.

²⁷ See pages 36 and 37 of the shadow report endorsed by the Istanbul Convention Monitoring Platform.

of the crisis which has gripped the country following an attempted *coup d'état* and the subsequent declaration of a state of emergency in July 2016, GREVIO is gravely concerned about information pointing to cases of women being ill-treated while in detention or intimidated by law-enforcement officials pronouncing threats of rape. GREVIO fears that such manifestations of violence might be encouraged by what has been termed “an atmosphere of systematic impunity for the security forces” created by the exceptional measures in place since the promulgation of the state of emergency.²⁸ GREVIO further refers to alarming reports alleging that in the course of government-led military and counter-terrorism operations in South-East Turkey, women have been subjected to harassment, sexual violence and threats and that pictures of naked raped and/or killed women have been shared on social media by security forces as a means of intimidation. GREVIO is aware of Turkey’s notification to the Secretary General of the Council of Europe under Article 15 of the European Convention on Human Rights regarding possible derogations to its undertakings under this convention; it recalls in this respect that Articles 2 and 3 of the European Convention on Human Rights cannot be subject to this derogation.

25. GREVIO urges the Turkish authorities to uphold the principle that under any circumstance, state actors should refrain from resorting to unlawful violence, including violence committed while responding to perceived and alleged security threats and directed towards women viewed as enemies of the state, or women – be they mothers, wives, sisters, daughters – related to such persons.

26. Paragraph 2 of Article 5 of the Istanbul Convention states the obligation of parties to diligently prevent, investigate, prosecute and punish all acts of violence perpetrated by non-state actors. GREVIO emphasises that the Istanbul Convention incorporates the due diligence obligation as one of its overarching principles. Thus, the precise content of this obligation is to be viewed in conjunction with other provisions of the convention, including a general obligation to take legislative and other measures to protect all women from further acts of violence.²⁹

27. Turkey’s failure to abide by this duty of due diligence in cases of domestic violence gave rise to a number of judgments by the Court, starting with the landmark judgment in the *Opuz v. Turkey* case. The *Opuz* group of cases³⁰ concerns the failure of the authorities to protect the applicants or their deceased relatives from domestic violence. In these cases, the Court found violations of Article 2 (right to life) and Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights on a series of grounds, which include the fact that: (1) the authorities had not taken the necessary preventive/protective measures to protect the applicants or their deceased relatives from domestic violence, despite the real and imminent risk of assault they knew or ought to have known about; (2) the authorities had failed to apply the available sanctions for non-compliance with protective measures, rendering these measures totally ineffective and giving impunity to the perpetrators; (3) the criminal investigations and subsequent proceedings against the perpetrators lacked promptness and diligence.

28. In the cases of *Opuz, M.G.* and *Halime Kılıç*, the Court also found a violation of Article 14 (prohibition of discrimination), in conjunction with Articles 2 and 3 of the European Convention on Human Rights. The Court referred to certain NGO reports which suggested that domestic violence against women was tolerated by the authorities and that the available

²⁸ See paragraphs 62 and 63 of the OHCHR report.

²⁹ See Article 18, paragraph 1, of the Istanbul Convention.

³⁰ See application 3621/07 *Durmaz v. Turkey*, judgment of 13/11/2014; application 646/10 *M.G. v. Turkey*, judgment of 22/03/2016; application 55354/11 *Civek v. Turkey*, judgment of 23/02/2016; application 63034/11 *Halime Kılıç v. Turkey*, judgment of 28/06/2016.

remedies mentioned by the government did not function effectively, affording impunity to the perpetrators. The Court therefore concluded that there existed a prima facie indication that domestic violence affected mainly women and that the general and discriminatory judicial passivity in Turkey created a climate that was conducive to domestic violence.

29. GREVIO is aware of the ongoing procedure before the Council of Europe's Committee of Ministers regarding the execution of the Opuz group of cases. It recalls the Deputies' decision in March 2017 to strongly urge the Turkish authorities to provide "precise and detailed information on the measures envisaged to ensure that the necessary preventive/protective measures are taken in the event of a real and imminent risk of assault, that the existing sanctions are implemented in the event of non-compliance with the protective measure orders, and that proceedings are conducted in a prompt and diligent manner".³¹ It trusts that the Turkish authorities will draw inspiration from the suggestions and proposals presented in this report to further this process and fully comply with the Court's rulings.

30. GREVIO notes that despite efforts taken to curb the phenomenon, violence against women in Turkey continues to be widespread, sparking heated debates over the alleged responsibilities of the authorities for failing to act diligently. Over the years, several protests have erupted on social media and in the streets, involving women's rights activists, victims and citizens at large, to contest allegedly unsound policies and lenient treatment of offenders.³² Media reports shed light on the stigmatising behaviour of law-enforcement officers or judges' improper handling of incidents of violence against women. In one such incident, where a woman was attacked in the street, law-enforcement officers were reported to have sympathised with the aggressor's view that the offence had been provoked by the victim's choice of clothing.³³ In another case involving the initial release of a man arrested for attacking a woman on public transport, the media reported that the decision to detain the attacker a second time was based on charges of "inciting animosity among society"³⁴ without due consideration to the violence suffered by the woman.

31. Controversy has crystallised in particular over the exact number of murders of women that might have been prevented had the authorities properly assessed risks and acted promptly. Media reports showing worrying trends in the numbers of victims killed are generally rejected by the authorities without, however, producing any official data to discount them. At the time of GREVIO's visit to Turkey in November 2017, the platform "We will stop murders of women" had counted 337 murders of women since the beginning of that year,³⁵ a figure which depends on the definition of gender-based killing used.³⁶ The lack of any reliable

³¹ See Decision of the Committee of Ministers at its 1280th meeting (7-10 March 2017) <https://rm.coe.int/16806fd0d6>

³² Reference can be made to on the march which was held in February 2015 shortly after the brutal murder of Ozgecan Aslan and the spontaneous campaign which ensued on social media with the hashtag #sendeanlat (you tell your story), as well as the protest in Ankara triggered by the case of a woman wearing shorts who was verbally assaulted in a public park in Istanbul in July 2017.

³³ See the media report www.newsweek.com/turkey-woman-punched-istanbul-bus-wearing-shorts-during-ramadan-627883 regarding the case of a young woman assaulted on a crowded bus in Istanbul for wearing shorts during Ramadan; see the media report www.hurriyetdailynews.com/police-officers-allegedly-batter-two-women-who-wanted-help-from-them-in-turkeys-izmir-.aspx?PageID=238&NID=116652&NewsCatID=509 regarding a case involving two girls harassed by a motorcyclist on the streets of Izmir in which police officers, whose help the victims had sought, themselves turned violent against the girls.

³⁴ See online article of 21 June 2017 "Women in Turkey outraged after female student punched on Istanbul bus for wearing shorts during Ramadan", Newsweek (US edition); see online article of 12 August 2017 "Probe launched after police beat women asking for help on harassment in Turkey's Izmir, Hürriyet Daily News.

³⁵ See <http://kadincinayetlerinidurduracagiz.net/> (in Turkish).

³⁶ GREVIO was not in a position to verify which forms of gender-based killings were included in the definition used by the media analysts.

official data fuels the perception that the authorities might not be willing to take the matter seriously enough and to face their responsibilities openly.

32. GREVIO has been made aware of numerous accounts of state officials failing to act according to their duties. These relate to law-enforcement officers not taking the necessary action to protect victims in a timely manner, letting victims wait for hours at a police station, discouraging victims from reporting or seeking help from shelters by stating that domestic violence should be resolved within the family, not providing them with the proper information regarding their rights and accusing women of “not obeying the husband” or “provoking him”.³⁷ Prevalence data indicate that when women turn to law-enforcement agencies as a result of the physical and/or sexual violence of their husbands or intimate partners, in over 80% of cases the statement of the woman is not taken and in roughly 60% of cases law-enforcement officers to whom women have been referred do not direct victims to support services or refer the matter to the prosecutors and courts.³⁸ Besides exposing victims to secondary victimisation, inadequate responses by law-enforcement officers hamper investigations and prejudice the victim’s rights to seek legal redress, opening the way for impunity in judicial proceedings. Case studies recorded by NGOs monitoring court activities also illustrate inappropriate judicial responses to violence against women, ranging from insufficient investigations leading to acquittals – including in cases of murders or murders disguised as suicides – to sentence reductions granted for “good conduct”.

33. According to information provided by the authorities, mechanisms for holding to account public officials who fail to abide by their duties³⁹ exist in law and are applied, including by sanctioning officials under criminal law. However, in the absence of data on the outcomes of the proceedings against such officials, GREVIO was not in a position to verify the extent to which the principle of accountability is upheld in practice.

34. In light of the foregoing and considering the limited statistical evidence of the performance of the state’s response to violence against women, GREVIO cannot rule out that many cases of violence against women in Turkey can be attributed to a failure of the state system to protect victims. Information obtained by GREVIO would indicate that violence continues to occur even after women report it to law-enforcement bodies and that the authorities’ prior knowledge of a woman’s exposure to violence does not always lead to effective protection measures to prevent women from being revictimised or even killed.⁴⁰ In this context, the question arises as to whether at least some of the victims of gender-based killings might have been saved if proper, immediate and efficient measures of protection had been applied to protect women whose lives were at risk, including, but not limited to, an immediate police intervention, a proper risk assessment, an urgent enforcement of emergency barring orders, preventive detention, and the like. Similarly, as a result of a lack of precise data on the investigation, prosecution and sentencing of perpetrators, GREVIO could not conclude whether perpetrators of violence, including those who killed their wives/partners, were brought to justice and punished with effective, proportionate and dissuasive sanctions in line with Article 45 of the convention.

35. Information provided by the authorities indicates that, since 2009, “Domestic Violence Registration Forms” are being used by law-enforcement bodies, allowing them to analyse every murder case and to determine whether it should be classified as a gender-based killing or not. GREVIO welcomes the authorities’ initiative to create a working group under the co-

³⁷ See page 53 of the shadow report endorsed by the Istanbul Convention Monitoring Platform.

³⁸ See Tables 7.11, 7.12 and 7.13, pages 172 and 173 of the 2014 research on domestic violence.

³⁹ These remedies are described further in this report in relation to Article 29 (Civil lawsuits and remedies) of the convention.

⁴⁰ See the media report “Men Kill 17 Women in April”, BIANET, May 2016.

ordination of the MoFSP, which brings together all stakeholders involved in judicial and administrative processes to analyse each and every case of gender-based killings of women and to promote case-based research using data collected by law-enforcement bodies. The authorities should take this opportunity to determine whether any gaps in their response to the violence contributed to the fatal outcome. To this end, they could take as an example the existing national domestic violence fatality or domestic homicide review mechanisms in various countries, which examine cases of homicide that appear to be the result of domestic violence with the aim of identifying possible systemic gaps in the institutional response to violence, assessing whether such homicides could have been prevented had various institutions responded differently and providing recommendations on how to prevent such homicides in the future.⁴¹ Thus, this analysis should assess, *inter alia*, whether careful and repeat risk assessment and co-ordinated safety planning had been carried out and appropriate measures had been applied to protect victims from further harm, including measures of detention in severe cases of violence, whether the victim was under an emergency barring or protection order or had applied for such an order, whether there had been any breach of such an order, and what outcome resulted from investigation and prosecution. Killings of women where the perpetrator remains unknown and suicides which might in fact obscure a case of murder should also fall within the scope of this initiative. Moreover, it would be of utmost importance that this analysis systematise the types of measures which are taken depending on the findings of the group, including for example the launching of internal investigations within law-enforcement bodies and the issuance of disciplinary sanctions. The results of such an initiative should be shared with all interested stakeholders, including NGOs, and the public.

36. Having due regard to the proposals and suggestions formulated in this report, GREVIO urges the authorities to:

- a. step up measures to identify and remedy gaps in the institutional response to violence against women, in accordance with their duty of due diligence;**
- b. exercise due diligence to (1) systematically review and take into account the risk of revictimisation by applying effective measures to protect victims from any further violence and harm, and (2) investigate and punish acts of violence;**
- c. hold to account state actors who, in failing to fulfil their duties, engage in any act of violence, tolerate or downplay violence, or blame victims;**
- d. pursue ongoing efforts to analyse all cases of gender-based killings of women, with the aim of preventing them in the future, preserving the safety of women and holding accountable both the perpetrators and the multiple agencies that come into contact with the parties;**

⁴¹ See, for example, <https://ndvfri.org/> for such an initiative in the United States. In the United Kingdom, it is common practice to conduct a Domestic Homicide Review (DHR) – a multi-agency review of the circumstances in which the death of a person aged 16 or over has, or appears to have, resulted from violence, abuse or neglect by a person to whom they were related or with whom they were, or had been, in an intimate personal relationship, or a member of the same household as themselves. Since 13 April 2011 there has been a statutory requirement for local areas to conduct a DHR following a domestic homicide that meets the criteria. This statutory obligation is established under the Domestic Violence, Crime and Victims Act (2004). For the key findings of an overview of Domestic Homicide Reviews in the UK, see: Home Office (2016) *Domestic Homicide Reviews: Key Findings from Analysis of Domestic Homicide Review*. www.gov.uk/government/uploads/system/uploads/attachment_data/file/575232/HO-Domestic-Homicide-Review-Analysis-161206.pdf. Definition of domestic homicide in this overview includes victims killed by a partner/ex partner or a relative or by someone else living with the victim at the time of the killing. Data presented in the overview were extracted from the Home Office Homicide Index, which contains detailed information about each homicide recorded by police in England and Wales. It is continually updated with revised information from the police and the courts (information from the Homicide Index is published annually, in the Office for National Statistics series: Focus on: Violence and Sexual Offence).

- e. work towards building public trust in their effective political will to combat violence against women and displaying a greater determination to openly condemn violence against women and combat more coercively this societal scourge.**

D. Gender-sensitive policies (Article 6)

37. Article 6 of the Istanbul Convention further strengthens and complements states parties' obligation under Article 1 to promote substantive equality between women and men and empower women by requiring that policies and measures to prevent and combat violence against women and domestic violence integrate a gendered perspective. In this connection, GREVIO notes with satisfaction that Turkey's National Action Plan on Violence against Women (2016-20) expressly acknowledges the gendered nature of violence against women and its discriminatory character⁴² as a manifestation of historically unequal power relations between women and men. This understanding of violence against women also transpires from the legislator's definition of violence against women given in Law No. 6284 as "any attitude and behaviour that is directed against a woman only because she is a woman or that affects women thereby creating a gender-based discrimination and a violation of human rights, and is defined as violation in this Law."

38. GREVIO further notes that in Turkey efforts to promote gender equality between women and men are closely intertwined with policies aiming at protecting the family, an approach which might be seen to reflect the principle stated in Article 41 of Turkey's Constitution that "[t]he family is the foundation of the Turkish society and based on the equality between the spouses". GREVIO notes that competing tensions may be seen to have grown between these two goals, owing to recent policies which have been viewed as pushing women to continue to take on the traditional role of mother and care-giver.⁴³ The recent change in the denomination of the MoFSP, formerly the Ministry of Women and Family Affairs, is quoted by many as symptomatic of this shift in policies.⁴⁴ NGOs further claim that within the MoFSP, the necessary financial means to enhance women's status and promote their empowerment are being re-directed in support of family-oriented policies which do little to decrease women's economic dependency.⁴⁵ In terms of policies favouring families, GREVIO would advocate measures such as free and affordable child care and shared caring for the elderly and infirm in the family between women and men, based on the understanding that ascribing the care-giver role only or mainly to women can lead to women's poverty and social and economic exploitation. Above all, GREVIO underlines that in a human rights-based approach, the protection of families and women's rights issues should be seen as equally important and complementary.

39. The competing tensions mentioned above can also be observed when it comes to preventing and combating violence against women, and particularly violence which occurs within the family. In many respects, the highly contested findings of the "Parliamentary

⁴² See the references made in the preface to the National Action Plan to the various international instruments which recognise the gendered nature of violence against women, such as the Committee on the Elimination of Discrimination against Women (CEDAW Committee) Recommendation No. 19, the 1993 UN Declaration on the Elimination of Violence against Women, and the Istanbul Convention.

⁴³ See Article 13 of the 2013 Regulation 28737 which encourages workplaces employing 150 or more women to open kindergarten facilities. This law has been criticised by the women's movement for not challenging the notion that women predominantly take care of their children, besides producing the unintended consequence of inducing employers to limit the number of women they employ.

⁴⁴ See, *inter alia*, paragraph 24 of CEDAW's Concluding Observations on Turkey's 7th periodic report.

⁴⁵ See page 17, paragraph on Financial resources, of the shadow report endorsed by the Istanbul Convention Monitoring Platform.

Investigation Commission Report on Preventing Negative Effects on the Family Unity, Factors for Divorce and Measures for Strengthening the Family⁴⁶ exemplify how the goal to preserve the family unity at all costs can lead to lowering the guard against violence against women. Mandated to propose measures to reduce divorce rates in Turkey, the parliamentary report issued in May 2016 put forth a series of legislative proposals which carry the potential for hampering a married woman's rights to live a life free from violence.⁴⁷ GREVIO is extremely concerned that policy makers in Turkey might be willing to turn a blind eye to violence against women out of their desire to promote family unity. GREVIO reiterates its strong belief that respect for individual family members' right to live a life free from violence is instrumental in allowing families to thrive. It warns against any approach which justifies domestic violence or otherwise downplays its seriousness, thereby undermining and ultimately destroying families. To counter this alarming tendency, more should be done to raise awareness among politicians, civil servants and society at large about the prevalence of violence affecting women in their families,⁴⁸ as well as to promote their adherence to the principle of unacceptability of domestic violence under any pretext whatsoever.

40. GREVIO urges the Turkish authorities to:

- a. ensure that policies promoting gender equality are not thwarted by attempts to confine women to the traditional role of mothers and care-givers;**
- b. design policies to support the family which build on women's right to be treated as equals to men and which aim at empowering them;**
- c. guarantee that appropriate funding is made available to support policies promoting women's equal rights and empowerment;**
- d. base all policies to prevent and combat violence against women on the clear understanding of the gendered nature of violence against women as a means to keep women unequal;**
- e. continue to train and raise awareness among policy makers, civil servants and in society about the prevalence of violence against women and domestic violence and challenge attitudes which justify such violence.**

⁴⁶ See www.tbmm.gov.tr/sirasayi/donem26/yil01/ss399.pdf (in Turkish).

⁴⁷ These proposals are examined further in this report.

⁴⁸ See page 341 of the 2014 research on domestic violence, which found that the family is the setting in which women in Turkey experience violence most frequently.

II. Integrated policies and data collection

41. Chapter II of the Istanbul Convention sets out the core requirement for a holistic response to violence against women: the need for state-wide effective, comprehensive and co-ordinated policies sustained by the necessary institutional, financial and organisational structures.

A. Comprehensive and co-ordinated policies (Article 7)

42. The starting point for the development of Turkey's comprehensive and co-ordinated response to violence against women can be traced back to the enactment of the 1998 Law No. 4320 on the Protection of the Family. With this law, Turkey entered the vanguard of countries offering civil mechanisms to protect family members against domestic violence. Following Turkey's ratification of the Istanbul Convention, the 2012 Law No. 6284 replaced Law No. 4320 and significantly broadened its scope, both in terms of contemplated forms of violence and of individuals benefiting from the law's protection. The implementation of these laws was supported by a chain of measures, comprising a cascade of by-laws⁴⁹ and three consecutive national action plans spanning the years 2007 to 2020. The strategic plans framing the actions of the line ministries all include a component specifically addressing violence against women. Moreover, all these measures fall into a broader scheme which tackles violence against women as a form of discrimination and a developmental issue, requiring, *inter alia*, targeted measures to promote gender equality and women's empowerment. GREVIO welcomes the progress made possible by these measures. It further welcomes the efforts of extending policies at the local level, namely by developing 57 provincial action plans, which are particularly important in a country such as Turkey, with a vast territory and wide economic and social disparities between provinces.

43. GREVIO recalls that the demands placed on parties by Article 7 in terms of offering a holistic response to violence against women concern all forms of violence, all victims of violence and all competent state agencies. Detailed suggestions and proposals to help the authorities meet these demands are developed under the different sections of this report. The following are a few general preliminary observations regarding areas on which GREVIO considers the authorities should focus in order to reach the level of comprehensiveness required by Article 7.

44. While Law No. 6284 represented an important departure from the previous legislation's limited focus on domestic violence, GREVIO observes that targeted wide-scale measures are necessary to address the specificities of the different manifestations of violence. GREVIO welcomes in this respect the indication that the authorities are preparing a first National Action Plan to Combat Early and Forced Marriages for the period 2018-23. Policies tailored to the challenges posed by other forms of violence, in particular sexual violence against women and girls, would be necessary to bridge the current gap in policy making and address the issue of severe underreporting. Similarly, GREVIO would welcome more targeted policies to tackle the issues raised by crimes in the name of "honour".

45. GREVIO recognises the authorities' efforts to ensure that measures to tackle violence benefit all groups of victims, and in particular women who are or might be exposed to intersectional discrimination, as well as children, for example by including, in the ongoing

⁴⁹ See in particular the Implementing Regulation of the Law No. 6284 on Protection of Family and Prevention of Violence against Women, the Regulation on Violence Prevention and Monitoring Centres and the Regulation on opening and operation of women's shelters, reproduced in Annex III to the Turkish state report.

National Action Plan on Violence against Women (2016-20), several objectives pertaining to disadvantaged groups. Having regard to its proposals and suggestions regarding the need to effectively involve women's organisations representing these specific groups in the design of policies, GREVIO further submits that additional measures should be adopted to meet the needs of women belonging to certain ethnic groups, such as Kurdish women, women living in rural areas, women with disabilities, children experiencing or witnessing violence against their mother, lesbian women, and migrant or refugee women, including undocumented migrant women.

46. Great strides have been made under Law No. 6284 to provide women with protection and support; however, there is far less evidence, and little data, to show that cases of violence are effectively investigated, prosecuted and sanctioned, and that Turkey's response to violence against women is equally strong across the full range of what is termed the "four Ps" of prevention, integrated policies, protection and prosecution.

47. GREVIO strongly encourages the authorities to take further measures to ensure that their co-ordinated response to violence against women:

- a. **comprehensively addresses all forms of violence covered by the Istanbul Convention, by placing a particular emphasis on sexual violence against women and girls, forced marriage and crimes in the name of "honour";**
- b. **addresses the specific needs of all groups of victims, in particular children experiencing or witnessing violence against their mother and women who are or might be exposed to intersectional discrimination, such as women belonging to certain ethnic groups – Kurdish women for example – women in rural areas, women with disabilities, lesbian women, and migrant or refugee women, including internally displaced women and undocumented migrant women;**
- c. **is based on strong interinstitutional co-operation among all governmental agencies, with respect to the areas of prevention, integrated policies, protection and prosecution.**

B. Financial resources (Article 8)

48. Various data were provided by the authorities in the course of the evaluation procedure, without however allowing for an assessment of the overall allocation of financial resources for the adequate implementation of integrated policies, measures and programmes to prevent and combat violence against women and domestic violence in pursuance of Article 8 of the convention. Information provided concerned mainly the activities within the remit of the General Directorate on the Status of Women within the MoFSP (GDSW)⁵⁰ with little or no financial data regarding the budget of other relevant public institutions.⁵¹ The amount of 16 018 548 euros was further mentioned in relation to various

⁵⁰ More particularly, figures were provided regarding the budgets for Şönims and shelters, the ALO 183 helpline (approximately 170 000 euros in 2016) and the GDSW's central budget for policy development (see page 5 of the state report). Figures were also provided concerning the number of women who benefited from various kinds of financial support such as refundable temporary financial aid and financial aid dispensed by Social Welfare Foundations and shelters.

⁵¹ Namely the General Directorate of Security within the Ministry of Interior, the General Command of Gendarmerie, the Public Prosecutor's office, Family courts, the Forensic Medicine Institution, the various agencies affiliated with the Ministry of Health, Women's Counselling Centres of the bar associations and municipalities and the Ministry of Development.

one-off projects carried out between 2014 and 2016 for awareness-raising and training activities.⁵²

49. GREVIO stresses the importance for the authorities to make use of strong financial data to assess whether appropriate resources are devoted to policies, as well as to measure performance and analyse trends. Without any indication in the ongoing National Action Plan on Violence against Women as to the committed amount of funding, the authorities have no means of realistically gauging the results that can be achieved and their expected impact. GREVIO welcomes the information received according to which the government has pledged an increase of 10% in its 2018 budget in support of the implementation of Law No. 6284 and considers that this is a positive step towards increasing the chances of fulfilling the ambitious goals of the action plan.

50. On a general note, GREVIO observes that the quality of Turkey's response to violence against women varies significantly depending on available capacity, which the state is striving to reinforce in a number of areas.⁵³ Given the breadth of the task at hand, its successful attainment will depend to a large extent on the authorities' willingness to back their intentions with the necessary funds. In referring to the rates of the budgetary appropriations of the GDSW and the MoFSP,⁵⁴ GREVIO further notes that the upward trend registered for the budget of the ministry in 2014, 2015 and 2016 has not been matched by a similar increase in the GDSW's budget.⁵⁵ GREVIO understands that GDSW's budget only reflects expenditure related to the development of policies, whereas the support services delivered in pursuance of these policies, including the operations of Şönims and shelters, are financed directly through the budget of the MoFSP. Considering the distance which remains to be covered in equipping all provinces with efficient interagency mechanisms and sufficient capacity to combat violence against women, GREVIO is concerned that a lack of adequate funding for the co-ordinating body might jeopardise its ability to lead this process efficiently.

51. The aim of Article 8 of the Istanbul Convention is to ensure the allocation of appropriate financial and human resources not only for activities carried out by public authorities but also for those of relevant non-governmental and civil society organisations. Based on available information, GREVIO finds that women's NGOs providing specialist services, awareness raising and other activities currently receive limited state funding and are often dependent on time-bound grants funding projects of a limited scope.⁵⁶ GREVIO notes that its proposal to broaden the sphere of intervention of NGOs in Turkey, especially as regards the provision of specialist services, would require the state to support the long-term financial sustainability of such endeavours.⁵⁷

52. With a view to making visible the share of national and local budgets dedicated to preventing and combating violence against women, GREVIO welcomes ongoing investments

⁵² These projects included, *inter alia*, the project on "Combating Domestic Violence", carried out by the Ministry of Family and Social Policies between 2013 and 2016; the project "Supporting Victim Women in the Judicial Process: Analysis and Legislative Work", conducted by the Ministry of Justice; the 2014-2016 project or the "Electronic Monitoring Systems"; and in-service training programmes for judges and prosecutors carried out by the Turkish Justice Academy between 2014 and 2016.

⁵³ See, to name only a few, plans to equip all 81 provinces of the country with Şönims and to open new crisis centres for victims of sexual assault.

⁵⁴ The GDSW was only allocated 0.038% of the overall budget of the MoFSP in 2016.

⁵⁵ See Table 1 reproduced on page 5 of the state report, which shows that the total budgetary envelope of the MoFSP went from 4 365 335 128 euros in 2014 to 4 679 393 333 euros in 2015 and to 6 358 884 871 euros in 2016, while the GDSW's budget fell from 2 477 179 euros in 2014 to 2 436 153 euros in 2016.

⁵⁶ See reference made to projects in pages 6 to 9 of the state report, under the heading "Activities with NGOs and other civil society actors – Inter-institutional coordination at national and regional/local levels".

⁵⁷ See paragraphs in this report dealing with Article 9 of the convention.

aiming at introducing gender-responsive budgeting in Turkey.⁵⁸ It welcomes the aim in the ongoing National Action Plan on Violence against Women (2016-2020) to develop a method for calculating the direct and indirect costs of violence against women in Turkey.⁵⁹ Calculating such costs will be instrumental to quantifying the budget needed to fulfil Turkey's undertaking under Article 8 of the Istanbul Convention and to allocate appropriate funding to the implementation of policies, measures and programmes to prevent and combat all forms of violence covered by the convention. With these new methodologies, the authorities should furthermore be in a position to respond to the call for greater transparency in public finances advocated by civil society.⁶⁰

53. GREVIO strongly encourages the Turkish authorities to:

- a. strengthen the machinery for combating violence against women by providing appropriate human and financial resources at both the central and local levels;**
- b. expand significantly the budget allocated to the GDSW as the co-ordinating body responsible for ensuring the implementation of the Istanbul Convention;**
- c. continue current efforts in implementing gender-responsive budgeting so as to be able to identify and allocate appropriate funding, monitor public spending and measure progress achieved in combating violence against women;**
- d. take further appropriate measures, such as the establishment of suitable funding streams, to encourage and support all women's NGOs providing specialist support services and working to prevent violence against women and domestic violence by providing them with stable and sustainable funding levels,**

while ensuring the transparency of their decisions, as a pre-condition for ensuring a meaningful participation of civil society in policy making.

C. Non-governmental organisations and civil society (Article 9)

54. Turkey's vibrant movement of women's organisations was instrumental in enabling major achievements for women's rights in the country. Through advocacy and intense campaign work, women activists brought to the fore of the public debate in Turkey the issue of violence against women and domestic violence as a matter of public concern. As early as the 1980s, women's organisations were founded and several feminist magazines began to be published, producing a lively debate on women's rights and the role of the state in supporting patriarchal attitudes towards violence against women.

55. Women's NGOs in Turkey are largely to be credited for harnessing the necessary political support to pass a series of crucial reforms in the name of greater equality between women and men. They were an indispensable partner to the authorities throughout the negotiation process of the Istanbul Convention, its ratification by Turkey and the subsequent adoption of the necessary implementing measures, including not least the enactment of Law No. 6284 on the Protection of Family and Prevention of Violence against Women.

⁵⁸ Following the finalisation of a first programme on gender-responsive budgeting from 2012 to 2015 at the level of local authorities, GREVIO was informed that under a second programme starting in 2018, 3 000 000 euros will be invested to deploy this budgeting method in central administrations. This initiative is supported by UN Women.

⁵⁹ See Activity 5.4 of the National Action Plan.

⁶⁰ See page 18 of the shadow report endorsed by the Istanbul Convention Monitoring Platform.

56. Article 9 of the convention requires parties to recognise, encourage and support, at all levels, the work of relevant non-governmental organisations and civil society active in combating violence against women and to establish effective co-operation with these organisations. GREVIO notes with appreciation the authorities' acknowledgement, throughout the evaluation process, that a multi-stakeholder approach to combating violence against women and achieving gender equality requires robust co-operation with NGOs and civil society. It further takes note of steps taken towards involving NGOs in legislative and policy-making procedures, as well as in the national and local mechanisms designed to bring together interested stakeholders and to assess the effectiveness of measures taken to combat violence against women. GREVIO welcomes the indication that NGOs have received governmental support in a series of projects which have drawn from their experience and knowledge.⁶¹

57. Nevertheless, GREVIO expresses its alarm over the increasingly restrictive conditions experienced by civil society organisations, in particular independent women's organisations, under what has been termed by those working on the ground and by international institutions as a "shrinking space for human rights organisations".⁶² In meeting with NGOs, GREVIO witnessed first-hand the difficulties faced by these organisations and the courage and determination of their members, a number of whom face the risk of arrest and or/imprisonment for their overt criticism of government policies. Sadly, the independent women's organisations who played a historic role in advocating the Istanbul Convention feel they are being denied the authorities' recognition and support, to the exclusive advantage of more recently established women's groups.⁶³

58. GREVIO notes, in any event, that women's NGOs in Turkey across the political spectrum stand united in saying that there is a lack of a general frame enabling their systematic and effective consultation in the relevant processes. At present, the ability for them to intervene largely depends on the discretion of the authorities. While independent women's organisations seem to suffer more from this general state of affairs, all NGOs consider that they could be afforded more opportunities to enter into a constructive dialogue with the authorities for the purposes of shaping and evaluating policies.

59. GREVIO notes in this respect the importance of supporting and fostering synergies with and among women's organisations who can speak to and appeal to women from diverse backgrounds and women who hold different beliefs. Bearing in mind the goal of empowering women and guaranteeing their participation in the processes concerning them, the authorities should encourage and support the operation of women's organisations engaged in working against violence. Thus, all women and girls should be given the opportunity and the support to organise themselves and become active in combating violence against women and domestic violence. With the aim in particular of responding to the needs of more vulnerable groups of women, GREVIO underlines that the effective involvement of women's organisations representing these groups, such as women belonging to certain ethnic groups – Kurdish women for example – women living in rural areas, women with disabilities, lesbian women, and migrant or refugee women, including undocumented migrant women, is key to the design of successful policies.

⁶¹ See pages 6 to 9 of the state report.

⁶² See the Human Rights Comment by the Council of Europe Commissioner for Human Rights, 4 April 2017; see also Resolution CONF/PLE(2017)RES1 adopted by the Conference of INGOs of the Council of Europe, 27 January 2017.

⁶³ See pages 11 and 12 of the shadow report endorsed by the Istanbul Convention Monitoring Platform, where reference is made to government-organised non-governmental organisations (GONGOs) set up or sponsored by the authorities.

60. While GREVIO has witnessed positive examples of co-operation between the authorities and NGOs in the provision of services to women where such NGOs exist, the potential represented by NGOs in terms of enhanced support to women could be considerably developed. GREVIO understands that the preferred approach of the authorities has consisted until now in delivering state-operated social services. The main argument of the authorities in support of this approach, which is the financial weakness of NGOs, is also one of the main reasons why the Istanbul Convention requires parties to financially support NGOs working to prevent and combat violence against women. State organisations undoubtedly play a very important role in preventing and combating violence against women and domestic violence. Experience gained in this field over the past decades has shown, internationally, that the active engagement of civil society and women's organisations is equally important to promote societal change and reduce violence. By encouraging and financially supporting women's NGOs to run women's centres and women's shelters, the authorities would achieve improved results, especially if state institutions and women's NGOs co-operate closely to provide the best support and effective protection to victims.

61. Moreover, NGOs offer the advantage of encouraging women to speak out, especially those women who do not wish to file a complaint and who might feel that by approaching a state-run service, they will be compelled to do so or they will in any case expose the perpetrator to criminal investigation. Thus, with the aim of building trust on the part of the victim regardless of whether any legal or administrative steps are taken, NGO-run services should not be under strict reporting obligations. Such NGO-run services would bring a decisive added value in particular to the area of sexual violence, a form of violence for which the alarmingly low levels of reporting, despite the high prevalence rates,⁶⁴ offer a strong indicator that the threshold to access should be lowered to encourage women to report.⁶⁵ Likewise, the opening of women's shelters run by women's NGOs⁶⁶ would respond best to the needs of those women – and their children – who have not yet reached a decision as to whether they wish to report violence formally or turn to law-enforcement bodies.

62. GREVIO urges the authorities to:

- a. fully acknowledge and uphold the role of independent women's organisations as drivers of change and key partners in their fight to address the structural causes of gender inequality and violence against women;**
- b. provide an enabling and conducive environment allowing women's organisations representing all groups of women to thrive;**
- c. create a framework for ensuring regular, foreseeable and effective consultative processes which guarantee the role of women's NGOs – including in particular NGOs representing women subject to intersectional discrimination – in guiding policy development, as key to the design of successful policies;**
- d. support by all means the expansion of NGO-run specialist services in Turkey, such as women's centres and shelters, in particular by establishing suitable funding opportunities, such as grants based on transparent procurement procedures, and ensuring stable and sustainable funding levels for all NGOs working to support victims and prevent violence.**

⁶⁴ Prevalence rates of the various forms of violence are presented under Chapter V of this report.

⁶⁵ See further considerations regarding Article 25 on support for victims of sexual violence.

⁶⁶ See in this connection the recommendations on page 6 of the shadow report submitted by the Women and Democracy Association (KADEM).

D. Co-ordinating body (Article 10)

63. The Turkish authorities have vested the GDSW with being the co-ordinating body responsible for the co-ordination, implementation, monitoring and evaluation of policies and measures to combat violence against women, in accordance with the requirement set forth in Article 10 of the Istanbul Convention. As such, the GDSW is mandated to supervise the implementation of international conventions, including the Istanbul Convention, to make recommendations for specific action, to develop and implement the national action plans on combating violence against women, and to ensure the general co-ordination of action taken in this field.

64. Acting under the auspices of the MoFSP, the GDSW's mandate extends far beyond the issue of violence against women and encompasses the general advancement of women's rights, the prevention of discrimination against women and the co-ordination of social services for women, in co-operation with the Provincial Directorates of Family and Social Policies and the Social Service Centres. Its operations in the area of violence against women are centred on supporting the mechanisms designed to support and protect victims, namely the network of 73 Şönims established so far in pursuance of Law No. 6284,⁶⁷ the First-Step Stations, women's shelters and the ALO 183 Social Support Hotline. The GDSW also promotes awareness-raising campaigns and activities, in particular training courses, with the involvement of public institutions, NGOs, universities and international organisations.

65. The GDSW aims at ensuring an effective co-ordination of policies and measures to combat violence against women through the functioning and the findings of the Committee for Monitoring Violence against Women and the equivalent structures at the local level, namely the Provincial Commissions for Co-ordinating, Monitoring and Evaluating [measures to] Combat Violence against Women. These entities represent the main bodies entrusted with bringing together the relevant institutions and monitoring the measures in place. GREVIO was however apprised of civil society's concerns regarding the need to enhance the effectiveness of these bodies and the level of their funding.

66. Moreover, there appears to be room for improvement as regards co-operation of these structures and the GDSW with NGOs. Effectively, despite indications to the contrary given by the authorities, a number of NGOs deplore no longer enjoying effective channels of communication with the authorities.⁶⁸ GREVIO recalls that active co-operation with NGOs is an essential means towards fulfilling the requirement under the convention of a human rights-based approach to violence against women. In their role as representatives of victims' rights and interests in institutional and legal mechanisms to prevent and combat violence against women, women's organisations are best placed to lend their voice to victims and ensure that their rights are at the forefront of parties' responses to violence against women.

67. For the purposes of evaluating policies, GREVIO recalls that only robust administrative and population-based data enable an assessment of whether a particular policy or measure meets the needs of victims and fulfils its purpose and/or generates unintended consequences. At present, GDSW has the ability to collect and analyse data pertaining to the application of Law No. 6284. It has also sponsored important population-based qualitative and quantitative research.⁶⁹ However, in the apparent absence of administrative data

⁶⁷ The Şönims are Turkey's response to the requirement of interinstitutional co-operation and will be analysed in detail further on in this report.

⁶⁸ See page 21 of the shadow report endorsed by the Istanbul Convention Monitoring Platform.

⁶⁹ Measures taken in the area of data collection and research are analysed in detail further in this report in connection with Article 11 of the convention.

provided by other relevant sectors of government,⁷⁰ notably the justice sector, GDSW's grasp of the situation is limited and any global evaluation of policies necessarily impaired. Moreover, GREVIO stresses the importance of carrying out such evaluations in a transparent way, so that information is shared with all interested stakeholders contributing to the process.

68. In the light of the above, GREVIO welcomes the inclusion in the ongoing National Action Plan on Violence against Women (2016-20) of a target specifically aiming at improving the co-ordinated implementation and the evaluation of policies. The activities planned under this target are directed towards enhancing the performance of the aforementioned national and provincial bodies for monitoring violence against women, consolidating and further expanding co-operation protocols with relevant ministries and establishing an interinstitutional joint database.⁷¹ Having regard to the broad range of tasks for which the GDSW is already responsible, GREVIO considers that the allocation of further appropriate resources will be instrumental in allowing the attainment of this goal. It questions any approach which merely adds on the responsibilities of the co-ordinating body to the mandate of pre-existing bodies, with no adjustments to operational structures, staffing or funding. Such an approach does little to endow the co-ordinating body with the power and the ability to carry out its duties adequately.

69. GREVIO strongly encourages the Turkish authorities to:

- a. strengthen and broaden the role of the GDSW as the national co-ordinating body responsible for co-ordinating and implementing policies and measures to prevent and combat all forms of violence, and to equip it with the necessary powers, competences and human and financial resources to fulfil its mission;**
- b. set up separate bodies for monitoring and evaluating policies so as to ensure objectivity in their evaluation, in close consultation with parliament and civil society;**
- c. intensify the participation of civil society organisations, especially women's NGOs working to prevent violence and support victims, in the co-ordination and monitoring of policies, by involving them as members of the co-ordinating body and by institutionalising consultation and participation processes.**

E. Data collection and research (Article 11)

1. Administrative data collection

70. Article 11 requires the collection of disaggregated statistical data on cases of all forms of violence covered by the scope of the Istanbul Convention, and that prevalence studies and research be carried out. GREVIO recalls that the obligation to collect comprehensive data in a systematic manner and to carry out research as laid out in Article 11 of the Istanbul Convention is an essential prerequisite for the development of evidence-based and effective policies to prevent and combat all forms of violence against women, including domestic violence. GREVIO also recalls the important role that the national co-ordinating body required under Article 10 of the Istanbul Convention must play in the central co-ordination of the collection of such data, their analysis and dissemination.

⁷⁰ GREVIO notes that the only data provided in the state report are those related to the implementation of Law No. 6284.

⁷¹ See target 5, activities 5.1, 5.2 and 5.3 of the NAP on Combating Violence against Women (2016-2020).

71. GREVIO is aware that the requirements of Article 11 are particularly challenging for all parties and commends the initiatives the Turkish authorities are undertaking to improve their practices in this area, notably by relying on internationally recognised best practices. GREVIO welcomes the leading role the GDSW has taken in driving this process since the enactment of Law No. 6284, by centralising data on measures adopted in pursuance of this law. As the central piece of legislation adopted to implement the Istanbul Convention, data collection based on this law has progressed considerably, whereas adjustments to data-collection methods in other sectors, namely law enforcement and the judicial system, are still necessary to produce data complying with the standards of the Istanbul Convention. The concerned institutions have all shown commitment towards undergoing the necessary reform and are working in parallel to achieve greater data interconnectivity and comparability.

72. Pending these reforms, GREVIO regrets that the authorities did not seize the opportunity of the evaluation procedure for communicating available administrative data beyond that pertaining to the application of Law No. 6284.⁷² It understands and respects the authorities' view that releasing official data that might be contradictory is problematic, as much as it is a reflection of the tendency of each institution to collect data according to its own goals and area of responsibility. That being said, GREVIO emphasises that the lack of data has significantly impacted its ability to evaluate Turkey's implementation of the convention. In particular, GREVIO regrets not having received administrative judicial data on investigation, prosecution and sentencing of perpetrators of criminal offences punishable in line with the internal criminal legislation that fall within the scope of the convention. Such data are crucial for producing conviction rates and monitoring the implementation of legislation and developing efficient policies to eliminate forms of violence covered by the scope of the convention.

73. GREVIO voices its strong belief that the authorities would foster more constructive relations with civil society by answering its legitimate expectation to have access to available administrative data.⁷³ The authorities should acknowledge that the vacuum created by the lack of official data is a primary cause of the predominance of alternative sources of data which the authorities reject as inaccurate, if not biased.⁷⁴ In any event, GREVIO recalls that the interpretation of data is a delicate process and that until the authorities have reached the full capacity to produce standard and high-quality data over a number of years, caution is to be used in drawing out general trends. GREVIO notes in this respect that in many countries, sharp rises in the numbers of cases of violence against women have been recorded without it being possible to determine to what extent they reflect greater awareness and women's increased willingness to report, rather than an actual increase in prevalence.

74. Notwithstanding the foregoing, GREVIO welcomes the indication that the authorities are nearing the point where public disclosure of more data will be possible. With the aim of supporting the authorities' endeavours to this end, GREVIO hereafter submits a number of proposals to guide the future action of a select number of stakeholders.

⁷² See data on emergency barring and protection orders set out in Appendix 1 to the state report.

⁷³ Civil society organisations claim their denied or limited access to data is in violation of their right to access public information in compliance with the law on the right to be informed.

⁷⁴ See data on gender-based killings published by the press agency BIANET and the Femicide Watch Platform which are mentioned in relation to Article 5 (State obligations and due diligence).

a. Data collection by law-enforcement bodies and criminal courts

75. In Turkey, law-enforcement agencies are often the first institutions to which victims and their children turn in search for protection.⁷⁵ Law-enforcement bodies collect data using a standard form which has been in use since 2009 and serves at the same time as a tool for risk assessment. The form, which allows the uploading of data into the POL-NET system of the police and the Incidents Information system of the gendarmerie, categorises data in relation to the number of incidents of domestic violence and violence against women, the number of victims, the sex and age of both the victim and the perpetrator and the victim's relationship to the perpetrator, as well as the number and types of emergency barring and protection orders issued. In case of gender-based murders of women, data are furthermore classified by sex, age, residence of the victim and the type of relationship with the offender.⁷⁶ A protocol has recently been concluded between the Ministry of Interior and the MoFSP enabling the various agencies operating under the latter to have quicker access to information gathered by law-enforcement bodies, and hence to intervene more swiftly in support of victims.

76. Contrary to the statistics held by law-enforcement agencies that are not available to the public, those generated by the information system of criminal courts (UYAP) are published on the websites of the Ministry of Justice and the Turkish Statistical Institute (TÜİK). One of the greatest limitations of UYAP was that, until recently,⁷⁷ it contained only data related to the offence as per the relevant legal provision and the perpetrator, with no information on the victim and her relationship to the perpetrator. This made it impossible to isolate data related to violence against women. Moreover, a major drawback in the current set-up is the difficulty in assessing attrition rates, a key indicator for assessing the performance of the institutional response to violence against women. This situation also results from the lack of integration between POL-NET and UYAP, an issue the authorities indicated they were in the process of addressing. The ultimate goal of such an endeavour should be that the data from law-enforcement bodies and the judiciary can be combined to reconstruct the entire chain of criminal proceedings from the moment the complaint is filed to the delivery of the judgment. The challenge in bridging the two systems will consist in harmonising two different categorisation methods: one which allows tagging incidents of violence as "domestic violence" or "violence against a woman" irrespective of the provision of the Criminal Code under which they are recorded (POL-NET), and another where forms of violence against women are strictly recorded on the basis of the offence they are considered to represent (UYAP). Differences in categorisation are also cited by the authorities to explain their difficulty in producing data on gender-based killings of women. A standardisation exercise is under way involving the Ministry of Interior and the Ministry of Justice with the aim of developing a shared definition of this form of murder.⁷⁸ These differences in categorisation

⁷⁵ See the 2014 research on domestic violence (page 168): "Although the proportion of applications to institutions and individuals due to violence is very low, ... among the institutional applications, which are at 11 per cent, women most prevalently apply to the police (7 per cent)".

⁷⁶ The authorities informed GREVIO that law-enforcement units received applications from 142 360 women in 2014, 129 693 women in 2015 and 144 710 women in 2016. The numbers provided regarding emergency barring orders (or "immediate suspension from the communal residence or current location and assignment of the communal residence to those put under protection", according to the terminology of Law No. 6284) given by law-enforcement agencies are 100 513 in 2014, 91 934 in 2015 and 91 844 in 2016.

⁷⁷ During the evaluation procedure, GREVIO was informed that, as of April 2017, initial steps have been taken to introduce victim-related data to UYAP, following the practices in use within law-enforcement bodies.

⁷⁸ In her report on violence against women, its causes and consequences, the former UN Rapporteur on Violence against Women (R. Manjoo, 2012; A/HRC/20/16) highlighted that different forms (manifestations) of gender-based killings/femicide include killings as a result of intimate-partner violence, sorcery/witchcraft-related killings, honour-related killings, armed conflict-related killings, dowry-related killings, gender identity- and sexual

raise the question as to whether a first necessary step to be taken by law-enforcement agencies and the judiciary would be to harmonise legal definitions of crimes with legal definitions of criminal offences established by the Istanbul Convention.

77. The absence of data from criminal courts also extends to the outcome of judicial processes, meaning that, regrettably, GREVIO was not in a position to verify to what extent the rather severe punishments provided for in the law were applied by courts. In developing their ability to collect data regarding criminal sanctions, it will be of the utmost importance that the authorities closely monitor any reduction of sentences granted on account of motives such as “unjust provocation” or “good conduct of perpetrators”.⁷⁹

78. GREVIO urges the Turkish authorities to:

- a. make the gendered nature of all forms of violence that are criminalised in line with the Istanbul Convention visible in crime statistics by using compulsory disaggregation by sex and age of a victim, sex and age of a perpetrator, type of violence and geographical location, and collect data on all three of the following: number of victims, number of events (crimes or incidents) and number of perpetrators;**
- b. develop data categories detailing the type of relationship between perpetrator and victim for all criminally sanctioned forms of violence against women that would enable, for example, cases of intimate-partner violence against women to be isolated from other forms of domestic violence incidents;**
- c. ensure that these and any other data categories in use, including the type of violence and location where the offence is committed, are harmonised with legal definitions of criminal offences in the Istanbul Convention and across the various sectors;**
- d. conduct studies on prosecution and conviction rates for all forms of violence against women covered by the Istanbul Convention and make public the results of such studies;**
- e. conduct publicly available annual studies on cases of gender-based killings of women, which would serve as input data for analysis aimed at assessing possible systemic gaps in the institutional responses to violence, as recommended elsewhere in this report, notably with respect to the obligation of due diligence;**
- f. collect and publish data on the number of criminal and other sanctions imposed on the perpetrators of all forms of violence against women, with an indication of the type of sanctions imposed (for example, imprisonment, fine, court-ordered participation in perpetrator programmes, restriction of liberty or deprivation of liberty) and, where appropriate, of their suspended execution, their reduction for any motive and average length of sanctions.**

orientation-related killings, and ethnic- and indigenous identity-related killings. The resolution adopted by the UN General Assembly in 2015 (A/RES/70/176) urges states to reduce the risk of gender-related killings of girls and women through early intervention and risk assessment, as well as by exercising due diligence to prevent, investigate, prosecute and punish it. The resolution also encourages states to collect, disaggregate, analyse and report data on this phenomenon and, wherever possible, to involve civil society, academia and victims' representatives in this process.

⁷⁹ See considerations developed further in this report with respect to Article 42 regarding unacceptable justifications for crimes.

b. Data related to Law No. 6284

79. In areas where they are operational, Şönims, shelters and first-step stations collect data regarding the number of women and children to whom support was given.⁸⁰ Of particular relevance are the data regarding the number and types of measures taken in pursuance of Law No. 6284, which are collected in a data system shared by the Ministry of Justice and the MoFSP.⁸¹ Thus, the authorities provided GREVIO with exact numbers regarding emergency barring, and restraining and protection orders, whether issued by law-enforcement bodies or ordered by a court; decisions to provide shelter, temporary financial aid, day-care aid or counselling services; decisions regulating custody, alimony and visiting rights; injunctions to attend perpetrator programmes; and preventive imprisonment of domestic violence offenders who violate emergency, restraining or protection orders.⁸²

80. GREVIO welcomes the possession of robust data on emergency, restraining and protection orders, which is crucial to monitoring their implementation and ensuring their enforcement. Data are moreover available on the number of court decisions imposing preventive imprisonment in cases of violation of these orders. GREVIO notes how instrumental such data are to ground any thorough analysis of the system's failure to protect women in cases where women suffer repeated violence or are killed despite being under an emergency, restraining or protection order.⁸³ GREVIO regrets not being informed about the number of such cases, a figure which the system in place – as it has been described to GREVIO – should have been able to produce with relative ease.

81. GREVIO urges the Turkish authorities to ensure data are collected and published regarding the breaches of emergency barring, restraining and protection orders, the number of sanctions imposed as a result of such breaches and the cases where the woman was revictimised or murdered as a consequence. Such steps would allow the Turkish authorities to assess the effectiveness of the system governing the enforcement of emergency barring, restraining and protection orders. GREVIO strongly encourages the Turkish authorities to engage in such an assessment and to identify possible avenues for policy improvement. More detailed suggestions/proposals related to data collection on emergency barring and protection orders are developed further in this report in the section dealing with Articles 52 and 53 of the Istanbul Convention.

c. Data on civil lawsuits and other remedies

82. With the notable exception of data regarding emergency barring, restraining and protection orders, Turkey's report to GREVIO did not contain any of the data requested in its questionnaire.⁸⁴ No data are provided regarding compensation from perpetrators and state compensation when the offence committed involved sustained serious bodily injury or impairment of health.⁸⁵ Data are equally missing on the number of legal remedies applied, and their outcome, in cases where public officials have failed to comply with their duties.

⁸⁰ According to this data, Şönims offered services to a total of 125 581 people including 91 156 women and 27 224 children between 2012 and 2016. Women's shelters and first-step stations provided services to 27 761 people comprising 18 562 women and 9 199 accompanied children in 2015, and 47 568 people comprising 29 612 women and 17 956 accompanied children in 2016. Efforts are ongoing to exchange and merge data on services provided by these institutions, via the Women Module of the Family Information System.

⁸¹ The 6284 Decision Monitoring System, linking all 81 Provincial Directorates and 73 Şönims.

⁸² Data pertaining to the years 2014, 2015 and 2016 were provided in Appendix I to the state report.

⁸³ The authorities' ongoing efforts to prevent violence-related deaths of women are discussed in relation to Article 5 of the Istanbul Convention (State obligations and due diligence).

⁸⁴ See questions raised under Chapter V, paragraph D, of GREVIO's questionnaire.

⁸⁵ Turkey did not enter a reservation to paragraph 2 of Article 30 regarding state compensation.

83. GREVIO encourages the Turkish authorities to ensure data are collected and published regarding the number of remedies applied for and granted against state authorities; the number of compensation claims from perpetrators and the number of women victims who obtained such compensation; the number of applications for state compensation and the number of women victims who were awarded state compensation.

d. Data collected by health professionals

84. Healthcare professionals in Turkey receive training allowing them to recognise and detect signs of violence⁸⁶ and requiring that they record cases of violence against women by using the 10th revision of the International Statistical Classification of Diseases and Related Health Problems (ICD 10 Codes), developed by the World Health Organization. They are under an obligation to report any recognised or suspected case of violence, and face criminal liability in case of any failure to report it. GREVIO welcomes the authorities' ongoing initiatives to develop an infrastructure for systematic data collection in the health sector, and to improve the capacities of healthcare professionals, including general practitioners and emergency services, to identify and record cases of violence. It also stresses the importance of current efforts to train all personnel in primary health-care, while recognising that such endeavour is both necessary and costly, having in mind the size of the country.

85. According to the statistics held by the Ministry of Health, there were 20 895 such cases in 2015 and 1 094 in 2016. The sharp decrease in the number of recorded cases would require identifying the reasons for this phenomenon. Moreover, GREVIO notes that these data do not appear to comprise statistics on violence affecting girls, such as data kept by Child Protection Centres in cases of sexual assault against minors⁸⁷ or the numbers of sexual assaults involving minors recorded in obstetrics wards in cases of child delivery.

86. GREVIO strongly encourages the Turkish authorities to systematise data collection regarding cases of violence against women in the health-care sector, including by appropriate training, and to ensure that such data also cover cases of violence against girls. The authorities should moreover assess and if need be, address the reasons behind the decrease in recorded cases of violence.

e. Centralised data collection

87. Ongoing efforts to harmonise state agencies' practices in data collection are driven by the overarching objective of establishing a single interinstitutional database, based on the use of each individual's personal identification number. While recognising the potential of such an initiative in terms of providing an overall picture and allowing cross-analysis, GREVIO strongly cautions against the risk of widely available personal data being mishandled, unless appropriate safeguards are put in place. In adopting such safeguards, the authorities might wish to draw inspiration from best practices developed internationally based on the principles that unauthorised access to such data would not be possible, that all participating agencies would follow clearly defined protocols regulating procedures for data sharing, that full anonymity would be granted to persons whose personal data were registered, and that individuals would not be identifiable in data available to the public.

⁸⁶ Further considerations regarding training for health-care professionals are developed in relation to Article 15 of the Istanbul Convention (Training of professionals).

⁸⁷ The Child Protection Centre in Malatya visited by GREVIO had registered 144 cases of sexual assault from January to November 2017, roughly two thirds of which involved a child marriage.

88. GREVIO strongly encourages the Turkish authorities to ensure that the process of collecting, storing and transforming collected data complies with standards on data protection, as contained in the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, and with recognised best practices, to ensure confidentiality and respect for the privacy of victims, perpetrators and other persons involved.

2. Population-based surveys

89. The authorities have been conducting regular demographic and health surveys every five years since 1963. The last survey was carried out in 2013.⁸⁸ Besides providing information on such topics as fertility levels, infant and child mortality, family planning and maternal and child health, the survey addresses a series of factors impacting women's conditions including women's attitudes towards gender roles and their exposure to physical violence and controlling behaviours. Considering the exclusive focus of these surveys on domestic violence, the authorities should envisage expanding their scope to cover other forms of violence such as forced marriages or crimes in the name of "honour". Surveys could furthermore help the authorities in understanding the reasons behind the very low rate of reporting by victims (only 11%, as revealed in the 2014 research on domestic violence).

90. GREVIO encourages the Turkish authorities to carry out surveys on all forms of violence against women, bearing in mind that surveys should be conducted using methods that allow women to feel safe and free to disclose incidents of violence.

3. Research

91. In 2008⁸⁹ and in 2014,⁹⁰ the authorities supported two extensive research projects on domestic violence. These studies were carried out by the Hacettepe University and the Turkish Institute of Population Studies, based on qualitative and quantitative methods. The findings of the 2014 research relate to physical, sexual, economic and psychological violence, as well as stalking. They offer interesting insights into the barriers preventing women from exercising their right to education and participating in the labour market. Although the 2014 study focuses mainly on violence inflicted on women by their present or past husband/fiancée/partner/boyfriend, it also develops prevalence data regarding other forms of violence against women, such as forced marriage, and elaborates on the links between early marriages and violence. The research explores men's attitudes towards violence against women, women's coping strategies and their views on available institutional mechanisms of support and protection. The research further examines the implementation of Law No. 6284 and in particular the functioning of the recently established Şönims. It sets out a series of recommendations for policy makers, including proposals for further research. The authorities have taken on board a number of these proposals: three activities under the ongoing National Action Plan on Violence against Women (2016-20) aim at pursuing research on men's perception of violence, fatal cases of violence against women, suspicious suicides of women and killings committed in the name of custom and "honour".

92. GREVIO commends the foregoing initiatives which could be repeated and further developed to cover relatively unexplored themes such as sexual violence, forced marriages⁹¹

⁸⁸ See www.hips.hacettepe.edu.tr/eng/TDHS_2013_main.report.pdf.

⁸⁹ See www.hips.hacettepe.edu.tr/eng/dokumanlar/2008-TDVAW_Main_Report.pdf.

⁹⁰ See http://tkaa2014.kadininstatusu.gov.tr/upload/Node/17982/files/TKAA_2014_Main_Report.pdf.

⁹¹ GREVIO was informed that the authorities are planning to conduct surveys and collect data on forced marriages within the framework of the Strategy Paper and Action Plan to Combat Forced and Early Marriages (2018-23).

and violence which affects women subject to intersectional discrimination. The women's studies centres, which, according to the state report, are operational in 58 universities across Turkey, could be supported and encouraged by the authorities to contribute their knowledge in these areas, with the aim of providing a solid evidence basis for the formulation of policies for preventing and combating violence which affect all women in Turkey.

93. GREVIO encourages the Turkish authorities to:

- a. carry out research on forms of violence against women, including sexual violence and forced marriage and other forms of violence against women not previously covered;**
- b. assess incidence, reporting and conviction rates and analyse their causes;**
- c. continue to evaluate existing policies and legislative measures and to assign research to assess their level of implementation and efficiency, taking into consideration victims' views and levels of satisfaction.**

III. Prevention

94. This chapter contains a number of general and more specific obligations in the area of prevention. These include early preventive measures such as changing social and cultural patterns of behaviour of women and men, eradicating prejudices and gender stereotypes, and measures to involve all of society, including men and boys, in achieving gender equality and prevention of violence against women. It also includes more specific preventive measures such as awareness raising and campaigning, ensuring the adequate training of all professionals, education in schools and other settings, and, last but not least, measures such as perpetrator programmes to prevent further victimisation.

A. General obligations (Article 12)

95. Article 12 delineates the fundamental foundations of the parties' duty to prevent violence against women. These include the parties' determination to promote changes in the social and cultural patterns of behaviour of women and men with a view to eradicating prejudices, customs, traditions and all other practices which are based on the idea of the inferiority of women or on stereotyped roles for women and men. Moreover, flowing from the premise that violence against women is a cause as much as a consequence of gender inequality, Article 12 requires further that parties adopt specific measures to empower women and to achieve greater gender equality in order to reduce women's vulnerability to violence.

96. GREVIO notes with satisfaction that amid efforts to promote equality between women and men, the authorities have placed a specific emphasis on the need to develop measures to facilitate women's participation in the labour market. GREVIO welcomes the adoption of Turkey's first National Action Plan on Women's Employment for the period 2016-2018,⁹² which is firmly grounded on the objective of attaining greater gender equality. Measures to increase women's participation in decision-making processes and to enhance women's education and employment are also envisaged in Turkey's 10th Development Plan,⁹³ a central policy document setting out a road map to support the country's social and economic growth for the period 2014-2018.

97. GREVIO notes the parallel tendency in current policies in Turkey to focus strongly on strengthening the institution of family. Within the 10th Development Plan, this aim is supported by specific targets including the reduction of the divorce ratio, and the increase in the marriage ratio and in women's fertility rates. GREVIO further notes that in devising such policies, women's rights and equality between women and men tend to be subsumed in family issues and to be construed as part of a unique objective.⁹⁴ While there are undoubtedly issues which require examining women's needs within their families, such as supporting women to join or regain access to the work market after giving birth, GREVIO warns against promoting policies which look at women exclusively through the prism of marriage and motherhood or which channel a preferred societal model of a woman as a married fertile woman.⁹⁵ Doing so would defeat Turkey's efforts to uproot enduring discriminatory stereotypes concerning the roles and responsibilities of women and men in the

⁹² See www.ilo.org/ankara/news/WCMS_484714/lang--en/index.htm.

⁹³ [www.mod.gov.tr/Lists/RecentPublications/Attachments/75/The%20Tenth%20Development%20Plan%20\(2014-2018\).pdf](http://www.mod.gov.tr/Lists/RecentPublications/Attachments/75/The%20Tenth%20Development%20Plan%20(2014-2018).pdf).

⁹⁴ See objective 2.1.7 of Turkey's 10th Development Plan.

⁹⁵ See the section "Denial of women's rights" by Deniz Kandiyoti in the online BBC report of 4 March 2015 "Is life getting worse for women in Erdogan's Turkey?".

family and in society. It would furthermore undermine the country's endeavours to enhance women's rights and equality, social status, autonomy, educational opportunities, equal participation in politics and public life, as well as in the labour market, and ultimately, work against Turkey's efforts to effectively prevent violence against women.

98. GREVIO welcomes the indication that the authorities have devised a Strategy Paper and Action Plan on Women's Empowerment to be implemented between 2018 and 2023. In addressing its priority areas of education, the economy, health, participation in decision making, the media and immigration, such a plan should be strongly anchored in a gender equality perspective which challenges stereotyped views on women and men. More generally, Turkey's efforts to promote empowerment should aim at ensuring that women and girls are supported, encouraged and empowered to exercise their right to gender equality and freedom from violence.

99. GREVIO urges the Turkish authorities to promote programmes and activities for the empowerment of women and girls by countering discriminatory stereotypes, as a means of upholding their right to live a life free of violence. To this end, the authorities should encourage and support the setting up of local women's and girls' centres working to empower women and girls in all communities, in particular in those communities, such as rural communities, where prevailing patriarchal attitudes pose a considerable challenge to gender equality.

100. Recognising the potential of involving men and boys in efforts to prevent violence against women by changing attitudes towards gender roles, stereotypes and accepted behaviour, Article 12, paragraph 4 requires parties to encourage all members of society, but particularly men and boys, to play an active part in preventing violence against women. GREVIO has found limited evidence of such an approach in Turkey. It welcomes the inclusion in the ongoing National Action Plan on Violence against Women of activities specifically targeting men and boys and aiming, *inter alia*, at challenging their stereotyped notion of "manhood".

101. GREVIO invites the Turkish authorities to actively engage men and boys, alongside women and girls, as actors of change to promote women's equality and prevent gender-based violence against women.

B. Awareness raising (Article 13)

102. GREVIO takes positive note of the various campaigns and activities listed in the state report aiming at creating awareness around the issue of violence against women.⁹⁶ Several state agencies, including in particular the MoFSP, the Ministry of Justice, the Presidency of Religious Affairs and the former Human Rights and Equality Institution of Turkey, have been active in promoting campaigns, publications, conferences, workshops and public announcements to promote a message of zero tolerance towards violence against women. GREVIO further commends the authorities' decision to keep awareness raising as a priority of their political agenda, by including in their ongoing National Action Plan on Violence against Women the target to "[r]aise public awareness, increase sensitivity and achieve mental transformation on gender equality, violence against women and domestic violence in order to eliminate attitudes and behaviours that generate and reinforce violence against women".

⁹⁶ See pages 16 to 19 of the state report.

103. GREVIO notes that despite these efforts, deep-seated, restrictive views of women's roles continue to pervade Turkish society and foment violence against women. Qualitative research shows that for many men in Turkey domestic violence is considered a part of marital life and a means to fulfil their "duty to discipline women", leading to violence being tolerated by relatives and the immediate social surroundings of the victim. "Honour" continues to be branded as a justification for extreme forms of violence, including murder, in cases of real or perceived marital infidelity and for other real or perceived transgressions of women's roles. Women are frequently blamed for causing violence because of their "disobedience". Interviews conducted in the frame of the aforementioned research with men convicted of injuring or murdering their wives confirm that men generally do not believe they themselves deserve their punishment and blame their wives for it, alleging such reasons as women persisting in a behaviour of which they disapproved or not being a "good wife" or "good mother". Men's inability to accept women taking their destiny in their own hands, for example when they apply for a divorce, ranks among the first reasons invoked to justify gender-based killings of women.⁹⁷ Patriarchal and controlling attitudes towards women extend to the public sphere, where, for example, men have been reported to employ physical violence against women because of their dress styles, seemingly with impunity and/or being publicly condoned.

104. Stereotypical views of women equally permeate the ranks of civil servants and prominent political leaders, signifying that the mindsets of those responsible for upholding and implementing laws to protect women have not changed at the same pace as legislation. Prevalence data indicate that in nearly one third of cases, victims' applications to law-enforcement bodies result in reconciliation with their violent partner.⁹⁸ This offers a strong indicator that law-enforcement representatives continue to harbour the notion that domestic violence is a "private matter" to be settled within the couple, even if it entails sending victims back to their abusive partners. Despite the firm stance taken by the Turkish legislator in abolishing sentence reductions for reasons related to "honour", a number of judges resort to legal loopholes to hand down lighter sentences, thus conveying the notion that violence is in part justified by a woman's behaviour.⁹⁹ Harmful public statements questioning the legitimacy of the state's response to violence against women or blaming victims have been aired by statesmen and leading public personalities, amounting in some instances to hate speech.¹⁰⁰ Their influence as opinion shapers is particularly disquieting. In GREVIO's view, the authorities should forcefully rebuke such statements, for instance when intervening in judicial proceedings in support of victims.

105. GREVIO recalls that it is only through active collaboration with all stakeholders, in particular women's NGOs, that the authorities can achieve the goal set in Article 13 of the Istanbul Convention of increasing awareness and understanding among the general public regarding violence against women. Besides co-operating with civil society, the authorities should further acknowledge and support women's NGOs' historical role in campaigning for greater gender equality and on the prevention of the different forms of violence against women. GREVIO notes, however, that the recent spate of repressive measures targeting freedom of expression has had a chilling effect on the work of a number of women's rights NGOs. As a result, less face-to-face campaigning through the dissemination of leaflets and information material is being done and certain NGOs now favour electronic campaigning

⁹⁷ See page 86 of the publication "Femicide is preventable", produced by Filmmor Women's Cooperative within the framework of the EU funded project in Turkey "Let's Stop Women Killings" which was carried out between 1 May 2014 and 30 May 2016.

⁹⁸ See Table 7.11 of the 2014 research on domestic violence.

⁹⁹ This issue is dealt with more extensively with respect to Article 42 of the Istanbul Convention on unacceptable justifications for crimes, including crimes committed in the name of so-called "honour".

¹⁰⁰ See paragraph 36 of ECRI's report on Turkey (fifth monitoring cycle), October 2016.

through social networks as the safer option, which presents limitations to the segments of society they may reach.

106. GREVIO strongly encourages the Turkish authorities to:

- a. develop regular awareness-raising campaigns on the different manifestations of all forms of violence covered by the scope of the Istanbul Convention, their consequences for children and the need to prevent such violence;**
- b. ensure such campaigns focus on delivering specific prevention messages to specific groups in society to dispel myths, stimulate debate and change societal attitudes to address the culture of victim blaming and the notion of women's obedience to men, among other things;**
- c. involve actively all women's NGOs in the design and implementation of such campaigns and foster a societal climate which supports women's NGOs' activities in this field.**

C. Education (Article 14)

107. GREVIO appreciates the many initiatives taken by the Turkish authorities to comply with the requirements of Article 14 that pupils at all levels of education should receive teaching on issues such as equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, gender-based violence against women and the right to personal integrity. The Regulation on Textbooks and Educational Materials adopted in 2012 laid the foundations for the work of the Education Board in charge of screening and authorising the use of schoolbooks in formal and non-formal educational institutions. Criteria for monitoring teaching material are the respect for human rights and fundamental freedoms, non-discriminatory approaches, balanced representation of gender and the depiction of non-stereotyped roles for women and men. Gender equality and the principle of mutual respect have been carefully interwoven into the teaching programmes in primary and secondary education. Gender roles and gender stereotypes are a mandatory component of teachers' professional paths. Based on the co-operation protocol signed by the MoFSP with the Council of Higher Education, gender equality training is offered to students of medical faculties and health colleges. A guidance document on gender equality attitudes requires all higher education institutions to increase awareness of students, staff members and academics of gender equality, to mainstream gender equality in organisational activities, to establish secure campuses and to open elective courses on gender equality.

108. GREVIO further welcomes the results achieved with the ambitious Technical Assistance Project for Promoting Gender Equality in Education,¹⁰¹ which aimed at encouraging educators to adopt a gender-sensitive approach and language in order to end the reinforcement of traditionally held gender roles in society. The authorities should make every effort to build on the output of this project to promote a gender-responsive approach throughout Turkey's education sector.

109. The above efforts have enabled marked progress in keeping gender bias out of schools. Nevertheless, recent research¹⁰² demonstrates that many textbooks are still written with an underlying mentality of preparing men and women for patriarchal and unequal gender

¹⁰¹ See <http://etcep.meb.gov.tr/>.

¹⁰² See "Textbooks pave the way to sustainable development", Global Education Monitoring Report, December 2016.

roles. This has led to expressions of concern from various human rights bodies.¹⁰³ Moreover, in the face of the growing share of private schools in Turkey,¹⁰⁴ the authorities should be extremely vigilant in preventing the progress achieved so far from being eroded, if not overturned, by approaches calling for a traditional distribution of roles between women and men. This would require not only refuting teachings which convey the idea of women's inferiority but, furthermore, not tolerating educational practices which discriminate against girls, such as the segregation of girls and boys in classrooms.

110. Paragraph 2 of Article 14 extends the obligation to promote the principles of equality between women and men, non-stereotyped gender roles, mutual respect and non-violent conflict resolution in interpersonal relationships in all non-formal educational facilities and in any sports, cultural and leisure facilities, as well as in the media. Non-formal educational facilities comprise any organised educational activity outside formal systems, such as community or religious education facilities, family education programmes, and any other type of educational activity offered by community groups and other organisations which contributes to the lifelong process of learning from everyday experience. In pursuing this goal, the authorities should lend their support to NGOs active in this field.

111. GREVIO encourages the Turkish authorities to:

- a. pursue their efforts to promote a gender-sensitive approach in education, in particular by ensuring that teaching material in all public and private schools and in all teaching programmes does not convey stereotyped narratives regarding the roles of women and men;**
- b. closely monitor how teachers make use of the existing teaching materials and how they approach issues related to gender equality and violence against women;**
- c. take measures to promote the principles of equality between women and men, non-stereotyped gender roles, mutual respect and non-violent conflict resolution in interpersonal relationships in all non-formal educational facilities, as well as in any sports, cultural and leisure facilities, and support NGOs' initiatives in this area.**

D. Training of professionals (Article 15)

112. The standard set by the convention in its Article 15 is that of systematic initial and in-service training of the relevant professionals who deal with victims or perpetrators of all acts of violence against women. The training that is required must cover the prevention and detection of such violence, equality between women and men, the needs and rights of victims and the prevention of secondary victimisation. The questionnaire drawn up by GREVIO lists, in the table appended to it, the professional groups which GREVIO considers to be in need of such training.

113. The information and data provided by the Turkish state report in reply to GREVIO's questionnaire¹⁰⁵ illustrate the laudable efforts expended to train professionals dealing with victims, particularly since the enactment of Law No. 6284, which rendered training obligatory.¹⁰⁶ The co-ordinating body has a leading role in ensuring the effective

¹⁰³ See, *inter alia*, paragraph 43(a) of CEDAW's Concluding Observations on Turkey's seventh period report.

¹⁰⁴ See Education Monitoring Report 2015-2016, Education Reform Initiative (ERG).

¹⁰⁵ See pages 20 to 24 of the state report.

¹⁰⁶ See Article 16, paragraph 5 of Law No. 6284.

implementation of this provision. It is responsible for delivering regular in-service training on gender equality and violence against women to state employees, including staff of the Şöנים, and university students. It is also to be credited for concluding a number of protocols which aim at guaranteeing the sustainability of training provided to the personnel of key line ministries and state agencies, including the Council of Higher Education, the Presidency of Religious Affairs, the Ministry of Health, the Ministry of National Defense, the Ministry of Interior and the General Command of Gendarmerie. Training is furthermore supported by a number of guidelines, aiming at both pre-vocational and in-service training. Figures on the numbers of professionals having benefited from mandatory in-service training were provided in Appendix I to the state report.

114. Those representatives of law-enforcement bodies whom GREVIO met have all demonstrated a good command of the applicable regulations with a clear grasp of Law No. 6284 and the corresponding procedures. Based on information provided by the authorities, gendarmerie personnel posted in the 81 provinces of the country and 250 000 police officers, both existing staff and candidates, have received training on this new legislation, which is also intended to include elements of understanding of gender equality. Senior officials met during the visit stressed the importance of the training and its positive impact to eliminate outdated practices.

115. The health sector is another area in which GREVIO has noted the development by the Turkish Public Institution of high-quality training, complying with the requirements of the Istanbul Convention. Training modules incorporate the important principles of a victim-centred and human rights-based approach, gender equality, provision of the best care possible in the short and long term, and prevention of secondary victimisation. Forensic reporting, including in cases of sexual violence, risk assessment and multi-agency co-operation are also dealt with for primary and secondary health-care professionals and emergency services.

116. The outcome of any training on violence against women depends ultimately on its ability to change mindsets and alter behaviour. GREVIO acknowledges that to achieve attitudinal change is a very lengthy process. It commends systematic approaches which address professionals' own sexist and patriarchal mentalities. Resistance to change can also derive from professionals' perception of their institutional role. For instance, GREVIO has noted that one interpretation of Law No. 6284 as a means to keep families together rather than an instrument to protect victims of domestic violence can at times prevent family courts in Turkey from making full use of the possibilities afforded by the law.¹⁰⁷ The matter needs to be properly framed in training so that professionals do not consider preventing violence against women as secondary to any other considerations.

117. GREVIO notes further that resistance to change might lead to training being "adapted" to local realities and cultures, in particular as regards the principle of gender equality. While it is essential that training expressly addresses the core values, beliefs and perceptions of audiences, it should not detract from the fundamental message in the Istanbul Convention that gender inequality and the mindsets that perpetuate it are the main cause of violence against women.

118. GREVIO recalls that the effectiveness of training depends to a large extent on leadership, supervision and accountability. In institutions where senior leading officers are responsible for implementing new practices advocated in training, the likelihood of success increases exponentially. During its evaluation visit to Turkey, GREVIO acknowledges having

¹⁰⁷ See considerations developed further in this report under Chapter VI.

met a number of state officials whose knowledge and dedication were impressive to the point of inspiration. A subset and important element of leadership is supervision. Senior leaders must ensure that those they lead are aware of the importance of implementation in practice. With responsibility and accountability comes focus and drive, which permeates to those individuals who deliver in practice. For example, GREVIO takes positive note of the practice of the gendarmerie command of sampling records to examine both the response and the actions of frontline officers following reports of violence. Such good practices could be further developed, notably by adding an element of independence which would add to the credibility of the process, and generalised to other institutions. This is an element which the authorities might wish to incorporate in their ongoing efforts, under the National Action Plan on Violence against Women, namely to perform an impact analysis of training programmes on violence against women.¹⁰⁸

119. Furthermore, a number of factors that commonly decrease the effectiveness of training are relevant to the situation in Turkey. These include a frequent turnover of staff, lack of mechanisms guaranteeing the continuity of training and the absence of monitoring procedures to assess the outcome of training.¹⁰⁹ Based on best practices observed internationally, GREVIO submits that the authorities could considerably increase the odds of overcoming these challenges and maximise the impact of their training by drawing from the expertise of experienced women's NGOs. The need to increase the numbers of available specialist and/or trained staff is addressed further in this report, in the section dealing with protection and support (Chapter IV).

120. With a view to endowing professionals with the necessary knowledge and skills and to achieving the change in attitudes called for in the Istanbul Convention, GREVIO strongly encourages the Turkish authorities to:

- a. **ensure that all professionals concerned benefit from the foreseen compulsory initial training, covering all forms of violence against women including domestic violence;**
- b. **ensure on a continuous and regular basis in-service training on all forms of violence against women for all professionals concerned, based on up-to-date and clear protocols and guidelines that set out the standards staff are expected to follow in their respective fields;**
- c. **ensure that training addresses any resistance from professionals and relies on the principle of gender equality, as the leading concept for preventing and combating violence against women, and the ensuing need to deconstruct sexist stereotypes;**
- d. **embed their training efforts in a culture that fosters leadership, supervision and accountability;**
- e. **involve the expertise of women's NGOs in designing and implementing training.**

121. Staff dealing with women asylum seekers and refugees, including case workers and interpreters, seem to receive very little training on the subject as required by Article 15. The lack of training is reflected at different levels of the procedure and this may undermine the quality of decisions taken in relation to women asylum seekers and of services delivered. This is discussed in more detail in Chapter VII.

122. GREVIO strongly encourages the Turkish authorities to introduce systematic and mandatory in-service training on all forms of violence covered by the Istanbul

¹⁰⁸ See Activity 2.7 of the 3rd National Action Plan on Combating Violence against Women (2016-2020).

¹⁰⁹ See page 27 of the shadow report endorsed by the Istanbul Convention Monitoring Platform.

Convention for case workers, decision makers and interpreters dealing with asylum seekers, migrants and refugees, including temporary refugees.

E. Preventive intervention and treatment programmes (Article 16)

1. Programmes for perpetrators of domestic violence

123. In pursuance of Article 28 of the Implementing Regulation of Law No. 6284, participation in preventive intervention programmes is one of the court-ordered measures that family judges can impose upon domestic violence perpetrators. Such programmes are hospital-based and are carried out under the terms of a co-operation protocol between the MoFSP and the Ministry of Health, and have led to the establishment of “emergency psycho-social support centres” in hospitals. Health-care professionals are under the obligation to report any failure to attend the programme, which exposes the perpetrator to criminal proceedings. Şönims have a co-ordinating role in the implementation of preventive intervention programmes. They refer perpetrators to the dedicated support centres, monitor their implementation and liaise with the victim who is kept informed of the perpetrator’s attendance. Until now, preventive intervention programmes have been available within the limited scope of a pilot project carried out by the Şönim of Ankara in co-operation with the Social Work Department of the Hacettepe University.

124. Based on available information, GREVIO finds that in Turkey preventive intervention programmes for domestic violence offenders revolve mainly around the principles of anger management and self-control, whereas their primary focus should be on the need for perpetrators to take responsibility for their actions and question their attitudes and beliefs towards women. Courts and health-care institutions mandated to decide on these measures and their implementation tend to equate them to medical treatment for psychological disorders or problems of addiction. This approach overlooks the fact that violent behaviour is not an illness and is first and foremost anti-social and criminal behaviour. While some perpetrators might also have mental health problems in the medical sense, and therefore need medical treatment, the majority of violent men are not psychiatric cases. This raises the question of whether health centres offer the proper setting to work with perpetrators of violence and whether health-care professionals are the right professionals to handle their preventive intervention programmes. Moreover, during the evaluation procedure, GREVIO was apprised of the difficulties faced by health centres in coping with the responsibility of dealing with perpetrators, which they do not view as their core business and which aggravates their already heavy workload of delivering health services to patients.

125. GREVIO further notes that preventive intervention programmes tend to be part of a wider package of services, including education and vocational courses, designed to rehabilitate men. The authorities should be cautious not to devise programmes which focus predominantly on men’s well-being and, in so doing, fail to challenge men’s perception of violence against women and to address its underlying gender and power dynamics. For the same reasons, the plan reported in BIANET’s shadow report to establish a centre for perpetrators under emergency barring orders, where they would receive anger management training together with access to sports facilities, life coaches and psychological support to ease their condition, cannot be seen to respond to the requirements of Article 16 of the convention.¹¹⁰

¹¹⁰ See paragraph 29 of the shadow report of BIANET (Independent Communication Network).

126. Figures provided by the authorities show that only a small fraction of domestic violence offenders are referred to treatment programmes. Moreover, the low number of domestic violence offenders who follow treatment programmes out of the total number of court orders enjoining their participation would indicate that more than 85% of offenders refuse or otherwise fail to attend them.¹¹¹ Data provided in the state report regarding the numbers of imprisonment terms delivered as a consequence of the violation of any measure taken under Law No. 6284 clearly indicate that failure to attend treatment programmes is not systematically sanctioned, contrary to what is foreseen in the law.¹¹²

127. Mandatory treatment programmes are also organised for convicts serving a prison term or on probation. However, such programmes serve offenders from different criminal backgrounds and are not specifically tailored to meet the needs of perpetrators of domestic violence and violence against women. Furthermore, based on data provided by the authorities regarding the number of sessions offered and the rate of participation,¹¹³ it would appear that such programmes also concentrate predominantly on anger control and the treatment of addictions.

128. In light of the above, GREVIO finds that the authorities should do more to develop preventive intervention and treatment programmes that are more widely available to domestic violence offenders, including on the basis of self-referral. To comply with Article 16 of the Istanbul Convention, GREVIO points to the urgent need to set up adequate perpetrator programmes that incorporate the core elements set out in the Explanatory Report to Article 16 of the Istanbul Convention.¹¹⁴ Among these is the need to ensure any such programmes co-operate closely with women's support services, law-enforcement agencies, the judiciary, probation services and child protection and social welfare offices. To avoid giving victims a false sense of security, priority consideration must be given to the needs and safety of victims, including their human rights. The authorities should also reconsider their choice to give the health sector the prime responsibility for conducting preventive intervention programmes in pursuance of Law No. 6284. A stronger role should be given to social workers in probation services and men's centres. Programmes for convicted perpetrators should be established, not only for convicts serving prison time, but also in cases of suspended sentences. Such programmes should be mandated in addition to, and not instead of, criminal sanctions, and aim at helping perpetrators to change their behaviour as well as attitudes that lead to violence against women and domestic violence, such as the belief that it is the man's right to exercise power and control over women and girls. GREVIO further submits that the development of such programmes could be seen as complementing Turkey's policies in support of families where individual rights are respected and women's right to live a life free of violence is upheld.

129. GREVIO encourages the Turkish authorities to:

- a. further develop voluntary and court-ordered programmes – within both criminal and civil proceedings – that (1) focus on achieving behavioural change of the perpetrator to adopt non-violent behaviour; (2) ensure that the safety of victims, their support and their human rights are of primary concern; (3) work in close co-ordination with specialist support services for victims, such as women's shelters and counselling centres, based on multi-agency co-operation;**

¹¹¹ According to the state report (page 24), 6 070 injunction orders to attend rehabilitation programmes were issued in 2016, whereas only 861 offenders attended them.

¹¹² Table 3 in the annex to the state report indicates that there were 1 179 cases of imprisonment sentences handed down in 2016 as a consequence of a violation of any of the measures taken under Law. No. 6284.

¹¹³ See page 26 of the state report.

¹¹⁴ See paragraphs 103 and 104 of the Explanatory Report to the Istanbul Convention.

- b. expand significantly the number of such programmes to ensure that domestic violence perpetrators receive appropriate treatment;**
- c. use all available means to ensure such programmes are widely attended;**
- d. ensure that personnel administering such programmes receive adequate training that incorporates a gendered understanding of violence and the need to deconstruct sexist stereotypes;**
- e. take measures to monitor perpetrator programmes and evaluate their impact, based, *inter alia*, on feedback from the victim.**

2. Programmes for sex offenders

130. Mandatory programmes for sex offenders while in prison have been introduced by recent legislation,¹¹⁵ which has drawn heavy criticism from women's groups and legal and medical professionals for foreseeing compulsory pharmacological treatment.¹¹⁶ Having in mind the need for such programmes to follow a human rights-based approach that is respectful both of the human rights of the victim and those of the offender, GREVIO shares the concerns expressed by other human rights monitoring bodies regarding the need to obtain the free and informed consent of the person concerned prior to the commencement of an anti-androgen treatment, it being understood that consent can be withdrawn at any time.¹¹⁷ With this important proviso, GREVIO acknowledges that the drafters of the Istanbul Convention left it up to the parties to decide how to devise sex-offender treatment programmes that aim at minimising recidivism and successfully reintegrating perpetrators into the community. In doing so, parties should take due account of best practices developed internationally that call for a multi-layered approach and a combination of different therapies where, for instance, the use of hormonal drugs that reduce sexual drive is paired with cognitive behavioural therapy.¹¹⁸ GREVIO takes due note of the variety of intervention methods and techniques developed under the different projects mentioned in Turkey's state report. These would appear, however, to fall along the same lines as observed above for domestic violence treatment programmes in viewing sexual violence as an issue related to mental health or addictions.¹¹⁹ Above all, GREVIO cautions against looking at sexual violence only from the angle of the offender's inability to control his libido, without considering that sexual violence, just as any form of violence against women, is a means to exercise power and domination over women and their bodies.

131. GREVIO encourages the authorities to develop treatment programmes for sex offenders which take due account of best practices developed internationally, while guaranteeing a human rights-based approach.

¹¹⁵ See Regulation on Treatment and Other Liabilities to be applied to Convicts of Crimes against Sexual Immunity which entered into force in July 2016.

¹¹⁶ See the article from *The Guardian*: www.theguardian.com/global-development/2016/aug/15/turkey-chemical-castration-law-sex-offenders-condemned-womens-groups.

¹¹⁷ See report on the periodic visit to Poland in 2009, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), 21th General Report 2010-11, paragraph 45; see also CPT's report on the periodic visit to Germany in 2015, paragraph 99.

¹¹⁸ See Domestic and sexual violence perpetrator programmes: Article 16 of the Istanbul Convention, A collection of papers on the Council of Europe Convention on preventing and combating violence against women and domestic violence.

¹¹⁹ See reference on page 26 of the state report to the Project on Improvement of Mental Health and Addiction Services in the Penal institutions.

F. Participation of the private sector and the media (Article 17)

1. The private sector

132. Article 17 requires parties to encourage private companies in their role as employers to develop self-regulatory standards to prevent violence against women, such as sexual harassment in the workplace. In Turkey, the responsibility of employers to prevent violence against women at work is set forth in Articles 24 and 25 of the Labour Law and guidelines have been developed to assist companies in developing a business culture that promotes gender equality at work and does not tolerate violence against women.¹²⁰ The Committee to Combat Mobbing operates within the Ministry of Labour to develop policies, support research and raise awareness with the participation of NGOs and relevant stakeholders. Women victims of violence at work can call the ALO 170 hotline and informative guides on available mechanisms of complaint have been developed by the Ministry of Labour and the MoFSP. Against this positive backdrop, GREVIO observes that in the absence of data, including data regarding criminal convictions for the offence of sexual harassment under Article 105 of the Criminal Code, it is not possible to determine how effectively these mechanisms have been implemented and how successful they have been in encouraging victims to speak out and employers to take action against violence. In pursuing their efforts to engage the private sector in preventing violence against women, the authorities should collect data that allow progress in this area to be measured.

133. GREVIO invites the authorities to:

- a. pursue their efforts to engage employers in the creation and the implementation of policies to prevent and combat violence against women, including in particular sexual harassment at work;**
- b. integrate the women's perspective and the prevention of violence against women into the work of the Committee to Combat Mobbing, in close co-operation with women's NGOs;**
- c. collect data regarding the number of women victims of sexual harassment at work, complaints filed by victims and the outcome of such complaints.**

2. The media

134. Article 16, paragraph 3 of Law No. 6284 lays down the basis for the collaboration between the authorities and the media in disseminating information regarding available mechanisms of support and protection for victims of violence against women. Under its provisions, public and private television corporations and radio stations, at the national and local level, are under the obligation to regularly broadcast informative material prepared by the MoFSP regarding policies for women and children and existing mechanisms of redress for victims of violence. GREVIO commends this initiative, which has had proven effects in terms of creating greater knowledge, among women and men alike, about Law No. 6284.¹²¹

135. Several laws are in place to prevent and sanction the publication in the media of discriminatory content against women and to regulate the way media portrays violence against women.¹²² These issues are furthermore taken up in a series of self-regulatory

¹²⁰ See the "Business Against Domestic Violence Policy Development and Implementation Guide" developed by the Sabancı University Corporate Governance Forum.

¹²¹ See page 351 of the 2014 research on domestic violence.

¹²² See Law No. 6112 on the Establishment of Radio and Television Enterprises and their Media Services and the Regulation on Procedures and Principles of Broadcasting Services; Press Law 5187; the Regulations on

standards applying to different types of media.¹²³ Despite these positive endeavours, GREVIO notes that the representation of violence against women in the Turkish media continues to raise serious concerns. Available qualitative research and NGO reports illustrate widespread discriminatory practices within the media that convey sexist messages and normalise violence against women.¹²⁴ The media are blamed in particular for their sensationalist and tabloid-style reporting of incidents of sexual violence and gender-based killings. This notwithstanding, the state report indicates that for the years 2014-15, only nine broadcasting services received fines for failing to comply with the application regulations. In these circumstances, GREVIO believes that more efforts are required to promote responsible and informed reporting about gender-based violence against women, drawing on existing national and international best practices such as the Guide to Reporting on Femicide¹²⁵ or the Council of Europe publication regarding Article 17 of the Istanbul Convention.¹²⁶ It takes positive note of the project on women's representation in the media which the MoFSP is planning to implement as a first step in this direction.

136. GREVIO encourages the Turkish authorities to promote, without interfering with the independence of the media, compliance of all media and journalists with standards to enhance respect for the dignity of women and thus contribute to preventing violence against them, and campaigns to raise women's awareness of the channels for lodging complaints about discriminatory content in the media.

137. In referring to the ongoing overwhelmingly negative trend affecting the enjoyment of media freedom in Turkey,¹²⁷ GREVIO stresses that media should be able to express critical opinions on measures and policies regarding gender equality and the prevention of violence against women and domestic violence.

Commercial Advertisement and Unfair Business Practices; Law No. 5651 on Regulating Broadcasting in the Internet and Combating Crimes Committed through Internet Broadcasting.

¹²³ See the Principles of Broadcasting Ethics agreed by the Television Broadcasters Association and RTSC; the professional principles set by the Press Council; the Declaration of Rights and Responsibilities of Turkish journalists issued by the Association of Journalists in Turkey.

¹²⁴ See pages 312-314 of the 2014 research on domestic violence; see also page 29 of the shadow report endorsed by the Istanbul Convention Monitoring Platform.

¹²⁵ See the publication "Femicide is preventable", produced by Filmmor Women's Cooperative within the framework of the EU funded project in Turkey "Let's Stop Women Killings" which was carried out between 1 May 2014 and 30 May 2016.

¹²⁶ See Encouraging the participation of the private sector and the media in the prevention of violence against women and domestic violence: Article 17 of the Istanbul Convention (2016), Council of Europe, Strasbourg.

¹²⁷ See the Council of Europe Commissioner for Human Rights' Memorandum on freedom of expression and media freedom in Turkey of 15 February 2017.

IV. Protection and support

138. Chapter IV of the Istanbul Convention aims at a multifaceted, professional and victim-oriented support structure for any woman who has experienced any of the forms of violence covered by the convention. In complying with its undertakings under Chapter IV of the convention, Turkey has been developing an “infrastructure” of support services called for by Law No. 6284, comprised of Şönims, first admission stations, women’s shelters and other services. GREVIO is aware that such an “infrastructure” requires considerable investment, both in terms of financial and human resources. Having in mind the large population of Turkey, and thus the high number of potential victims in need of protection and support, GREVIO welcomes the authorities’ substantial efforts devoted to this challenging endeavour.

A. General obligations (Article 18)

1. Obligation to ensure protection and support based on a multi-agency approach

139. Under Law No. 6284, the basic units ensuring the provision of protection and support services are the Violence Prevention and Monitoring Centres (Şönims), which operate at the provincial level. Acting under the aegis of the MoFSP, Şönims are statutory agencies vested with the legal authority and duty to co-ordinate and monitor the implementation of any protective measures issued in line with Law No. 6284, including through data collection. Among their many tasks, Şönims provide assistance and guidance to victims, or refer them to support services and, on a more general level, co-ordinate all service providers working in the area of violence against women. Şönims are further responsible for referring perpetrators to preventive programmes. Şönims were first launched in 2013 after Law No. 6284 came into force and in only a few years, they have been established in 73 out of the 81 existing provinces in Turkey. Further efforts are still necessary to establish Şönims in sufficient numbers, especially in large metropolitan areas. According to the relevant rule,¹²⁸ Şönims should be operative on a 24/7 basis, although it would appear that because of a lack of adequate resources, not all Şönims are in a position to respect this rule.

140. Detailed regulations, which conform to the parties’ general obligations under Article 18 of the convention, set down the basic principles governing the way Şönims should operate.¹²⁹ services must safeguard the fundamental rights and the human dignity of the victims, be responsive to equality between women and men and guarantee confidentiality and victims’ safety. Services can be run in co-operation with public institutions and other organisations, including non-governmental organisations.

141. As regards this latter aspect, GREVIO notes that Şönims aspire to meet the requirement in Article 18, paragraph 2, of the convention of a multi-agency approach in service provision, by providing a framework for co-operation between statutory agencies, in particular social services, law-enforcement agencies, the judiciary and NGOs, in dealing with cases of violence against women. A certain number of Şönims are further supported in this task by Provincial Commissions for Co-ordinating, Monitoring and Evaluating measures to Combat Violence against Women. GREVIO notes, nevertheless, that interinstitutional co-operation is only implemented to varying degrees of effectiveness. More effort would be required, in particular, for the Provincial Commissions to act as a sounding board where

¹²⁸ Article 2(f) of Law No. 6284.

¹²⁹ See Article 4 of the Regulations on Violence Prevention and Monitoring Centres (VPMCs).

Şönims can share their experience and develop strategic approaches aiming at breaking the “silo” culture that keeps single agencies from co-operating effectively.

142. As the institutions responsible for co-ordinating various avenues of support, including security, economic, legal, social and psychological support and empowerment, Şönims are designed to act as centralised “one-stop” stations for victims and their children. GREVIO notes however that, owing in particular to a fragmented structure of social services, victims’ applications to Şönims do not always spare them from having to apply to other institutions, and/or reverting back to the first institution to which they applied before being referred to the Şönim.¹³⁰ This fragmented pathway faced by victims seeking support was highlighted in the conclusions of the 2014 prevalence study on domestic violence in Turkey.¹³¹ GREVIO recalls the risk of secondary victimisation that can occur when victims are burdened with lengthy procedures requiring them to recount their experience of violence repeatedly. To prevent such a risk from materialising, Şönims should apply a holistic approach to support and aim at offering or organising the provision of support such as financial aid, child care, housing and employment services within the same premises. In this process, great care should be taken to ensure that personal information is shared with other institutions only with the victim’s informed consent, save for cases where there is an immediate need to alert other institutions in order to avert an imminent and serious danger.

143. GREVIO recalls that under Article 18, paragraph 3, of the convention, measures to protect and support victims should address the specific needs of vulnerable persons, including child victims, and be made available to them. GREVIO notes in this respect that under Article 12, paragraph 2, of the Regulations on Violence Protection Monitoring Centres, Şönims are not competent to offer help to a number of groups of women with special needs, causing these women to be diverted to other institutions that do not offer specialist services for victims of violence against women. These victims include women aged over 60, women suffering from severe psychological disturbances and women who are incapable of self-care owing to a physical or mental disability.

144. GREVIO strongly encourages the Turkish authorities to:

- a. complete the full roll-out of Victim Protection Monitoring Centres (Şönims) throughout all the provinces of the country and ensure that they are established in sufficient numbers so as to provide optimal coverage, in particular in areas in which they do not yet exist and in large/metropolitan cities, which may need more than one such centre;**
- b. strengthen Şönims’ multi-agency approach, including at the level of Provincial Commissions for Co-ordinating, Monitoring and Evaluating Measures to Combat Violence against Women;**
- c. fulfil the Şönims’ aim to operate as “one-stop” stations where a single application from the victim recorded on the basis of her informed consent entitles her to access the full range of services needed, through enhancing multi-agency co-ordination between service providers, improving the referral mechanisms and/or prioritising victims’ access to services;**
- d. enhance the capacity and expand the provision of services in Şönims so that all victims, including victims with special needs, have indiscriminate access to protection and support and are referred to specialist women’s support services for gender-sensitive counselling and empowering support.**

¹³⁰ See page 34 of the shadow report endorsed by the Istanbul Convention Monitoring Platform.

¹³¹ See page 327 of the 2014 research on domestic violence.

2. Obligation to ensure service provision based on a gendered understanding of violence

145. Available information would indicate that not all Şönims have specialist, qualified and experienced staff, especially in certain rural regions of the country. For instance, certain Şönims seemingly operate as family therapy centres which prioritise conflict resolution over the needs and safety of the victim.¹³² GREVIO acknowledges that ensuring appropriate knowledge and skills of specialist staff in a country the size of Turkey represents a complex and costly endeavour. It is, nevertheless, concerned that this might lead to services not operating on the principles defined in Article 18 of the convention, in particular as concerns a gendered understanding of violence and a lack of emphasis on preventing revictimisation.

146. GREVIO notes in this respect that in a number of municipalities in Turkey, services for victims are dispensed by Family Consultancy Centres. The strong focus of these centres on keeping families together might put them at odds with the obligation to prevent violence and protect victims in line with the requirement, under Article 18, paragraph 3, of the convention, that support measures be based on a gendered understanding of violence against women and domestic violence and focus on the human rights and safety of the victim. Moreover, in referring to the considerations developed earlier in this report with respect to the parties' obligation to include a gender perspective in their implementation of the convention's provisions,¹³³ GREVIO notes that Family Consultancy Centres might lend themselves to channelling emerging tendencies in Turkish policies to confine women to their traditional role of mothers and care-givers and thus gearing their services towards parenting and family support, rather than prioritising the needs of victims to recover from violence.

3. Obligation to ensure service provision aiming at victims' empowerment

147. One of the founding principles that should underpin the provision of protection and support services for victims is that services should aim at the empowerment of victims. GREVIO underlines that in order to create a culture of empowerment, services should help victims in seeking financial autonomy. They should also provide them with knowledge and understanding of the root causes of the violence, through a gender analysis that challenges the prevalent attitudes (which both justify violence and blame women). In this context, GREVIO is concerned that available psychological counselling centres, because of a shortage of staff and high demand, cannot meet the needs of victims and their children, that is, to receive a high-quality service (including longer-term counselling tailored to their specific needs) that contributes to their empowerment and longstanding recovery.¹³⁴

148. To empower victims, it is furthermore important that, in upholding victims' rights to be protected and live free from violence, measures of protection do not otherwise limit their rights. GREVIO has been apprised of a series of initiatives aimed at protecting women in the public space and creating a safe environment for them. Thus, as of August 2017, a number of beaches in 13 cities around the country have been reserved for women only. On public transport, pink taxis, pink carriages on the metro and pink tram buses serving only women have been introduced in a number of provinces.¹³⁵ While not ignoring the episodes of violence to which women in Turkey have been exposed in the public sphere, GREVIO notes that such measures of protection should never be used as a substitute for preventing the violence from happening and dealing with the perpetrators.

¹³² See page 35 of the shadow report endorsed by the Istanbul Convention Monitoring Platform.

¹³³ See the section of this report related to Article 6 (Gender-sensitive policies) of the Istanbul Convention.

¹³⁴ See page 32 of the shadow report endorsed by the Istanbul Convention Monitoring Platform.

¹³⁵ www.ntv.com.tr/galeri/turkiye/malatyada-pembe-trambus-uygulamasi-basladi,XZNLmf0BDUOI8Q64a8AzWw/jD0zApCOjUehg2BCGtxA7g.

149. In the same vein, it is to be noted that in Turkey access to shelters is regulated as one of the protective measures that can be issued by courts under Law No. 6284. GREVIO recalls that such a court order must be phrased in such terms that the victim does not perceive it as an obligation but as her right.

4. Obligation to ensure that service provision is not dependent on the victim's willingness to press charges

150. Şönims and all public institutions providing support to victims are under a legal obligation to report violence (or the risk thereof) to law-enforcement agencies and courts.¹³⁶ Any civil servant, including medical personnel, failing to comply with the duty to report violence incurs criminal liability.¹³⁷ Information gathered by GREVIO corroborates that this is a principle to which Şönims are strongly attached. This means that any victim crossing the threshold of a Şönim will in all probability trigger an investigation by law-enforcement forces and, possibly, the opening of criminal proceedings. *De facto*, this automatic process undercuts the victim's right to receive protection and support irrespective of her willingness to press charges or testify against any perpetrator, in accordance with Article 18, paragraph 4, of the convention. While acknowledging that the victim's willingness to co-operate with law-enforcement and prosecuting authorities is not a pre-condition for receiving services in Şönims and accessing women's shelters, GREVIO draws attention to the complex inter-play of factors that may influence the victim's decision whether or not to approach Şönims.

151. GREVIO stresses the importance of affording victims the time to reflect and decide whether they are ready to take legal measures against the perpetrator. Feeling otherwise pressured into doing so will keep certain victims away from Şönims, for fear of repercussions. Victims hesitating to file a complaint might come to a decision to do so through empowerment, but again, this is a process requiring time. Thus, GREVIO considers there is a need to develop low-threshold support structures where victims can receive protection and support from specialist services (acting in the interest of the victim), which are not under an obligation to report the violence to the authorities. An example would be those services offered by specialist experienced women's organisations.¹³⁸

152. GREVIO notes that the authorities should carefully balance the requirements of Article 18, paragraph 4, of the convention with those defined in Article 55 of the convention that prosecution of a number of categories of offences should not be wholly dependent upon a statement or complaint of the victim. The issue of underreporting could be addressed by a twofold action: respecting officials' obligation to report (which is conducive to *ex officio* prosecution); and, on the other hand, offering alternative sources of support to victims, where they will not feel pressured to take legal action themselves or testify against perpetrators. Such an approach is particularly relevant in the case of sexual violence.

153. GREVIO strongly encourages the Turkish authorities to take measures to ensure that protection and support to victims complies with the general principles laid down in Article 18 of the Istanbul Convention, in particular by:

- a. grounding protection and support on a gendered understanding of violence against women, including by developing specialist capacities/skills, through training and other appropriate means, of relevant service providers (particularly**

¹³⁶ See Article 4, paragraph 1, of the Implementing Regulations of VPMCs.

¹³⁷ See Articles 279 and 280 of the Turkish Criminal Code.

¹³⁸ See the considerations developed below with respect to Article 22 (Specialist support services) of the Istanbul Convention.

- those in Şönims) to recognise the gendered dynamics, impact and consequences of violence;
- b. **conceiving and shaping protective measures which contribute to the empowerment of victims, with a focus on long-term recovery (including but not limited to high-quality psychological counselling and other forms of socio-economic support);**
 - c. **developing, within and/or in addition to state-run services, alternative, low-threshold specialist support services acting in the interest of victims and giving them the choice to decide whether or not to press charges against the perpetrator.**

B. Information (Article 19)

154. GREVIO notes with satisfaction the efforts made in Turkey to widely disseminate information on available services and legal measures. It refers to the various publications and initiatives based on the use of modern information technologies undertaken by statutory agencies.¹³⁹ Such efforts have brought about clear progress in raising awareness among the population at large and victims in particular concerning existing institutional mechanisms to protect and support victims of violence.¹⁴⁰

155. Besides information made available in the public domain, Article 19 of the Istanbul Convention requires that when seeking protection and support, victims should be provided with comprehensive and practical information (such as opening hours and contact details) on where to seek and receive support, and should be offered a clear picture of the procedures they might wish to undertake. In addition, information should be tailor-made to serve groups of victims who are at risk of social exclusion or have difficulties in accessing services, within a wider approach of outreach aimed at making it possible for them to access support.

156. Despite Turkey's achievements, GREVIO notes with concern that victims of violence seeking help are not always aware of the full range of their rights and/or are properly informed about their options. For example, many victims benefiting from a protective measure under Law No. 6284 are unaware that they are entitled to the free general health insurance provided for under the law.¹⁴¹ Victims reporting to law-enforcement officers are often misguided and told that they must apply to the regional police headquarters in order to obtain the issuance of a protective measure under Law No. 6284. Child victims face considerable obstacles in accessing information they can understand and which is adapted to their evolving capacities.

157. With the aim of empowering victims, GREVIO encourages the authorities:

- a. **to sustain their efforts aimed at ensuring that all victims receive adequate and timely information allowing them to take informed decisions and to exercise effectively their rights to support and protection;**
- b. **to develop information which is meaningful and accessible, in all relevant languages, to all groups of victims, such as women in rural areas, girls, lesbian women and victims of forms of violence that are less reported, such as victims of sexual violence, as part of a wider effort aimed at opening up access to services for them;**

¹³⁹ See pages 30 and 31 of the state report.

¹⁴⁰ See findings (page 349) of the 2014 research on domestic violence.

¹⁴¹ The entitlement to free general health insurance is set forth in Article 19 of Law No. 6284.

- c. intensify efforts to ensure that professionals in all relevant institutions properly inform victims of the available legal remedies and measures of support.**

C. General support services (Article 20)

158. GREVIO takes positive note of the clear statement in the operating rules of Şönims that service provision should aim at the economic empowerment of victims.¹⁴² This important principle acknowledges the requirement under Article 18, paragraph 3, of the Istanbul Convention that protection and support measures should aim at the empowerment and economic independence of victims, as well as the further obligation in Article 20, paragraph 1, of the convention requiring that victims have access to services facilitating their recovery from violence, such as financial assistance, housing, education, training and assistance in finding employment. GREVIO further commends the authorities' decision to support this aim by including the improvement of victims' socio-economic status as one of the five priorities of Turkey's ongoing National Action Plan on Violence against Women.

159. Available information would indicate that victims in Turkey struggle to become economically independent and that for many victims housing in a shelter is sought for lack of any other viable economic alternative.¹⁴³ This finding can be correlated to victims' difficulties to obtain, in practice, their entitlement under Law No. 6284 to financial aid, psychological counselling, economic support, assistance with a job search and free nursery services for their children. GREVIO thus finds that considerable efforts should be made to give victims an alternative to their continuing to live in violent marriages/relationships and help them acquire the economic means to lead independent lives.

1. Financial aid

160. There are various forms of economic aid available for victims. Apart from the allowances for victims and children staying in shelters, these comprise temporary financial aid awarded under Law No. 6284 and financial assistance which can be granted under the Social Assistance and Solidarity Law No. 3294. Data provided by the authorities indicate that only a small proportion of victims benefit from the latter,¹⁴⁴ while the former is hardly ever distributed.¹⁴⁵ Such a situation raises serious concern. GREVIO notes that outside the framework of Law No. 6284, victims of violence are not given any priority access to mechanisms of financial aid. GREVIO was furthermore apprised of difficulties which victims commonly face in covering the expenses for rearing their children owing to insufficient alimony payments. GREVIO welcomes the provision in Article 1, paragraph 2(c), of Law No. 6284, specifying that special measures taken within the scope of this law cannot be interpreted as discrimination. While noting positively that women constitute the majority of beneficiaries of generic assistance programmes,¹⁴⁶ GREVIO submits that the authorities should consider implementing further special measures enabling victims' priority access to services relevant for the prevention of and protection from violence, based on the principle that such priority access does not constitute discrimination.

¹⁴² See Article 7, paragraph 2e, of the Regulations on VPMCs.

¹⁴³ A 2016 report by the Şönim in Istanbul indicated that 49% of victims who had applied for the protection of a shelter had done so for economic reasons (see page 31 of the shadow report endorsed by the Istanbul Convention Monitoring Platform).

¹⁴⁴ The authorities informed GREVIO that in 2016 financial support services were given to 1 014 victims.

¹⁴⁵ Table 2 in the Annex to the state report indicates that only 10 women benefited from temporary financial aid in 2016.

¹⁴⁶ The authorities have informed GREVIO that in 2017, women accounted for 76% and 52% of the beneficiaries of regular and temporary social assistance respectively.

2. Employment

161. Improved access of victims to job opportunities is one of the objectives of the ongoing National Action Plan on Violence against Women (2016-20).¹⁴⁷ This objective builds on the existing protocol concluded between the MoFSP and the Turkish Employment Agency (TEA), under which women victims of violence have access to education, vocational courses and counselling on issues related to employment and entrepreneurship. Although certain measures exist to support women once they have left a shelter, GREVIO notes the apparent limited scope of this objective, which could be understood to serve only victims benefiting from any of the services delivered by the MoFSP, such as women in shelters. GREVIO further notes that the authorities will not have the means to measure progress in the attainment of this objective without setting specific, budgeted and quantified outputs (for instance, the number of women attending vocational courses or targeted employment rate of victims), which are missing in the National Action Plan.

3. Child care

162. GREVIO welcomes measures aiming at providing victims with free nursery services and day care for children, thus helping them to seek and/or maintain paid work and support themselves economically. One such measure¹⁴⁸ entitles victims benefiting from a protective measure to four months of free day care for their children. Another measure obliges private nurseries, day-care centres and private children's clubs to reserve 3% of their capacity, free of cost, for children of victims who are staying or have stayed in a shelter.¹⁴⁹ Against the backdrop of a general deficit in the supply of both public and private child care and pre-school services in Turkey,¹⁵⁰ GREVIO notes, however, that these measures might be insufficient to cover the needs of victims. According to the state report, only six victims benefited from the former measure in 2016.

4. Affordable housing

163. In Turkey, housing support for victims is offered mainly in the form of cash aids to cover rental expenses. Rental housing association models benefiting victims with low or no income do not seem to exist. Victims may further access governmental loans under social housing programmes. Information obtained by GREVIO would indicate that victims might, however, experience difficulties in accessing the private housing market, for example because of the reluctance of landlords to rent to single women and mothers, while demands for social housing largely exceed the supply.¹⁵¹ Lack of affordable housing for victims might lead to some victims staying in shelters longer than they would have wished, or feeling compelled to return to live with their abusive partner.

164. With the aim of empowering victims and helping them to recover from violence, GREVIO urges the Turkish authorities to:

a. entitle victims of violence without the necessary financial means to receive financial assistance;

¹⁴⁷ See Activity 3.10 of the National Action Plan.

¹⁴⁸ See Article 3, paragraph 1(d) of Law No. 6284.

¹⁴⁹ See Article 50 of the Regulation on the Establishment and the Operation of Private Nurseries and Daycare Centres and Private Children's Clubs.

¹⁵⁰ See paragraph 131 of World Bank report on Turkey: www.worldbank.org/en/country/turkey/publication/supply-and-demand-child-care-services-turkey-a-mixed-methods-study.

¹⁵¹ See the Government Housing Programme Toki.

- b. develop employment programmes for all victims of violence, in particular in areas lacking employment opportunities, such as rural areas;**
 - c. expand the provision of child-care facilities for victims of violence and encourage victims' access thereto;**
 - d. enable access to affordable housing services for women victims of violence and their children, for example by expanding social housing models;**
 - e. consider prioritising victims of violence in accessing general services which may contribute to their long-term empowerment and financial security.**
- To measure progress in this field, relevant policies should be supported by dedicated financial means and clearly identified targets.**

D. Specialist support services (Article 22)

165. The drafters of the Istanbul Convention created a distinction between general and specialist services, indicating their respective roles in the process of the victims' recovery. Thus, specialist services are aimed at empowering victims through optimal support and assistance catered to their specific needs, an aim which can be best ensured by women's organisations and support services provided, for example, by local authorities with specialist and experienced staff with in-depth knowledge of gender-based violence.¹⁵²

166. GREVIO notes that, in Turkey, Şönims are the centrepiece of a state-run infrastructure carrying out multiple tasks, which combine co-ordinating and monitoring the implementation of protective measures, as well as offering general and specialist services. While the approach of providing both general and specialist services mainly through state-run institutions is not contrary to the requirements of the convention, GREVIO notes the possible limitations inherent to such an approach. Good practice developed throughout parties to the convention, supported by extensive research,¹⁵³ shows that both state and civil society organisations are needed to provide support to victims. One reason is that certain victims will hesitate to report their experiences of violence to state-run agencies and that many women are more likely to disclose their experiences to independent women's NGOs acting in absolute confidentiality. Hence, women's NGOs have an important role to play in providing essential services such as counselling, shelter accommodation or legal advice to women victims of violence. The alarming levels of underreporting in Turkey¹⁵⁴ offer further demonstration of the urgent need to provide women with avenues for support other than Şönims, while taking additional measures to encourage reporting by victims and to increase their trust in state-run agencies. These NGO centres would furthermore offer a solution to one of the most significant barriers preventing victims from approaching Şönims, especially in smaller communities and/or rural parts of the country, namely the fact that they often employ relatives or acquaintances of the perpetrator and do not appear therefore to guarantee confidentiality.

167. GREVIO takes note of the limited existence of such centres in Turkey, which are either affiliated with independent women's organisations or municipalities. A major impediment faced by these structures is that they cannot independently process victims' applications, for instance for access a shelter, and must rely on the state-run services to do so. Moreover,

¹⁵² See paragraph 132 of the Explanatory Report to the Istanbul Convention.

¹⁵³ Specialist provision has its origins and deep roots in the NGO/voluntary sector. The international knowledge and practice base suggests that services provided by specialist NGOs are consistently the most responsive to women who have suffered violence, and as such should be supported and recognised by governments. They should be core service providers. See "Combating violence against women: minimum standards for support services" (2008), Council of Europe, Strasbourg.

¹⁵⁴ Reporting rates and prevalence rates are discussed further in this report under Chapter V.

owing to their limited resources, these centres are not in a position to provide round-the-clock services to victims. Thus, the authorities should create the conditions enabling the further development of specialist women's support centres and allowing them to operate 24/7 and to provide direct and easy access for victims. These services should encompass shelter and safe accommodation, non-residential support by women's crisis centres, short and long-term counselling, trauma care, legal counselling, court accompaniment and accompaniment to other institutions, advice and outreach services, telephone helplines to direct victims to the right type of service and specific services for children as victims or witnesses.

168. GREVIO strongly encourages the Turkish authorities to widen the spectrum of support services available to women victims of all forms of violence, in particular by ensuring an independent role for women's NGOs in providing essential services such as counselling, shelter accommodation and advice to women victims of violence.

E. Shelters (Article 23)

169. As of December 2016, there were 137 shelters in Turkey offering temporary accommodation to women victims of violence and their children, with a total capacity of 3 433 places. Out of this total, 101 shelters were affiliated to the MoFSP, 32 were run by local authorities (municipalities) and four shelters were run by NGOs.¹⁵⁵ Considering that there were only 48 such shelters in 2011 – the year in which the MoFSP was established – GREVIO welcomes the progress achieved in expanding the overall capacity of shelters, which represents a major step towards providing a safe refuge for women and children fleeing violence and meeting the increasing demands for shelter, which is well documented in official records.¹⁵⁶

170. Continued efforts, including at the level of budgeting, will be necessary to develop specialist women's shelters in sufficient numbers and meet the standards of the Istanbul Convention. In addition to observing these standards, the authorities can estimate the future needs for shelter places by taking into account prevalence data, levels of reporting to institutions, distribution of current shelters, rates of use, unmet demand and population density across provinces. Moreover, having regard to the low reporting rates in Turkey, a further increase in potential need for shelter services can be expected as a consequence of the authorities' efforts to encourage reporting, raise awareness, disseminate information on services and increase victims' trust in the institutional system, as suggested elsewhere in this report.

171. As an important contribution to the prevention of secondary victimisation, GREVIO further welcomes efforts made to provide high-risk victims with tailor-made sheltering services offering enhanced security and specific measures, such as the provision of transport to enable working women to travel to their jobs safely. During its evaluation, GREVIO had a chance to visit such a shelter, but was unable to assess how many exist across Turkey and how many should yet be established, having in mind that such arrangements may be seen as one of the possible measures to prevent gender-based killings.

172. Under Law No. 5393, every municipality in Turkey with a population of over 100 000 has the obligation to establish a shelter. To date, only 32 of the 201 municipalities with such

¹⁵⁵ These numbers are based on the state report (page 36).

¹⁵⁶ Based on figures provided by the authorities, a total of 19 865 persons (14 123 women and 5 742 children) sought refuge in shelters in 2014. This figure rose to 27 761 persons (18 562 women and 9 999 children) in 2015 and 47 568 persons (29 612 women and 17 956 children) in 2016.

a population level have met their obligation under Law No. 5393.¹⁵⁷ Information obtained by GREVIO would indicate that local authorities face both financial and political obstacles to setting up shelters, which they sometimes view as a costly and unpopular operation. Resistance to opening women's shelters can be a sign of a lack of awareness of violence against women and of discrimination against women and girls. This raises a serious issue to be addressed by the authorities in strong co-operation with civil society organisations.

173. Another issue seems to be that a number of municipalities which had taken the initiative to open shelters are no longer able to provide such services. GREVIO refers in this respect to information garnered by the Council of Europe Congress of Local and Regional Authorities during its fact-finding mission on the situation of locally elected representatives in Turkey, which revealed that the "replacement of elected mayors by 'mayors appointed by the central authorities' is being accompanied by a reduction in local public services, and in particular the closure of women's refuges".¹⁵⁸ These considerations should be addressed when implementing the objective under Turkey's ongoing National Action Plan on Violence against Women (2016-20) to ensure all municipalities conform to their obligation under Law No. 5393, while improving the standards of services offered in shelters and ensuring that victims continue to receive adequate support and protection even after leaving the shelter.¹⁵⁹

174. The suggestions developed earlier in this report regarding the need for Turkey to widen the spectrum of support services apply also to shelters. Currently, nearly all women's shelters in Turkey are run either by the central or local authorities. By encouraging and supporting – including financially – women's NGOs to set up shelters, the authorities would diversify and widen the range of available sheltering options and would thus meet the needs of a larger number of victims. The ability of NGO-run shelters to deliver services that are immediately accessible to victims and that allow the victims the choice of whether or not to report the violence would represent an important addition to Turkey's support system for victims and their children. Furthermore, shelters run by NGOs might develop a tailor-made support for victims of those forms of violence that are underreported and are not sufficiently covered by the existing service provision, such as sexual abuse, forced marriage and crimes in the name of "honour". As a result of complex factors, including severe social stigmatisation, such victims are particularly reluctant to report their abusers to authorities and thus should be offered alternative options.

175. In Turkey, access to shelters is legally regulated as a two-step process. First, placement in shelters is decided in the form of one of the protection orders which can be issued in pursuance of Law No. 6284.¹⁶⁰ This seems to exclude the possibility of self-referral, i.e. direct access to shelters. Second, access to a shelter is preceded by the transitory placement in a first-step station. Under the regulations on opening and operating women's shelters, first-step stations are structures providing temporary accommodation to women victims and their children before they can be admitted to shelters.¹⁶¹ Victims and their children can stay in a first-step station for a period of up to two weeks during which the necessary medical and psycho-social examinations are carried out. GREVIO understands that the main function of first-step stations is to act as a filter allowing the differentiation between women who are victims of violence and women facing difficulties of another order,

¹⁵⁷ Information extracted from the ongoing National Action Plan on Violence against Women indicates that these 32 shelters operate with a total capacity of 741 people in 11 cities, including Ankara (4); Antalya, Aydın, Bursa (3); Diyarbakır (2); Eskişehir, Gaziantep, Mersin (3); İstanbul (9), İzmir (6) and Uşak.

¹⁵⁸ See Resolution 416 (2017) of the Council of Europe Congress of Local and Regional Authorities.

¹⁵⁹ See Activities 3.2, 3.3 and 3.4 of the National Action Plan on Violence against Women (2016-2020).

¹⁶⁰ See Article 3, paragraph 1(a), of Law No. 6284.

¹⁶¹ See Article 3, paragraph 1(f), of the Regulation on the Establishment and Operation of Shelters.

such as homeless women, for instance. Thus, they fulfil the important social function of providing support and temporary accommodation to women in different crisis situations.

176. While acknowledging the merits of this solution for the latter group of women, first-step stations present a major shortcoming when viewed from the perspective of women victims of violence: they create an additional step in the process, thus putting off immediate access to shelters for up to two weeks, or even longer periods of time.¹⁶² To avoid burdening the victim and to prevent secondary traumatisation, all agencies to which victims turn should be in a position to refer them directly to a shelter.

177. There are several limitations in the applicable regulations restricting access to shelters.¹⁶³ When a victim is the mother of a boy over the age of 12, she and her child are accommodated in a rented house/apartment, at the expense of the shelter, where they should be entitled to the full range of services offered in a shelter. The same rule applies to victims who have children with disabilities. Difficulties in implementing this rule can, however, lead to mothers being separated from their children (or declining the protection of shelters to avoid such separation) and not receiving appropriate support. Another category of victims excluded from accessing shelters are women over the age of 60 and women suffering from mental disabilities. These victims are referred to senior care centres or other social services which do not, however, follow the same security parameters as shelters and are not equipped to respond to their needs as victims. Moreover, the admission criteria spelled out in the relevant regulations may be understood to limit the provision of shelter services for women substance abusers and women with physical disabilities as well. The aforementioned limitations might contradict the principle of non-discrimination set forth in Article 4, paragraph 3, of the Istanbul Convention,¹⁶⁴ as well as the obligations undertaken by parties under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW Convention) and the case law of the CEDAW Committee under the Optional Protocol to this Convention.¹⁶⁵ GREVIO notes positively that a number of these concerns might be addressed in the future owing to plans to expand throughout the country a pilot model in Ankara of a specialist shelter.

178. GREVIO welcomes the clear statement in the Regulations on the Establishment and Operation of Shelters¹⁶⁶ as to the general principles that should underlie all measures to protect and support victims, such as the principle that sheltering services should focus on the human rights and safety of the victim and furthermore aim at the empowerment and economic independence of the victim. Although these regulations state that shelter staff cannot impose limitations on women's rights and freedoms on the grounds of protecting their safety, GREVIO has been apprised of some concerns¹⁶⁷ relating to stringent shelter rules affecting women's freedom of movement and communication (restrictive check-in and check-out hours or prohibition to leave shelters). While aiming at ensuring the safety of all victims inhabiting the shelter and responding to the necessities of communal living, shelter rules should also emphasise victims' rights and the services at their disposal.

¹⁶² See page 36 of the shadow report endorsed by the Istanbul Convention Monitoring Platform.

¹⁶³ See Article 13 of the Regulations on the Establishment and Operation of Shelters.

¹⁶⁴ See considerations developed earlier in this report with respect to Article 4 of the Istanbul Convention regarding women with disabilities and lesbian women.

¹⁶⁵ See: Views of the Committee on the Elimination of Discrimination against Women under Article 7, paragraph 3, of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, Communication No.: 2/2003, *Ms A. T. v. Hungary*, Views adopted on 26 January 2005, thirty-second session.

¹⁶⁶ See Article 4, paragraph 3, of the regulations.

¹⁶⁷ See page 37 of the shadow report endorsed by the Istanbul Convention Monitoring Platform. See also the report "He Loves You, He Beats You", Human Rights Watch, 2011.

179. Another issue of concern is posed by security breaches that can occur owing to poor co-ordination among the institutions concerned (for instance, law-enforcement agencies and schools) and their disclosure of confidential information on the whereabouts of the victim and her children. Further reasons of concern stemming from insufficient access for women in shelters to support services and measures of empowerment (counselling, financial assistance, housing, training and assistance in finding employment) are developed above in relation to Articles 20 and 22 of the Istanbul Convention on general and specialist support services.

180. GREVIO urges the Turkish authorities to:

- a. increase the number and capacity of appropriate, easily accessible specialist shelters for victims of violence against women and domestic violence, providing safe accommodation to all women victims and their children, relying on and preceded by a country-specific needs assessment, which would take into account prevalence data and other relevant factors, including the level of risk and the requirement to meet the needs of specific/vulnerable groups of women;**
- b. review existing laws and regulations to remove restrictions preventing access to shelters for certain groups of victims, such as women over the age of 60, women with mental disabilities, mothers of boys over the age of 12 or of children with disabilities;**
- c. devise alternative filtering mechanisms allowing the detection of victims of violence without delaying victims' immediate access to shelters;**
- d. take additional measures to ensure that shelters and the rules by which they operate foster a culture of empowering victims, respecting diversity and fully upholding victims' human rights.**

F. Telephone helplines (Article 24)

181. In Turkey, there are several telephone helplines to which women victims of violence can turn in situation of emergencies and/or to seek advice and guidance. Besides the general 24/7 emergency services telephone numbers (the emergency lines 155 and 156 operated by the law-enforcement agencies, namely the police and gendarmerie respectively; the emergency line 157, dedicated to foreign nationals; and the ALO 112 Emergency Call Centre), the ALO 183 Hotline, operated by the MoFSP, is also available 24/7 and offers services in Turkish, Arabic and Kurdish. Nevertheless, none of these emergency or other telephone helplines specifically address victims of violence against women and domestic violence.¹⁶⁸ The only nationwide specialist helpline devoted to domestic violence – the No Domestic Violence Emergency Hotline, run by an NGO – currently lacks the means to ensure 24/7 coverage.

182. Considering that according to information provided by the authorities, approximately one third of calls received by the ALO 183 Hotline relate to cases of violence, GREVIO is of the opinion that victims of violence would be best served by a dedicated helpline serviced by specialist staff trained in all the forms of violence against women covered by the Istanbul Convention ensuring a gendered understanding of all such forms of violence. While noting positively that the staff of the ALO 183 Hotline receives in-service training on the Law No. 6284 and its implementing regulations, as well as on gender equality, GREVIO stresses that in order to fulfil the requirements of the convention, the staff of the dedicated helpline

¹⁶⁸ The full denomination of the "ALO 183 Hotline" is "ALO 183 Hotline for Social Support to Family, Women, Children, People with Disabilities, Relatives of Martyrs and Veterans".

should be trained to meet the needs of victims of *all* forms of violence covered by the convention, including hard-to-reach groups of victims.

183. GREVIO urges the Turkish authorities to set up or support the functioning of one or more dedicated telephone helplines in all relevant languages covering all forms of violence within the scope of the Istanbul Convention, run by specialist staff trained in all these forms of violence.

G. Support for victims of sexual violence (Article 25)

184. GREVIO commends the authorities' efforts to provide support to child victims of sexual abuse by establishing 31 Child Monitoring Centres (CMCs) in 28 provinces in Turkey. CMCs are specialist units operating in hospital settings and aim to prevent child victims' secondary trauma. Ongoing efforts to extend the coverage of CMCs to all 81 provinces in Turkey should address the causes preventing existing CMCs from providing optimal support to child victims, such as the lack of sufficient specialist medical personnel and procedural obstacles to terminating pregnancies resulting from sexual violence.¹⁶⁹ Furthermore, GREVIO notes positively that the authorities are planning to organise trainings for staff to be employed in to-be-established CMCs, and to take measures to ensure that no interview with the child is undertaken until he/she is taken to a CMC.

185. CMCs can also intervene in support of child victims of underage and possibly forced marriages whenever such cases are detected by hospital personnel during the child's pregnancy or at the moment of giving birth.¹⁷⁰ GREVIO takes note in this respect of the recent amendments to the Law on Civil Registration Services which conferred upon health centres and medical personnel (family doctors) the power and responsibility to notify civil registration offices of births.¹⁷¹ GREVIO notes that these new responsibilities might be seen as encompassing the duty of health-care institutions, including CMCs, to identify and report instances of underage, and possibly forced, marriages. It notes in this respect that the amendments require medical personnel to intervene not only in cases of births that occur under the supervision of a health-care institution but also when a home birth that has taken place without medical supervision has been registered "verbally". In implementing these new provisions, GREVIO considers that the authorities should send a clear message encouraging health-care institutions to take on this role and provide them with the necessary means to this end. Such efforts could be decisive in dispelling fears that the newly introduced provisions allowing verbal notification of births that occur without the assistance of medical personnel might create a loophole encouraging families to pressure underage brides or abused children into giving birth at home to avoid prosecution.¹⁷²

186. GREVIO notes the limited emphasis in service provision to victims of sexual violence and the insufficient skills and knowledge of professionals – including staff in Şönims – to support victims properly and avoid their retraumatisation. GREVIO finds that this reflects a general lack of focused policies to address this form of violence against women. To bridge the current gap in service provision for adult victims of sexual violence, the authorities are currently considering how to replicate the model of CMCs for the purposes of creating sexual violence referral centres or rape crisis centres which match the requirements of Article 25 of

¹⁶⁹ See page 42 of the shadow report endorsed by the Istanbul Convention Monitoring Platform.

¹⁷⁰ The Child Monitoring Centre in Malatya, which GREVIO visited in November 2017, reported that it had dealt with 114 cases of sexual abuse of children in 2017, of which two thirds involved an underage marriage.

¹⁷¹ See Law No. 5490 on Civil Registration Services.

¹⁷² See www.loc.gov/law/foreign-news/article/turkey-bill-authorizing-muftis-to-perform-civil-marriages-and-amending-civil-registration-rules/.

the Istanbul Convention.¹⁷³ GREVIO was informed in this respect of the authorities' plan to establish three centres for women victims of sexual violence, as a pilot project. In devising such a new service model, the authorities should bear in mind the particularly traumatic nature of sexual violence, including rape, which requires ensuring a sensitive response by trained and specialist staff. Victims of this type of violence need immediate medical care and trauma support combined with immediate forensic examinations to collect the evidence needed for prosecution. Furthermore, there is often a great need for psychological counselling and therapy – often weeks and months after the event.¹⁷⁴ Thus, whether the authorities opt for creating rape crisis or, rather, sexual violence referral centres, it is of paramount importance that they develop comprehensive immediate, short-term and long-term specialist support for these victims, provided by staff specially trained in sexual trauma. GREVIO notes that staff in Şönims should also be trained on this issue, in order to improve their skills to identify sexual abuse survivors among victims approaching them. Having regard to the principle that victims of sexual abuse should be granted services regardless of their willingness to report or testify against any perpetrator, the authorities should look towards good practices established by some parties to store forensic evidence for a defined period of time, allowing a court case to be initiated at a later stage, should a victim so decide.¹⁷⁵

187. GREVIO recalls the considerations developed earlier in this report¹⁷⁶ regarding the need to provide victims with low-threshold support services and to support the activities of specialist women's NGOs, which are best placed to offer services of this kind. Such considerations are of particular relevance with respect to victims of sexual violence who face deeply ingrained societal attitudes dissuading them from reporting violence.

188. GREVIO urges the Turkish authorities to:

- a. set up rape crisis and/or sexual violence referral centres in sufficient numbers, recalling that one such centre should be available per every 200 000 inhabitants and that their geographic spread should make them accessible to victims in rural areas as well as in cities;**
- b. ensure that these centres provide both short-term support, forensic examination and medical care, as well as longer-term counselling and support;**
- c. further develop and enhance the capacities of Child Monitoring Centres (CMCs) to provide support to child victims of sexual violence and forced marriages;**
- d. ensure that cases of underage and possibly forced marriages are detected, namely by health-care personnel, even in cases when birth takes place without medical supervision and notifications are done verbally, and measure progress in this field, in particular by collecting data regarding the number of cases of sexual violence and forced marriages registered by CMCs and other health-care establishments.**

¹⁷³ See activity 4.2 of the National Action Plan on Violence against Women.

¹⁷⁴ Explanatory Report to the Istanbul Convention, paragraph 138.

¹⁷⁵ In Denmark for example, the procedure for forensic examination is the same for all victims, whether they intend to report or not. The DNA evidence is stored for three months, or longer if so requested by the victim. Should a case come to trial, the centre's report may be used as evidence in addition to the DNA, and medical staff may be ordered to testify in court, for which purpose their obligation to confidentiality may be lifted (see the GREVIO report on Denmark, 2017).

¹⁷⁶ See considerations developed with respect to Article 9 (Non-governmental organisations and civil society) and Article 22 (Specialist support services).

H. Protection and support for child witnesses (Article 26)

189. The obligation set out in Article 26 of the Istanbul Convention is to ensure that whenever children have witnessed domestic violence, rape, sexual harassment or other forms of violence covered by the convention, the institutions that provide services to direct victims are also equipped to address the needs and rights of any children who were present. While this is most relevant to domestic violence cases, it is important to bear in mind that other forms of violence may also be witnessed by children.

190. Research has shown that children who witness one parent's assaults on another often develop emotional problems, cognitive functioning disorders and accept attitudes around violence that need to be addressed in the long term.¹⁷⁷

191. GREVIO welcomes the recognition afforded to the harmful effect of witnessing violence in legislation in Turkey. Under the definition given in Article 36, paragraph 1(e), of Law No. 6284, victims of violence are not only the persons who are exposed, or at risk of being exposed, directly or indirectly, to acts of violence, but also those who are affected, or at risk of being affected, by violence. Thus, Law No. 6284 equals witnessing violence with experiencing it directly in terms of the protection and support services it requires from statutory agencies.

192. Under the relevant regulations, children in shelters are entitled to receive help from child development specialists.¹⁷⁸ Shelters are under the duty to create a child-friendly environment by setting up nurseries, educational and rehabilitation areas, and play and study rooms for children.¹⁷⁹ Furthermore, shelters must ensure that children have access to proper schooling and that they employ teachers to support children with their homework and monitor their performance at school.¹⁸⁰ While welcoming these solutions, GREVIO notes that services for child witnesses, including age-appropriate counselling, should be available to all of them, whether they are placed in shelters or not.

193. However, difficulties seem to persist in how statutory agencies implement the principle of the best interest of the child who has witnessed violence by his or her father. As well as pointing to an issue of insufficient resources, the information gathered by GREVIO would indicate that many children of victims do not reach support services and/or are not approached by them. GREVIO is furthermore concerned about information indicating that children are often placed with family members, instead of being accommodated with their mothers in shelters. To fulfil their duty to follow up on the needs of these children who are not otherwise benefiting from the protection of a shelter or of a protective measure¹⁸¹ and to give children the opportunity to stay with their mother, Şönims should proactively intervene and reach out to them. Such an approach would be warranted further by the need to ensure an assessment of the risks to which the children are exposed. Likewise, GREVIO would advocate a more proactive approach by the judiciary in making use of its powers to settle custody and visitation rights whenever measures are taken under Law No. 6284 to shield victims from violence.¹⁸² This might include requesting information and advice from Şönims to

¹⁷⁷ "Problems Associated with Children's Witnessing of Domestic Violence", Jeffrey L. Edleson, VAW Net, available at http://vawnet.org/sites/default/files/materials/files/2016-09/AR_Witness.pdf.

¹⁷⁸ The Regulations on Opening and Operation of Women's Shelters, Article 33, paragraph 1.

¹⁷⁹ Ibid., Article 8, paragraph 4(e).

¹⁸⁰ Ibid., Article 22 and Article 40.

¹⁸¹ Article 19, paragraph 1, of the Regulations on VPMCs.

¹⁸² See the considerations developed further in this report in relation to Article 31 (Custody, visitation rights and safety).

ensure decisions do not jeopardise the safety and well-being of children and their mothers. In following this approach, more children would be given the chance to stay with their mothers whenever avoiding their separation is in their best interest.

194. GREVIO strongly encourages the Turkish authorities to step up measures to:

- a. **increase awareness of the harmful effects of witnessing domestic violence on children;**
- b. **ensure that the statutory agencies mandated to implement Law No. 6284 systematically examine the situation of the children of the victim, assess the risks to which they are exposed and determine the measures to be taken to protect the best interest of the child;**
- c. **guarantee a thorough monitoring and follow-up of any measure taken to protect child witnesses, paying attention to whether custody and visitation arrangements and/or changes thereof may negatively affect children and their mothers;**
- d. **enhance the capacity of service providers, including specialist women's support services, to protect and support child witnesses.**

V. Substantive law

195. Chapter V of the Istanbul Convention covers a range of provisions related to substantive law, in the area of both civil and criminal law. Their aim is to help create, in all parties to the convention, the necessary legislative framework to prevent violence against women, protect them from further victimisation and to ensure robust intervention and prosecution by law-enforcement agencies. In the interest of prioritisation, this section of the report addresses several but not all provisions of Chapter V of the convention.

196. Existing prevalence data indicate that the vast majority (89%) of women victims of physical and/or sexual violence by their husbands or intimate partners do not report the violence.¹⁸³ The reasons for not reporting domestic violence, which emerged from research, range from women not perceiving violence as a serious problem, being afraid that children would be unhappy, being ashamed to attract a bad reputation for the family and thinking that husbands would change, to not knowing where to apply and fear regarding the outcome of their application to public institutions. Information obtained by GREVIO regarding other forms of violence experienced by women in Turkey would indicate, similarly, that most victims face violence alone and do not seek institutional help. Obstacles preventing victims from reporting stem from stigmatisation, fear of reprisals, economic dependence on the perpetrator, legal illiteracy, language barriers and/or lack of trust in the law-enforcement authorities. Rape and other forms of sexual violence, in particular, are hardly ever reported by victims. To a certain extent, this seems to be linked to the highly problematic misconception that rape can be attributed to the victim's "fault" and that it "dishonours the family". Under this distorted understanding of violence, victims of rape are at risk of being penalised and further exposed to violence.

197. GREVIO urges the Turkish authorities to take measures to raise the rates of reporting of incidents of violence against women, by conducting research into and addressing the underlying causes of underreporting, in relation to all forms of violence covered by the Istanbul Convention, including in particular sexual violence.

198. Full accountability for all acts of violence against women requires an adequate response from law-enforcement agencies and the wider criminal justice sector. This means placing a significant emphasis on prosecution as a signal from the state that violence against women is inimical to its values. Supporting legislation involving emergency barring orders and restraining or protection orders is important but should not be regarded as a substitute for prosecution when the latter is attainable. GREVIO finds that in Turkey the reliance on the various forms of protection afforded by Law No. 6284 tends to reduce the sense of urgency and purpose around the importance of prosecution. Thus, while the protective processes of Law No. 6284 are applied automatically as the easier and prescribed response to violence against women,¹⁸⁴ prosecution – and the other forms of protection which criminal law affords, such as pre-trial detention – tend to be viewed as a secondary process. This prevents perpetrators being held to account, lessens the opportunity of the state to protect its citizens and fails to signal Turkey's abhorrence of violence against women.

199. The lack of data in the context of Turkey's criminal justice system makes it impossible to judge the level, speed and effectiveness of prosecutions. The lack of data on convictions further adds to the impossibility of analysing trends in conviction rates, assessing attrition in criminal proceedings and measuring the impact of efforts made by Turkey to combat judicial

¹⁸³ See Figure 7.2 of the 2014 research on domestic violence.

¹⁸⁴ The application of the measures foreseen under Law No. 6284 will be examined further in this report under Chapter VI.

passivity. Furthermore, although data on measures taken in accordance to the Law No. 6284 have been meticulously collected and provided in the state report, the fact that no statistics on prosecution of violence-related crimes (such as data on criminal charges, indictments and convictions, as required in GREVIO's questionnaire) have been provided is a source of concern. As already mentioned earlier in this report, it is essential that the authorities improve data collection as the principle means of evaluating the impact of their efforts to enhance the effectiveness of judicial responses to violence against women.

200. GREVIO strongly encourages the Turkish authorities to take measures to ensure that prosecution is a central component of Turkey's response to violence against women and that measures of protection taken under Law No. 6284 are not viewed as replacing the need for prosecution.

A. Civil law

1. Civil lawsuits and remedies (Article 29)

201. A core aim of the Istanbul Convention is to end impunity for acts of violence against women. This not only requires that individual perpetrators be held accountable through criminal law and other measures, but also that legal avenues be available to challenge and address any wrongdoing by state actors. If a state agency, institution or individual official has failed diligently to prevent, investigate and punish acts of violence (Article 5 of the Istanbul Convention), victims and/or their relatives must be able to hold them to account. Thus, civil remedies against state authorities that have failed in their duty to take the necessary preventive or protective measures within the scope of their powers must be available to victims in order to remedy such failures (Article 29, paragraph 2).

202. Although not a civil law measure, GREVIO notes that victims wishing to complain against officials who failed to perform their statutory duties can resort to the legal provisions regarding "misconduct in office", which constitutes a specific crime under Article 257 of the Turkish Criminal Code (TCC). The constituent elements of this offence are the commission of an act or an omission which is contrary to the public official's duties and the suffering of the victim as a consequence of such violation. In cases where the negligence on the part of the public officials results in the death or injury of the victim, the provisions of Article 83 and 88 of the TCC, regarding respectively "intentional killing by act of omission" and "intentional injury by omission" apply. Moreover, victims may apply to the ombudsman which reviews complaints related to human rights violations committed by public authorities. GREVIO has not, however, received any information as to the numbers of cases regarding women victims of violence that have been lodged with criminal courts under the aforementioned provisions of the TCC. For its part, in the ombudsman's report to GREVIO¹⁸⁵ there is hardly any evidence of complaints submitted to this institution by women victims of violence.

203. GREVIO urges the Turkish authorities to include, in information provided to victims in pursuance of Article 19 of the Istanbul Convention, elements regarding available remedies in case of public officials' failure to perform their statutory duties to diligently prevent, investigate and prosecute acts of violence covered by the convention and to monitor progress in this area by keeping data on the numbers of claims lodged by women victims of violence and their outcome. GREVIO further invites the authorities to identify the prevailing reasons preventing victims from

¹⁸⁵ See the Report on activities by the Ombudsman Institution (KDK) as to women's rights, September 2017, submitted to GREVIO and available on the website of the Istanbul Convention.

accessing legal remedies against state authorities and, based on their findings, to take measures to address such causes.

2. Compensation (Article 30)

204. In Turkey, compensation for criminal acts suffered can in principle be claimed from the perpetrator by bringing a separate civil lawsuit under Article 49 of the Turkish Law of Obligations. Under this scheme, victims may receive compensation for loss of earnings, medical expenses incurred, permanent personal injury and the resulting loss of earning capacity. However, there is no available data to indicate that any victim of violence against women, including domestic violence, has ever instituted or benefited from such proceedings. Moreover, there is no state compensation scheme available to victims of violence against women. No reservation was entered into by Turkey exempting it from implementing Article 30, paragraph 2, of the Istanbul Convention on subsidiary state compensation for serious bodily injury or impairment of health.¹⁸⁶ GREVIO welcomes the indication that the authorities have prepared a draft law on victims' rights which would entitle the victim to apply for state compensation should the perpetrator fail to pay the compensation awarded. For compensation to be effective, such a scheme should afford judges the discretion to determine the amount of compensation based on the actual prejudice incurred and the specificities of each case.

205. GREVIO strongly encourages the Turkish authorities to adopt measures to facilitate and guarantee access to compensation for victims of all forms of violence against women, in particular by:

- a. reviewing the civil procedures regarding compensation from perpetrators with a view to improving their effectiveness;**
- b. ensuring that victims are systematically informed of their right to claim compensation and of the relevant procedures to be followed;**
- c. strengthening the capacity of law practitioners and specialist women's support services to help victims claim compensation;**
- d. incorporating the issue of compensation in training programmes for the law-enforcement agencies, the judiciary and victim support organisations;**
- e. setting up a state compensation scheme accessible to victims which complies with the requirements of Article 30, paragraph 2, for all forms of violence against women defined in the Istanbul Convention, paying due regard to the victim's safety;**
- f. monitoring progress in this area, by keeping data on numbers of compensation claims filed by victims and their outcome.**

3. Custody and visitation rights (Article 31)

206. Children's exposure to violence breeds fear, causes trauma and adversely affects their development¹⁸⁷ and is recognised as a form of mental violence.¹⁸⁸ Hence, custody and visitation decisions in relation to families with a history of abuse require a careful balancing of the different interests at stake. Article 31 of the Istanbul Convention requires such decisions to take into account any incidents of violence covered by the convention, in particular

¹⁸⁶ See the Explanatory Report to the Istanbul Convention, paragraph 166, which clarifies that "impairment of health" encompasses serious psychological damage caused by acts of psychological violence.

¹⁸⁷ See the Explanatory Report to the Istanbul Convention, paragraph 143.

¹⁸⁸ The UN Committee on the Rights of the Child, General Comment No.13, adopted on 18 April 2011, paragraph 21(e), CRC/C/GC/13 lists exposure to domestic violence as a form of mental violence as prohibited by Article 19, paragraph 1, of the United Nations Convention on the Rights of the Child.

incidents of domestic violence. Furthermore, it requires parties to ensure that the exercise of any visitation or custody rights does not jeopardise the rights and safety of the victim or children while taking into account the parental rights of the perpetrator.

207. In Turkey, decisions on custody and visitation are governed by Articles 336 and 337 of the Turkish Civil Code. In case of separation or divorce, custody is granted to one or the other parent at the discretion of the judge. The parent to whom custody is not granted is entitled to visiting rights, which are also determined by decision of the court, and must contribute to the expenses for rearing and educating the child. Article 182, paragraph 2, of the Turkish Civil Code incorporates the principle of the “best interest of the child”, by requiring that courts confer custody to the parent who is best placed to protect the interest of the child, namely in relation to his or her health, education and “moral values”.

208. Information obtained by GREVIO would indicate that Turkish courts generally tend to abide by the prevailing notion in society that it is up to the mothers to care for the children and to the fathers to support them financially, and therefore award custody to mothers. Available NGOs’ reports¹⁸⁹ point, however, to cases where judges have granted custody to violent fathers, partly out of deference towards local traditions which view children as falling under the responsibility of the father’s family, and partly owing to the difficulty for victims to prove the violence. GREVIO recalls in this regard that the incidents of violence which judges are to take into consideration, for the purposes of regulating the exercise of parental rights, can be justified by a medical certificate, the statement of a professional, a complaint or testimony, and are not limited to violence which has led to sentencing by a court. It is important to ensure that judges take into account previous incidents of violence and be mindful of further risks from violence against both a child and a mother, rather than to reach decisions on custody/visitation in an “automatic” manner, such as requiring “contact at all costs” with a violent father.

209. In referring to the draft law on victims’ rights, GREVIO expresses its concern over the provisions in the draft which call for joint mandatory meetings between the abusive and non-abusive parent in case of conflict concerning the exercise of visitation rights. In situations of domestic violence, issues regarding common children often represent the only ties that remain between victim and perpetrator. For many victims and their children, complying with contact orders can be seen as a continuation of the violence and can also present a serious safety risk because it means meeting the perpetrator face to face.¹⁹⁰ Enforcing obligatory meetings with the perpetrator without due consideration for the safety and rights of the victims and their children would run counter to the requirements of Article 31 of the Istanbul Convention. GREVIO notes that authorities should make use of research findings that show that for many women and children, violence intensifies after separation; that child contact arrangements (including court-ordered contact) are a significant cause of the perpetuation of physical and emotional abuse towards children and women, even where there are high levels of supervision; that child contact often replaces the intimate relationship as the avenue for men to control women, so that child contact can become a form of post-separation violence, and can make it difficult for women and children to establish safe and independent lives.¹⁹¹ Even more importantly, studies on child homicides by perpetrators of domestic violence in

¹⁸⁹ See report « Turquie: droit de garde en cas de divorce », Organisation suisse d’aide aux réfugiés (OSAR), Berne, 2014, available at : www.refugeecouncil.ch/assets/herkunftslander/europa/tuerkei/turquie-droit-de-garde-en-cas-de-divorce.pdf.

¹⁹⁰ Explanatory Report to the Istanbul Convention, paragraph 176.

¹⁹¹ For an overview of research, see, for example, Thiara and Harrison (2016), “Safe not sorry: Supporting the campaign for safer child contact – Key issues raised by research on child contact and domestic violence”: warwick.ac.uk/study/cil/research/swell/ourwork/final-safe-not-sorry-for-web-jan-2016.pdf.

the context of unsafe child contact¹⁹² led to review of judicial practice on custody and visitation in some countries.¹⁹³ Moreover, the above-mentioned draft provision on obligatory meetings may lead to implicit or explicit pressure to victims to reconcile with their violent partners (even if such an effect is not intended by professionals and practitioners), which is contrary to the provisions of Article 48 on prohibiting mandatory alternative resolution processes.

210. GREVIO takes positive note of the competence for judges adopting preventive and protective measures under Law No. 6284 to rule on matters of custody and visitation rights, including the payment of temporary alimony.¹⁹⁴ Law No. 6284 further provides the possibility for judges implementing its measures to review pre-existing visiting rights, either by subjecting them to certain conditions, restricting them or otherwise removing them entirely.¹⁹⁵ Decisions on custody, visitation rights and temporary alimony, as well as a review of pre-existing visitation rights, are considered to be preventive measures under the Law No. 6284, which can be viewed as an indication that the legislator acknowledges the importance of such decisions. However, GREVIO notes with concern that these provisions are applied rarely.¹⁹⁶ NGOs attribute this gap to the lack of knowledge among judicial practitioners of the applicable legal provisions and the tendency of courts to consider them as relevant only in cases of divorce. A more extensive use of these provisions under Law No. 6284 might further prevent family courts from ruling on these issues within the framework of a separate judicial procedure without considering their implications for the victim.¹⁹⁷ GREVIO is concerned about the potential impact of the relatively scarce use of these legal provisions in terms of the distress caused to victims from living apart from their children and the pressure to return to their abusive partner in order to regain contact with them. This trend might be one explanation for the relatively low numbers of children in shelters compared to women victims that GREVIO has noticed in Turkey. GREVIO is furthermore concerned about recent proposals put forth in the Divorce Commission report, which, if adopted, would quash these legislative gains by envisaging that any offender under an emergency barring order should keep intact his visitation rights, irrespective of any consideration pertaining to the risks faced by the victim and her children.

211. GREVIO notes positively that family courts in Turkey can rely on the competence of professionals such as psychologists and social workers¹⁹⁸ and emphasises the importance

¹⁹² A study into the tragic stories of 19 children and two women who were killed by perpetrators of domestic abuse in circumstances related to unsafe child contact within a 10-year period started the national campaign "Child First: Safe Child Contact Saves Lives" in the UK, run by Women's Aid.

¹⁹³ Following the campaign mentioned above, the courts in the UK issued the practice direction that introduced relevant changes in comparison to previous directions, in particular, "the presumption contained in section 1(2A) of the Children Act 1989 operates to require 'contact at all costs' in all cases, without a proper evaluation of the risk of harm from domestic abuse; therefore, where the involvement of a parent in a child's life would place the child or other parent at risk of suffering harm from abuse, it is suggested that the presumption would be displaced" (see: www.justice.gov.uk/courts/procedure-rules/family/practice_directions/pd_part_12j).

¹⁹⁴ See Article 5, paragraphs 3 and 4, of Law No. 6284.

¹⁹⁵ See Article 5, paragraph 1(c), of Law No. 6284.

¹⁹⁶ See data provided in Table 3 of Appendix I of the state report, indicating that in 2014, 2015 and 2016 there were, respectively, 773, 457 and 208 cases where courts, acting under Law No. 6284, ruled on custody, visitation rights and temporary alimony (Article 5, paragraph 1.4); there were 267, 111 and 235 cases where they intervened on a previous decision on custody (Article 5, paragraph 1.3); while for the same years, courts enjoined 52 043, 58 927 and 60 934 decisions not to approach the relatives and children of the victim even if they had not themselves been direct victims of violence, without prejudice to a standing decision allowing personal contact between the offender and the children (Article 4, paragraph 1(d)).

¹⁹⁷ See page 44 of the shadow report, endorsed by the Istanbul Convention Monitoring Platform.

¹⁹⁸ GREVIO is informed by the authorities that according to Article 5 of the Law No. 4787 on the Establishment, Duties and Rules of Procedures of Family Courts entitled "Experts working within family courts", a psychologist, a pedagogue and a social worker are appointed by the Ministry of Justice "to investigate and examine the

of systematically seeking their advice when determining custody and visitation rights, as well as the need to train these experts on the provisions of the Istanbul Convention.

212. GREVIO urges the Turkish authorities to:

- a. promote a greater use of the legal provisions in Law No. 6284 allowing the determination of custody-related issues pending the application of emergency barring and restraining and protection orders, notably by training legal professionals and judicial officials, including by developing protocols and guidelines;**
- b. take the necessary measures to ensure that incidents of violence are fully taken into account by courts when determining custody and visitation rights of children, in particular by seeking and taking into account the opinion of professionals such as social workers and child psychologists advising courts in matters pertaining to the best interest of the child;**
- c. uphold the principle enshrined in paragraph 2 of Article 31 that the exercise of any visitation or custody rights should not jeopardise the rights and safety of the victim and children, with reference in particular to the ongoing examination of the draft law on victims' rights;**
- d. monitor the courts' practice in this field and measure progress.**

B. Criminal law

1. Psychological violence (Article 33)

213. Article 33 of the Istanbul Convention requires parties to criminalise psychological violence, which is described as the intentional conduct of seriously impairing a person's psychological integrity through coercion or threats. In this respect, psychological abuse is considered to be a prevalent form of domestic violence that can be perceived by victims as more severe and harmful than physical violence. It is also viewed as a frequent precursor to physical violence and linked to economic violence such as deprivation or restriction of financial resources.

214. Prevalence data show that psychological violence is the most prevalent form of domestic violence against women in Turkey. The 2014 research on domestic violence¹⁹⁹ reveals that the lifetime prevalence of psychological violence experienced by "ever-married women" (that is, women who have been married at least once in their lives although their current marital status may not be "married") by husbands or intimate partners was as high as 44%. The prevalence of psychological violence experienced within the period of 12 months prior to the research was at 25%, a rate identical to that found during the 2008 research. Manifestations of psychological violence included insults, humiliation in front of other people, intimidation and instigating fear, and threats to hurt the victim or someone else the victim cares about. The same research separately addressed the pervasiveness of controlling behaviours aimed at limiting women's self-determination, primarily by controlling their whereabouts, getting angry when they talk to other men, imposing upon them a dress style, deciding whether they should be allowed to visit a health institution, blocking social networks, and preventing them from seeing their friends. For example, as many as 62% of ever-

causes of the disputes between the parties concerning the matters requested by the court and to share his/her conclusions, before the merits of the case is addressed or during the hearing".

¹⁹⁹ See percentages related to emotional violence/abuse in Figure 5.1 of the Annex to the 2014 research on domestic violence.

married women reported their husbands or intimate partners always wanted to know their whereabouts.

215. Although psychological violence is recognised in Law No. 6284,²⁰⁰ it is not criminalised as such in the TCC. As GREVIO was informed by competent judicial professionals during the evaluation visit, in judicial practice it is most commonly dealt with under the offences of threat (Article 106), blackmail (Article 107), coercion (Article 108), defamation (Article 125) and ill-treatment (Article 232). However, these offences are designed to sanction single isolated acts and fail to capture a pattern of repeated and prolonged abuse committed through acts which do not, per se, necessarily reach the threshold of criminalisation. For instance, they are not suitable for deterring and punishing the persistent and harmful behaviour of coercive control. The Istanbul Convention's drafters designed this provision to identify a course of conduct rather than a single event. It is intended to capture the criminal nature of an abusive pattern of behaviour occurring over time – within or outside the family; furthermore, use must be made of coercion or threats for behaviour to come under this provision.²⁰¹ Having this in mind, the authorities should review whether the use of the listed provisions of the TCC in judicial practice meets the above-quoted requirements.

216. An offence which might fit such a course of conduct is that of torment. In accordance with Article 96 of the TCC, torment is defined in general terms as any behaviour which causes suffering. Legal practitioners point to the significance of this provision in terms of allowing preventive detention during trial.²⁰² In the absence of relevant judicial statistics, GREVIO was not in a position to determine how extensively this provision (or other ones, as mentioned in the previous paragraph) is relied on to prosecute the violent conduct targeted by Article 33 of the Istanbul Convention in cases of violence against women.

217. GREVIO encourages the Turkish authorities to:

- a. take the necessary measures, including training and developing protocols and guidelines, to raise awareness of the professionals concerned, in particular law-enforcement and judicial officers, of the relevance of psychological violence as one of the most widespread forms of violence affecting women's lives in Turkey;**
- b. make a thorough review of the current use of existing provisions of the TCC in judicial practice, paying due regard to the requirements related to abusive patterns of coercion or threats;**
- c. investigate, prosecute and punish effectively cases of psychological violence by making full use of the available provisions in the Turkish Criminal Code, including in particular the offence of torment sanctioned under Article 96 of this code, or consider introducing a new provision that would better fit into the Istanbul Convention's framework.**

²⁰⁰ See Article 2, paragraph 1(d), of Law No. 6284: "Violence shall mean all sorts of physical, sexual, psychological, verbal or economic acts that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to persons, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in social, public or private life".

²⁰¹ See Explanatory Report to the Istanbul Convention, paragraphs 180 and 181.

²⁰² Provisional arrest pending trial is required for crimes entailing a penalty of at least two years' imprisonment and therefore is operational in the case of torment, which is punished by imprisonment for between two and five years (increased to between three to eight years in cases of torment of a spouse). The offences under which psychological violence appear to be most commonly prosecuted (such as threat and defamation) fall outside the remit of this provision since they entail a maximum sanction of up to two years' imprisonment.

2. Stalking (Article 34)

218. Article 34 provides for two main constituent elements of the offence of stalking: a) the intention on the part of the perpetrator to instil a sense of fear in the victim for her safety, combined with b) the effect of instilling such a fear by means of repetitive threatening conduct.

219. According to the most recent available prevalence data, 27% of women in Turkey have been subjected to stalking at least once in their lives. The danger a victim of stalking might face is acknowledged under Law No. 6284 and its implementing regulation which define it in terms of any type of act, including verbal and written acts as well as those committed through communication devices, which procures physical or psychological distress.²⁰³ Thus, for instance, in the case of stalking occurring through pressing attempts to engage in communication with the victim, a preventive order might be issued requesting that “the perpetrator does not disturb the protected person through communication devices or by another way”.²⁰⁴

220. Stalking is not, however, established as a criminal offence under the TCC, thereby meaning that any prosecution for stalking falls under the banner of other offences, such as torment (Article 96), sexual harassment (Article 105), threats (Article 106), blackmail (Article 107), the deterioration of peace and order (Article 123) and violation of privacy (Article 134). However, none of these provisions specifically include wording to adequately cover the constituent elements of the offence of stalking as it is defined in Article 34 of the Istanbul Convention and to reflect the seriousness of this offence.

221. GREVIO urges the Turkish authorities to establish stalking as a separate offence and to subject it to an effective and dissuasive punishment, having due regard to its possible manifestations in the digital sphere.

3. Sexual violence, including rape (Article 36)

222. Article 36 of the Istanbul Convention requires parties to criminalise all forms of non-consensual acts of a sexual nature, including rape. The central element of the convention’s definition of sexual violence is the lack of consent given voluntarily as the result of the person’s free will. In adjudicating cases of sexual violence, parties should have regard to the case law of the European Court of Human Rights, and in particular to its landmark case *M.C. v Bulgaria*: “[A] rigid approach to the prosecution of sexual offences, such as requiring proof of physical resistance in all circumstances, risks leaving certain types of rape unpunished and thus jeopardising the effective protection of the individual’s sexual autonomy”.²⁰⁵ From the foregoing it follows that a narrow definition of sexual violence, including rape, as requiring force to be considered an offence and thus with a requirement of resistance fails to protect women’s rights to bodily integrity and sexual autonomy. It should also be ensured that the prosecution of such offences is based on a context-sensitive assessment of the evidence in order to establish on a case-by-case basis whether or not the victim has freely consented to the sexual act. The analysis should recognise the wide range of behavioural responses to sexual violence and rape which victims exhibit and it should not be based on assumptions of

²⁰³ See the exact terms of Article 3, paragraph 1(§), of the Implementing regulation of Law No. 6284: “Unilateral persistent stalking: regardless of any family ties or relation, all types of actual, verbal or written acts or deeds or by means of communication devices by the person committing violence towards the victim of violence, which would lead to physical or psychological fear and desperation”.

²⁰⁴ Article 17, paragraph 1(f), of the implementing regulation of Law No. 6284.

²⁰⁵ See paragraph 166 of the judgment (Application no. 39272/98).

typical behaviour in such situations nor influenced by gender stereotypes and myths about women's and men's sexuality.²⁰⁶ Finally, sexual violence should encompass all non-consensual sexual acts committed against a current or former spouse. Historically, the laws of many countries have implicitly or explicitly condoned marital rape. Under Article 43 of the Istanbul Convention the criminalisation of sexual offences applies irrespective of the relationship between perpetrator and victim.

223. The latest prevalence data generated by research in 2014 reveal that 12% of ever-married women in Turkey have suffered from sexual violence at the hands of their husbands or intimate partners at least once in their lifetimes and that 5% of these women experienced sexual violence within the period of 12 months prior to the research.²⁰⁷ As regards violence perpetrated by persons other than husbands or intimate partners on women over the age of 15, the prevalence rate is 3%,²⁰⁸ while 9% of women have been exposed to childhood sexual abuse before the age of 15.²⁰⁹

224. The TCC devotes an entire section (Section 6) to sexual crimes. From the onset, GREVIO welcomes the legislator's choice to depart from the previous categorisation of sexual violence as an offence against society and to qualify such violence as an offence against individuals. Sexual violence is regulated in Article 102 of the Criminal Code. The first paragraph of this article subjects sexual assault to the sanction of imprisonment for between 5 and 10 years. The aggravated form of sexual assault defined in paragraph 2 of Article 102, which occurs with the penetration of a bodily part or an object, is subject to the harsher sanction of imprisonment for no less than 12 years. The use of force might entail the additional liability for felonious injury. It is not, therefore, a constituent element of the offence of sexual violence. Moreover, Article 102 explicitly recognises marital rape. However, marital rape is subject to prosecution only upon the complaint of the victim, contrary to the requirements of Article 55 of the Istanbul Convention.²¹⁰ GREVIO was informed by the authorities that the offence of sexual assault applies to former spouses, although there are no specific provisions in the TCC explicitly stating such applicability. An analysis of the relevant case law and/or of judicial statistics would be necessary to verify how this provision is applied in practice in cases of sexual assault involving former spouses.

225. Intentional conduct not currently covered by Turkish legislation in the area of sexual violence is that of causing another person to engage in non-consensual acts of a sexual nature with a third person (Article 36, paragraph 1c, of the Istanbul Convention). This paragraph covers scenarios in which the perpetrator is not the person who performs the sexual act but who causes the victim to engage in sexual activity with a third person, for example as part of the control and abuse in intimate-partner violence. The scope of criminal intent is wider than that under the crime of aiding and abetting. It would not only cover the intent to help the commission of an offence, for example a rape, and the intent of the rape as such, but would also extend to the intent of causing both. In other words, the intentional conduct covered by Article 36, paragraph 1c, aims at capturing more than the instigation or facilitating of a crime but the malevolent behaviour of abrogating a woman's sexual self-determination.

²⁰⁶ Paragraph 192 of the Explanatory Report to the Istanbul Convention.

²⁰⁷ See Figure 5.1 in the Annex to the 2014 research on domestic violence.

²⁰⁸ Ibid. paragraph 5.3.2.

²⁰⁹ Ibid. paragraph 5.3.4.

²¹⁰ Article 55 of the Istanbul Convention is examined further in this report.

226. GREVIO invites the Turkish authorities to:

- a. introduce criminal legislation that would specifically cover the intentional conduct set out in Article 36, paragraph 1c, of the Istanbul Convention, namely the conduct of causing another person to engage in non-consensual acts of a sexual nature with a third person;**
- b. carry out an analysis of courts' practice in respect of cases of sexual violence against former spouses, and based on the findings of such an analysis, take the appropriate measures to ensure that the provisions of the Turkish Criminal Code on sexual violence are applied in such cases.**

227. Article 103 of the Turkish Criminal Code governing sexual abuse of a child has recently been amended further to a ruling by Turkey's Constitutional Court.²¹¹

228. This ruling was made in response to a request from a lower court dealing with a case of underage marriage. The lower court argued that "underage marriages are common in rural areas and sexual intercourse between underage children are widespread in urban areas; that the minor defendants are not aware of heavy sanctions imposed on sexual intercourse with underage children; that there are no activities aiming to increase such awareness; that the heavy sanctions imposed on the children injure the public conscience; that the previous version of the provision imposed no less than 8 years of imprisonment if the victim's spiritual health is not impaired but, according to the current version of the provision, the minimum limit of the sanction imposed on the same is 16 years regardless of whether the victim's spiritual health is impaired or not; that imposing different penal sanctions on acts against the victims of proximate ages leads to indirect forms of inequality". In response, Turkey's Constitutional Court found that Article 103 of the TCC did not leave sufficient discretion to judges to modulate sanctions depending on the circumstances of each case, thus contravening the principle of the state of law. More precisely, the Constitutional Court found that "the said provision eliminates the possibility to apply the reparative legal institutions, or to impose a penalty by taking into account the specific circumstances of each case such as [when] the crime is committed against victims of different ages or the perpetrator is also a minor, or the *de facto* coupling turns into formal marriage by raising the victim's age".

229. The decision by the Constitutional Court drew immediate criticism from academics and women's rights activists who warned that it would lead to cases of child abuse going unpunished. The legislative bill motioned to replace the annulled version of Article 103 of the TCC further inflamed critics by proposing retroactively to suspend pending criminal proceedings and convictions for sexual abuse handed down before 16 November 2016, provided the perpetrator married the victim. The fierce opposition to this proposal ultimately led to its withdrawal and to its replacement by an amendment establishing higher minimal punishments for sexual abuse, including sexual abuse committed with the penetration of a bodily organ or an object, when committed against a child who has not reached the age of 12.

230. Article 103 criminalises all cases of sexual abuse against a child under the age of 15 or against a child who despite having reached the age of 15, lacks the necessary ability to understand and consent to the sexual activity. This means that below this age, even in the absence of coercion, having a sexual relationship with a child younger than 15 can be prosecuted.

²¹¹ See the judgment of 12 November 2015 of Turkey's Constitutional Court, as relayed by the court's press release N. 6/15.

231. Sexual acts with a child older than 15 constitute sexual abuse only if committed with “the use of force, threat, deception or any other method which affects the willingness” of the victim. Thus, inasmuch as the definition of sexual abuse against children older than 15 requires the use of force, it departs from the Istanbul Convention’s requirement that sexual violence be based merely on the absence of freely given consent. Moreover, sexual violence against children older than 15 committed without the use of force does not appear to be covered by the different provisions of Article 104 of the TCC regarding sexual intercourse with children under the age of 18. While Article 103 of the TCC concerns sexual violence, Article 104 of the TCC simply targets any form of sexual *intercourse*, without the use of force, which occurs before the age of 18. This cannot be seen as substituting the criminalisation of sexual *violence* which can occur even in the absence of force.

232. The prosecution of the offence of sexual abuse of children is usually not subject to a complaint, except in certain specific circumstances. Where the offence is deemed not to have overstepped the level of importuning and the perpetrator is a child, the investigation into and the prosecution of the offence is made dependent upon a complaint filed by the victim or the victim’s parent or guardian. GREVIO takes note of information provided by the authorities according to which importuning is qualified by less serious violations of sexual immunity, such as a kiss on the cheek or brief physical contact of a sexual nature. Nevertheless, GREVIO is concerned that the uncertainty surrounding the notion of importuning might inadvertently lead to instances of sexual abuse not being prosecuted *ex officio*.

233. Moreover, having in mind the serious psychological consequences of sexual abuse of children and the low levels of reporting of sexual violence in general, GREVIO considers that a thorough analysis should be conducted as to how the existing provisions are applied in court practice. Matching data gathered by the CMCs with the outcomes of prosecution, including a qualitative analysis of court judgments, would provide valuable insights into the efficiency of the legal mechanisms to protect children against sexual abuse. Such an analysis would furthermore serve the purpose of filling the gap regarding data collection in cases of sexual violence against children.

234. GREVIO urges the Turkish authorities to:

- a. amend their legislation on sexual assault of children older than 15 having due regard to the requirement of the Istanbul Convention to criminalise all forms of non-consensual acts of a sexual nature, including rape;**
- b. conduct studies on the implementation by courts of the criminal provisions regarding sexual violence against girls.**

4. Forced marriages (Article 37) and civil consequences of forced marriages (Article 32)

235. Forced marriage is not criminalised as a specific criminal offence in the TCC. Instead, the authorities indicate that the criminal conduct described in Article 37 of the Istanbul Convention is captured by other provisions such as deprivation of liberty, human trafficking and sexual assault/rape.²¹²

236. In 2001, the legal age for marriage in Turkey for girls was increased to match the legal age of marriage for boys. It was brought from 15 to 17 subject to parental permission or 18 without parental permission. Children aged 16 can be authorised by courts to marry only

²¹² More specifically, according to the state report, the relevant provisions in cases of forced marriages are Articles 102, 103, 105 and 109 of the TCC.

“under exceptional circumstances and on vital grounds”.²¹³ Raising the legal age to marry is but one of the important measures taken by the authorities to stop child marriages. Various preventive actions have been undertaken to this end, such as raising awareness among communities and families and empowering girls. The prevention of early and/or forced marriages, including among the refugee population, is one of the objectives of the ongoing National Action Plan on Violence against Women.²¹⁴ Furthermore, preparations are under way to launch Turkey’s first National Action Plan to Combat Early and Forced Marriage spanning the period 2018-2023.

237. Data provided by the authorities would indicate that efforts to reduce underage and forced marriages in Turkey have led to a certain progress.²¹⁵ Still, underage and forced marriages continue to be widespread.²¹⁶ According to the latest prevalence studies, more than 25% of women in Turkey reported having been married before the age of 18, a percentage which rises to 32% in rural areas.²¹⁷ As many as 19.9% of these women indicate having been married by a family decision without their consent, while 46.8% of these marriages involved a family decision and were not based on the consent of the woman only. Significantly, in more than 45% of cases, the underage girl was married to a man with an age difference of between five and nine years, and in more than 23% of such cases, the age difference was equal to or higher than 10 years. Moreover, roughly one fifth of marriages involving a minor girl entailed the payment of a bride price and 13% of these marriages involved lying about the girl’s age. In this context, GREVIO particularly emphasises that the latest prevalence survey clearly confirmed the strong relation between exposure to psychological/sexual violence and underage marriage: notably, 19% of women who were married before the age of 18 reported being subjected to sexual violence at least once in their lifetimes, whereas the same was reported by a far lower proportion of women who were married after the age of 18 (10%). Similarly, the lifetime prevalence of physical violence was as high as 48% among women who were married early (before the age of 18) and 31% among women who were married after the age of 18.²¹⁸

238. While acknowledging the differences between underage and forced marriages, GREVIO underlines that the young age of brides means that they are at a higher risk of not being able to express their full and free consent to a marital union, or to resist a forced marriage. The damaging consequences of both forced marriages and child marriage have been amply illustrated by international human rights bodies.²¹⁹ Child, early and forced marriage is widely acknowledged as a harmful practice that violates, abuses or impairs human rights and is linked to and perpetuates other harmful practices and human rights violations. Such harmful practice has a disproportionately negative impact on women and girls and constitutes a serious threat to multiple aspects of their physical and psychological health.

²¹³ See Articles 124 and 126 of Turkey’s Civil Code.

²¹⁴ See Activity 2.6 of the 3rd National Action Plan on Violence against Women (2016-2020).

²¹⁵ The authorities have informed GREVIO that the ratio of girls married at the age of 16 or 17 has dropped from 8.1% in 2009 to 4.6% in 2016.

²¹⁶ According to UNICEF’s *The State of the World’s Children 2017*, Turkey has one of the highest rates of child marriage in Europe, with an estimated 15% of girls married before the age of 18.

²¹⁷ See Table 4.8 of the 2014 research on domestic violence. It is to be noted that these figures relate to both civil marriages and informal religious marriages.

²¹⁸ See paragraph 5.1.4. on page 102 of the 2014 research on domestic violence.

²¹⁹ See Resolution 175 of the United Nations General Assembly and the Joint General Recommendation No. 31 by the CEDAW Committee and Committee on the Rights of the Child, and general comment 18 of the Committee on the Rights of the Child.

239. Child marriage increases dramatically in times of crisis. This can be due to increased poverty levels and the need to reduce household expenditure. In crisis situations, parents might also feel compelled to protect their daughters against sexual harassment and violence in an increasingly fragile environment. Turkey experienced this phenomenon with the enormous influx of refugees which followed the Syrian war. A UNHCR survey conducted in 2014²²⁰ revealed that the average age of marriage for Syrian refugee girls in Turkey was between 13 and 20 years, with many respondents saying if they had had the money, they would not have resorted to marrying off their daughters at such a young age.

240. In the absence of legal provisions criminalising forced marriage, GREVIO finds that Turkey's response to this form of violence is necessarily partial and impaired. GREVIO stresses that the rights which Article 37 of the Istanbul Convention is designed to protect, namely the right to enter freely into marriage and to freely choose a spouse, go beyond the protection of the right to sexual integrity and autonomy protected by Article 36 of the convention. Moreover, the choice of regulating forced marriages within the framework of sexual violence entails that in certain instances, particularly in cases of child marriages, the victims themselves might face criminal responsibility for sexual violence, instead of those responsible for enforcing the marriage upon the children. The limits of this choice of law are all the more glaring, considering that under certain codes of conduct related to "family honour" in Turkey, forced marriage might be viewed as proper reparation for sexual violence. While acknowledging that marriage between the perpetrator and the victim of sexual violence does not cancel the criminal liability of the perpetrator, GREVIO is concerned that in some instances of forced marriages, the victims are less likely to report the violence for reasons of "custom" or "honour", including pressure brought by the perpetrator's and/or their own family. In addition, the non-criminalisation of this form of violence against women is an obstacle to the collection of data and further obscures the true scale of forced marriages in Turkey.

241. GREVIO recalls that the unofficial character of unregistered religious unions does not prevent their criminalisation in the sense of Article 37 of the Istanbul Convention. As *de facto* marriages concluded according to traditional principles, to which one of the parties has not voluntarily consented, they have the same negative consequences on young women and girls as any registered marriage would have (dropping out of school, early/unwanted pregnancies, etc.). A *sensu stricto* requirement of a civil solemnisation of the union may jeopardise the protection afforded to forced marriage victims by the Istanbul Convention.

242. Turkey recently passed legislation with the stated aim of limiting the numbers of unregistered marriages. Until the amendment of 19 October 2017 to Law No. 5490 on Civil Registration Services, religious marriages that were not preceded by a civil marriage lacked legal status and created no rights for the spouses. Under the new legislation, civil servants employed in Turkey's Directorate of Religious Affairs (Diyanet), or muftis, have acquired the authority to perform civil marriages. According to the authorities, one of the principle aims of this new legislation is to allow religious families who were opposed to secular marriage to come forward and be married by a state-approved mufti. GREVIO is aware of the various laws in parties to the Istanbul Convention giving legal standing to the matrimonial rites of widely-practiced faiths. Inherent to the power conferred upon clergy to officiate at civil marriages is the responsibility of ascertaining that the wedding complies with the laws of the state. Thus, for instance, religious officials have the duty to verify that the couple has attained the age to marry and that there are no other legal impediments to marry.

243. GREVIO notes that the official website of Diyanet posted an online glossary defining the terms "marriage" and "adolescence". The website indicated that whoever had reached

²²⁰ See www.unhcr.org/58a6bbca7.pdf.

the age of adolescence had the right to marry and it set the beginning of adolescence at age 9 for girls and 12 for boys. These two definitions, read in conjunction, might be understood as implying that a girl as young as nine is able to marry.²²¹ While noting that Diyanet has rejected the aforementioned interpretation of the glossary,²²² GREVIO also notes that the most recent available research in Turkey indicates that more than 60% of marriages involving a bride who had not reached the age of 18 were performed by official imams.²²³ This would point to the potential of religious practices which failed to fall in line with the requirements of the law setting the legal age of marriage at 17 subject to parental permission, and 18 without parental permission. In light of these research findings, GREVIO is extremely concerned that in taking on their new responsibility, the authorities presiding over religious marriage rites might not consistently uphold the standards of the law aimed at putting an end to illegal child and forced marriages.

244. The Istanbul Convention requires parties to regulate both criminal and civil consequences of forced marriages. On the civil law plane, measures must be in place allowing marriages concluded under force to be voidable, annulled or dissolved without any undue financial or administrative burden placed on the victim. In Turkey, there are no clear provisions in the Turkish Civil Code dealing with forced marriages. The annulment of a forced marriage might be sought under the provisions covering marriage vitiated by error²²⁴ or marriage to which consent was given “under an extremely imminent and grave danger against one’s life or against a relative’s life or health or honour”.²²⁵ However, the limited scope of applicability of these provisions fails to capture all cases of marriage to which a spouse has not voluntarily consented owing to psychological and/or physical violence. This leaves victims without an adequate remedy to untie the bonds of a forced marriage. Moreover, GREVIO has found no evidence that courts have ever resorted to these provisions to annul a forced marriage. GREVIO further notes that authorities should consider addressing through policy the economic and social consequences of forced marriage dissolution. Assuming that women would fear to claim dissolution of forced marriage, owing to the fear of economic hardship, the existing policy measures (including that within the National Action Plan on this issue) might include programmes aimed at economic and social empowerment of child/forced marriage victims which go beyond legal assistance during judicial proceedings. GREVIO notes positively that the authorities are currently preparing a new Strategy and Action Plan on Combatting Early and Forced marriages (2018-2023) and trusts that these issues will be taken up within this framework.

245. GREVIO urges the Turkish authorities to:

- a. recognise forced marriage as an offence under criminal law in its own right;**
- b. take the necessary measures to ensure that no victim of rape or harassment is forced into marriage with the perpetrator and that marriage does not nullify the violent act;**

²²¹ See the report: www.independent.co.uk/news/world/europe/turkey-children-marry-age-nine-islamic-law-diyamet-government-chp-mp-investigation-muslim-a8142131.html. Following the reactions of civil society, the glossary has since been removed.

²²² In a press release dated 2 January 2018, Diyanet stated that “there is no good will in creating a claim with twisting the definitions in Religious Glossary”, and that “forcing girls into marriage without attaining the responsibility of being a mother and establishing a family, without attaining psychological and biological maturity, does not comply with the religion of Islam, which requires free consent and free will in marriage” (see www.diyamet.gov.tr/tr-TR/Kurumsal/Detay/11418/basin-aciklamasi).

²²³ See Table 4.9 of the 2014 research on domestic violence.

²²⁴ Article 149 of the Turkish Civil Code.

²²⁵ Article 151 of the Turkish Civil Code.

- c. **enforce, including by means of sanctions, the responsibility of all state officials entitled to perform civil marriages, including muftis, to prevent the conclusion of illegal child and forced marriages;**
- d. **promote the development and use of reliable birth registration systems to circumvent any attempt to conceal the age of spouses;**
- e. **adopt the necessary legislative measures allowing forced marriages to be voidable, annulled or dissolved without any undue financial or administrative burden placed on the victim and introduce programmes aimed at addressing economic and social needs of women whose marriages have been rendered voidable, annulled or dissolved as a result of being concluded under force;**
- f. **collect data on child and forced marriages and follow trends in this area;**
- g. **develop comprehensive policies and measures to prevent and combat child and forced marriages, including among the refugee population. Such policies should address the underlying social, economic and cultural drivers of child and forced marriages and include information campaigns among parents, in schools and communities, centred on the right to freely choose one's partner and the unlawfulness of child and forced marriages.**

5. Female genital mutilation (Article 38)

246. The TCC does not contain any specific offence criminalising female genital mutilation. Nevertheless, the conduct described in Article 38a of the Istanbul Convention can be prosecuted under Articles 86 and 87 of the Criminal Code regarding, respectively, intentional injury and the aggravated form of this offence resulting in permanent weakening or loss of any one of the senses or organs of the victim, or loss of her reproductive ability. However, the conduct of coercing, procuring or inciting someone to undergo female genital mutilation described in Article 38b and c remain outside the scope of such provisions and do not appear to be criminalised under any other existing offence.

247. While female genital mutilation is largely alien to Turkey's practices and traditions, the sizeable influx of asylum seekers in the country, including from parts of the world where this practice is prevalent, might lead to women in Turkey being exposed to this particular form of violence. Moreover, it provides a reason to be prepared to identify and treat properly victims of this particular form of violence, irrespective of the country in which the mutilation was performed.

248. GREVIO strongly encourages the authorities to:

- a. **consider introducing in their criminal legislation an offence specifically targeting all forms of female genital mutilation as defined in Article 38 of the Istanbul Convention;**
- b. **raise awareness and knowledge among the professionals concerned and society at large regarding this specific form of violence against women.**

6. Forced abortion and forced sterilisation (Article 39)

249. Forced abortion and forced sterilisation are criminalised respectively under Articles 99 and 101 of the TCC. In the absence of judicial statistics, GREVIO was not in a position to assess existing reports indicating that disabled women have fallen victim to forced abortion²²⁶ against data on criminal convictions.

²²⁶ See Submission to the Draft General Comment on Article 6 of the International Covenant on Civil and Political Rights – Right to life: Women with disabilities, Association of Women with Disabilities (ENGKAD); see also the

7. Sexual harassment (Article 40)

250. The offence of sexual harassment defined in Article 40 of the Istanbul Convention encompasses any unwanted behaviour of a sexual nature that affects or might affect the dignity of a person. Sexual harassment is neither limited to the workplace nor to the family and can occur in multiple contexts. Accordingly, the context or setting in which it occurs does not constitute an element of the offence as defined in the convention.

251. In Turkey, sexual harassment is subject to a criminal sanction under Article 105 of the TCC. Committing the offence by misusing influence deriving from public office or a hierarchical relationship, or when sharing the same workplace, entails a harshening of the sanction. In public employment, a victim of sexual harassment can also resort to the available mechanisms for combating mobbing, which include the ALO 170 hotline providing guidance and psychological support.²²⁷ In this field, as for the other forms of violence for which Chapter V of the convention requires imposing criminal or other types of sanctions, the absence of judicial statistics is the greatest hindrance to assessing the effectiveness of Turkey's response to this pervasive form of violence against women.

8. Unacceptable justifications for crimes, including crimes committed in the name of so-called "honour" (Article 42)

252. Article 42 of the Istanbul Convention includes a clear prohibition of historically used justifications for acts of violence against women, including domestic violence. Thus, the criminal law and criminal procedural law of states parties should not permit claims of the accused justifying his or her conduct as having been committed in order to prevent or punish a victim's suspected, perceived or actual transgression of cultural, religious, social or traditional norms or customs. The *ratio legis* underpinning this provision is that any victim-blaming attitude should be disbarred.

253. Article 29 of the TCC on unjust provocation establishes as a general mitigating circumstance the fact that the offence was committed "in a state of anger or severe distress caused by an unjust act". An unjust provocation reduces by one to three quarters the penalty and entails considerable sentence reductions even for the most severe form of punishment, namely life imprisonment. However, in 2005, the reform of the TCC removed the possibility of reducing sentences under this motive in cases of murder motivated by "custom". Since then, "custom (*töre*) killings", as well as killings motivated by a blood feud, qualify as aggravated forms of murder²²⁸ and the prescribed sentence is aggravated life imprisonment. Further, amendments were made to ensure that not only the perpetrator of the crime but also members of the "family council"²²⁹ that took a decision to perform such a killing are charged with the crime.

254. While GREVIO acknowledges this important legislative change and the authorities' efforts to address this problem, it notes that the unjust provocation clause opens the door for unacceptable justifications of crime and victim blaming in all other cases of violence against

submission to the "right of persons with disabilities to participate in decision-making", by the Social Rights and Research Association-Turkey (TOHAD).

²²⁷ See page 29 of the state report.

²²⁸ See Article 82, paragraph 1(k), of the TCC.

²²⁹ Killings in the name of "honour" typically occur with a collective agreement of family council members, which, at the minimum, consists of the father and the brother(s) of the victim, and may also include uncles, grandfathers, male in-laws, and the mother (see: Sev'er and Yurdakul, "Culture of honour, culture of change: A feminist analysis of honour killings in rural Turkey", in *Violence against Women*, Vol.7, No. 9, 2001).

women. The authorities indicate that “unjust provocation” has not been applied to mitigate sentences in cases of “custom killings”,²³⁰ but there is no judicial statistics or analysis of case law to support this position. Moreover, GREVIO shares CEDAW’s concern²³¹ that this legislative amendment might not constitute a sufficient legal safeguard, given that the provision explicitly prohibiting the application of Article 29 addresses only killings in the name of “custom” (*töre*) and thus may not always cover killings in the name of “honour” (*namus*). GREVIO is furthermore concerned that despite such legislative amendment, crimes, including killings, committed in the name of “honour” continue to occur and that offenders receive reduced sentences by invoking motives which are similar to “honour”. Situations of this sort might include, for example, a wife having an affair with another man, an ex-wife remarrying, a female member of the family having a relationship without marriage or marrying without the permission of the family.

255. GREVIO is disconcerted by reports pointing to cases of women and girls being forced or pressured to commit suicide.²³² Such reports would indicate that since Turkey has tightened the punishments for crimes committed in the name of “honour”, rather than such deaths being stopped, lives are being ended by different means. Parents are trying to spare their sons from the harsh punishments associated with killing their sisters by pressuring the daughters to take their own lives instead. GREVIO emphasises that extensive preventive actions should be undertaken, specifically designed to help potential victims of such crimes. As no data on the number of criminal investigations, prosecutions and convictions for such forms of disguised suicides were provided, no conclusions can be drawn as to the effectiveness of the criminal justice sector in holding perpetrators accountable. GREVIO notes that the due diligence obligation would imply ensuring that competent forensic professionals perform an autopsy, and that other professionals conduct a psychological autopsy to determine a possible third party influence in a deceased’s decision to commit suicide (whether “honour” was a motivating factor). In this context, GREVIO takes positive note of the authorities’ plan to conduct a research on killings and suspicious suicides of women committed in the name of “honour” within the framework of the National Action Plan on Violence against Women.

256. GREVIO urges the Turkish authorities to:

- a. dismantle the concept that the honour and prestige of a man or the family are intrinsically associated with the conduct or presumed conduct of women related to them, which is based on patriarchal attitudes and serves to control women and curb their personal autonomy;**
- b. ensure that women who are under pressure from their families and those around them receive the necessary help and support, including by women’s NGOs, with a view to preventing situations in which women accused of having transgressed norms are pressured into committing suicide;**
- c. ensure that suicides, accidents and deaths of women which might disguise killings in the name of “honour” are effectively investigated and prosecuted;**
- d. ensure, including through training of judicial professionals, that on no grounds whatsoever do claims that the victim has transgressed cultural, religious, social**

²³⁰ See page 50 of the state report.

²³¹ See paragraph 34 of CEDAW’s Concluding Observations on Turkey’s seventh periodic report.

²³² See the study *The increase in Kurdish women committing suicides*, European Parliament, 2007. The pervasiveness of this phenomenon is analysed in detail, based on investigation of cases of forced suicides or disguised murders, in the 2006 report of Ertürk, then the UN Special Rapporteur on violence against women; see: *Report of Special Rapporteur on violence against women, its causes and consequences, Addendum, Mission to Turkey*, 2007.

- or traditional norms, customs or “honour” translate into sentence reductions in court practice;
- e. amend the Turkish Criminal Code, with a view to explicitly excluding crimes, including murders, committed in the name of “honour” and not merely “custom” from the application of Article 29 of the code on unjust provocation;
 - f. closely monitor judicial practices against the requirements of Article 42 of the Istanbul Convention, including by gathering data on convictions in cases of murders committed in the name of “honour”.

257. During GREVIO’s evaluation, the widespread tendency to grant sentence reductions in cases of violence against women under the provisions of Article 62 of the TCC was mentioned repeatedly as a source of concern.²³³ This article regulates the grounds on which judges may mitigate penalties at their discretion. These include the background, social relations and the behaviour of the offender after the commission of the offence and during the trial period, and the potential effects of the penalty on the future of the offender. According to the available information, merely keeping a dignified and respectful stance before the courts suffices for perpetrators of violence against women to benefit from this reduction. GREVIO is concerned that the prevalence of discretionary mitigation in cases of violence against women might in fact mirror sexist prejudice and victim-blaming attitudes of courts. It considers that an analysis of the relevant case law and of official criminal justice statistics would be necessary to verify the extent of this issue.

258. GREVIO strongly encourages the Turkish authorities to take measures, which are based on a close analysis of courts’ practice and the collection of relevant judicial data, to ensure that no sentence reductions are granted based on justifications which mirror victim-blaming attitudes and a lack of gendered understanding of violence against women.

9. Sanctions and measures (Article 45)

259. Article 45 of the Istanbul Convention requires the offences defined in Articles 33 to 41 to be punishable by sanctions which are “effective, proportionate and dissuasive”. The analysis of the TCC confirms that this is a principle that the Turkish legal system has largely upheld. Whether courts effectively hand down sanctions which are proportionate to the seriousness of an offence is a question to which only judicial data can respond. In the absence of such data, the unofficial data which GREVIO have obtained through media reports²³⁴ and information submitted by civil society would indicate that this is not always the case.

260. Sentencing can be considerably reduced by the combined use of such legal arrangements as unjust provocation and discretionary mitigation of punishment, which are examined above. The imposition of judicial fines is reported to be the cause of frequent revictimisation of women. Suspended sentencing is also quoted as a frequent source of impunity for the offender who can be spared the consequences of his acts if the sentence consists of a fine or of a prison term of no more than two years.²³⁵ In such cases, under the provisions of Article 231, paragraph 5, of the Turkish Code of Criminal Procedure, courts can “defer the verdict” for five years, meaning that if the perpetrator of violence abstains from reoffending during this period of time, all the legal consequences of his act are scrapped and he receives no conviction. Since the sanctions attached to a wide range of offences that are

²³³ See, *inter alia*, page 21 of the [shadow report](#), submitted to GREVIO by the Rainbow Istanbul Women’s Associations Platform (GIKAP).

²³⁴ See paragraphs 42 to 45 of the shadow report submitted by BIANET.

²³⁵ See page 51 of the NGO shadow report endorsed by the Istanbul Convention Monitoring Platform.

typically committed to inflict violence upon women, such as threats, insults and acts of physical violence, fall within the scope of application of this legal mechanism, it would appear that in many cases of violence, perpetrators are not held to account for their acts. Moreover, legal practitioners with whom GREVIO met deplore the effects of this mechanism in cases of repeat offending: where recidivism occurs after the expiry of the five-year period, the suspended sentence no longer counts as a previous conviction for the purposes of aggravating punishment in accordance with Article 46f of the Istanbul Convention; recidivism within the five-year period amounts to delays in the judicial response to violence.

261. GREVIO takes note of this apparent contradiction between proportionate and dissuasive penalties prescribed in legislation on one hand, and measures to reduce them in judicial practice on the other, which raises the issue of the potential influence of stereotypes on the professional opinions of judges, and may be addressed through training. GREVIO underlines that where effective, proportionate and dissuasive sanctions are missing, a counter-productive message is sent to perpetrators implying that committing violence against women, even repeatedly, is not a serious crime. Ultimately, this leads to a high danger of repetition and escalation of violence, to the detriment of girls' and women's right to live free from violence. Further, such a practice goes against the due diligence obligation, one of the overarching principles of the convention. GREVIO takes positive note of the role played by Turkey's higher courts in setting trends and reversing judicial decisions which fail to uphold the principle of accountability in cases of violence against women. It refers in particular to those rulings where courts of review have quashed sentencing decisions in domestic violence cases, and in doing so, have raised previous sentences set at the lower limits of the law or annulled undue sentence reductions.²³⁶

262. While sanctions are important to punish perpetrators and to prevent violence by acting as a disincentive to committing violence, GREVIO recalls that a purely repressive criminal justice response, which does not integrate rehabilitation measures such as probation time and anti-violence training for perpetrators, will fail to achieve these goals. GREVIO refers in this regard to the considerations developed in this report with respect to Article 16 of the Istanbul Convention on preventive intervention and treatment programmes.

263. While respecting the principle of the independence of the judiciary, GREVIO urges the Turkish authorities to take measures to ensure that judicial sanctions in cases of violence against women are effective, proportionate and dissuasive. In determining judicial sanctions, precautions should be taken to avoid victims being revictimised by the imposition of fines on their husbands or partners. The suspension of sentencing should be the result of a careful balancing between the need, on the one hand, to promote the social reintegration of first offenders and, on the other, to contain the danger of recidivism, avoid undue delays in criminal proceedings and uphold the principle of accountability under criminal law.

²³⁶ See the media report: www.dailysabah.com/politics/2017/11/08/turkish-supreme-court-toughens-penalties-for-domestic-abuse-perpetrators.

10. Aggravating circumstances (Article 46)

264. The TCC contains a range of aggravating circumstances covering the situations listed in Article 46 of the Istanbul Convention. Save for a few exceptions, such as the provisions on repeat offenders in Article 58 of the Code which apply to all offences, aggravating circumstances are either construed as an aggravated form of the basic offence or they are specific to each type of offence.

265. Without any pretension to being exhaustive, the following are GREVIO's main findings regarding the gaps in the TCC:

- a. The aggravating circumstance of the offence committed "against a former or current spouse or partner as recognised by internal law, by a member of the family, a person cohabiting with the victim or a person having abused her or his authority" has not been fully implemented so as to cover all the categories of victims listed in Article 46. In particular, the offences of intentional murder (Article 82d) and intentional injury (Article 86, paragraph 3a) only entail an aggravated punishment where they are committed against "a direct ascendant, direct descendant, spouse or sibling", without any reference, notably, to former spouses or current and former partners. Neither are the latter covered by the aggravating circumstance which applies in cases of sexual assault committed by an offender having a relationship of blood or kinship with the victim (Article 102, paragraph 3c).
- b. As to the aggravating circumstance called for by Article 46 with respect to persons made vulnerable by particular circumstances, committing the offence against a pregnant woman is an aggravated form of intentional murder (Article 82, paragraph 1f), but not of intentional injury, unless it entails the premature birth of the child (Article 87, paragraph 1e);
- c. The notion of a person "who cannot protect himself physically or mentally", which entails the aggravated form of intentional murder (Article 82, paragraph 1e) or of intentional injury (Article 86, paragraph 3b), appears to be more restrictive than the notion in Article 46c of the Istanbul Convention of a "person made vulnerable by particular circumstances".²³⁷
- d. The aggravating circumstance of an offence committed "against or in the presence of a child" is only partially implemented, in that it is operational only if the child is a victim – leaving out cases where the child is a witness – and only for certain crimes, such as intentional murder (Article 82, paragraph 1e), torture (Article 94, paragraph 2a), torment (Article 96, paragraph 2a) and deprivation of liberty (Article 109, paragraph 3f);
- e. The fact that the offence was committed by two or more people acting together aggravates punishment in offences such as sexual assault (Article 102, paragraph 3d), threat (Article 106, paragraph 2c) and deprivation of liberty (Article 109, paragraph 3b). No such aggravating circumstance is foreseen, however, for intentional murder and intentional injury.

²³⁷ See paragraph 87 of the Explanatory Report to the Istanbul Convention: "For the purpose of this Convention, persons made vulnerable by particular circumstances include: pregnant women and women with young children, persons with disabilities, including those with mental or cognitive impairments, persons living in rural or remote areas, substance abusers, prostitutes, persons of national or ethnic minority background, migrants – including undocumented migrants and refugees, gay men, lesbian women, bi-sexual and transgender persons as well as HIV-positive persons, homeless persons, children and the elderly".

266. GREVIO strongly encourages the Turkish authorities to fill the remaining gaps in their criminal legislation so as to fully comply with the requirements of Article 46 of the Istanbul Convention on aggravating circumstances.

11. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)

267. Article 48 of the Istanbul Convention bans mandatory alternative dispute resolution procedures in relation to cases of violence against women. This prohibition includes mediation and conciliation, but it is limited to mandatory mechanisms. This provision stems from the principle that these mechanisms require that the parties enter into them freely. It is further based on the realisation that violence against women is a manifestation of unequal power relations and that inequality hinders freedom of consent. Furthermore, Article 48 serves to avoid reprivatisation of domestic violence and violence against women and to enable the victim to seek justice.²³⁸

a. Mediation in criminal procedures

268. Under Article 253 of the Turkish Criminal Procedure Code, mediation applies to: (a) offences subject to private prosecution, i.e. offences which are investigated and prosecuted upon the filing of a complaint;²³⁹ and (b) a number of other offences, irrespective of whether or not they are subject to private prosecution, such as intentional or negligent wounding, violation of the tranquility of domicile or the kidnapping of a child. A few exceptions apply: for instance, mediation is inapplicable where the victim of intentional wounding is either a direct antecedent, descendant, spouse or sibling of the perpetrator. Mediation is also inapplicable in cases of crimes against sexual inviolability.

269. While GREVIO acknowledges that this is not a mandatory procedure, it has nevertheless been informed that many victims of violence perceive mediation as compulsory and enter the procedure under the misconception that they have no other choice than to come to an agreement with the offender. This would point to an issue of lack of information for victims regarding their rights. Moreover, NGOs claim that courts will at times propose mediation despite the enforcement of a restraining or protection order.²⁴⁰ To avoid putting into jeopardy the rights and safety of victims, courts should give due consideration to the dynamics, danger and risk factors inherent to domestic violence and other forms of violence against women. One such risk is that a woman victim of violence agreeing to enter mediation might in reality conceal her inability to refuse, out of fear of further violence or retaliation from the family. Therefore, while acknowledging that under the law, mediation in criminal procedures is based on the free will of the parties involved, GREVIO reiterates that unequal power relations between women and men may impact on the capacity of the victim to consent, of her own free will, to mediation, which thus can be a source of secondary victimisation.

270. GREVIO strongly encourages the Turkish authorities to:

- a. take measures to ensure that in cases of an offence of violence against a woman, mediation does not apply where the victim has not or is not able to**

²³⁸ See paragraph 252 of the Explanatory Report to the Istanbul Convention.

²³⁹ A number of offences which are relevant to gender-based violence against women are subject to private prosecution in Turkey. They include, among other offences, threats, insults and violations of the right to privacy. See also considerations developed further in this report in relation to Article 55 of the Istanbul Convention.

²⁴⁰ See pages 51 and 52 of the NGO shadow report endorsed by the Istanbul Convention Monitoring Platform.

-
- freely consent to the procedure, having regard to the imbalance in power relations between the victim and the perpetrator;
- b. ensure that all women victims of violence are informed about the non-mandatory nature of mediation in criminal proceedings;
 - c. introduce safeguards aimed at guaranteeing that only those women victims of violence who can exercise their free will to accept or decline the procedure enter mediation;
 - d. train judges, mediators and legal professionals on the need to ensure that victims freely consent to mediation and are not exposed to further revictimisation;
 - e. consider expanding the inapplicability of criminal mediation in cases of intentional wounding to other categories of victims, such as former spouses, current and former partners.

b. Conciliation in civil procedures

271. In Turkey, reconciliation serves as a voluntary measure for settling “legal disputes stemming from transactions and affairs on which parties can liberally dwell”²⁴¹ but it is prohibited in cases of violence within the family. The effective implementation of this ban would require that mediators actively screen family law cases for domestic violence. Otherwise placing the onus of disclosing incidents of domestic violence on the victim would disregard victims’ reluctance to speak out, be it for fear of not being believed, or of incurring further violence. Information gathered by GREVIO would indicate that dispute resolution processes are not strongly anchored to these principles, thereby undermining the effectiveness of the ban. Moreover, NGOs stress that restrictive interpretations of the term “family” have at times unduly limited the scope of protection afforded by the law.

272. GREVIO strongly encourages the Turkish authorities to effectively enforce the ban on reconciliation in family disputes and divorce proceedings where there is a history of domestic violence, within the meaning given to this term by Article 3b of the Istanbul Convention. To this end, mediators should receive adequate training on methods for screening family law cases for domestic violence.

²⁴¹ See Law No. 6325 on Reconciliation in civil disputes (HUAK).

VI. Investigation, prosecution, procedural law and protective measures

273. Full accountability for all acts of violence against women requires an adequate response from law-enforcement agencies and the criminal justice sector. Chapter VI of the Istanbul Convention establishes a set of measures to ensure criminal investigations, prosecutions and convictions of the various forms of violence covered therein.

274. From the outset, GREVIO welcomes the establishment of specialist offices within law-enforcement agencies²⁴² and prosecution services²⁴³ to deal with cases of violence against women, including domestic violence. By ensuring that the entire legal process in cases of violence against women is handled by law-enforcement officers and public prosecutors who are trained to deal with such cases, by further granting them the authority to immediately issue direct orders to arrest the perpetrator and protect the victim, including the enforcement of protection orders and ensuring the victims' safe transfer to shelters, these offices represent an important step in combating violence against women and protecting the victims.

275. GREVIO notes, however, that specialisation can lead to a phenomenon of "siloing" the issue of violence against women and make it an area where others do not act, by inadvertently reducing the perceived responsibility of the officers responding initially. Therefore, great care needs to be taken to ensure the first responder's immediate and swift response to violence against women and domestic violence, by training all law-enforcement officers who can potentially come into contact with victims and by avoiding referrals of victims within law-enforcement agencies.

276. Moreover, GREVIO expresses its concern regarding the significant draining of resources, which came with the dismissal of sizeable numbers of judges, prosecutors and civil servants in the aftermath of the failed coup attempt. The ensuing weakening of the institutional machinery involved in preventing and combating violence against women is reported to have severely impacted Turkey's response to violence against women.²⁴⁴

A. Immediate response, prevention and protection (Article 50)

1. Reporting to and investigations by law-enforcement agencies

277. Law-enforcement agencies²⁴⁵ are responsible for receiving reports of violence, attending the scene and responding to any incidents. Law No. 6284 regulates their duties and responsibilities in relation to the operations of Şönims and shelters and further entitles them to adopt, in situations of immediate danger, a number of measures to ensure the victim's safety. Available quantitative data show that law-enforcement agencies stand out as

²⁴² In November 2015, the Provincial Directorates of Security Affairs of 81 cities were equipped with specialist "Bureaus for Combating Domestic Violence and Violence against Women". Similarly, starting in 2015, a plan to equip all Provincial Commands of the gendarmerie with specialist personnel dealing with crimes against children and women was enacted.

²⁴³ Several metropolitan cities in Turkey have established a "Domestic Violence Crime Investigation Bureau" within the offices of public prosecution authorities.

²⁴⁴ See pages 27, 31 and 54 of the shadow report endorsed by the Istanbul Convention Monitoring Mechanism, which illustrate the various adverse effects of the dismissals; see also in this connection the Report on women's rights violations in Turkey, Filiz Kerestecioğlu, available at: www.hdp.org.tr/en/news/from-hdp/report-on-womens-rights-violations-in-turkey/10887.

²⁴⁵ In Turkey, law-enforcement agencies comprise both the General Directorate of Security (i.e. the police) and the General Command of Gendarmerie in charge of policing rural areas of the country.

the most widely known institution to which victims may turn for help.²⁴⁶ The development of standardised procedures and protocols guides law-enforcement officers in taking the necessary action in cases of violence against women and following an effective approach. These measures are complemented by efforts to train law-enforcement officers and provide them with a gendered understanding of violence against women.²⁴⁷ Positive action is further taken to attract female personnel to join the ranks of law-enforcement bodies and thus enhance the capacity of law-enforcement agencies to reach out to women victims and open channels of communication with them. Outreach activities, aiming in particular at women in rural areas and women living in areas poorly served by protection and support services, are carried out by the forces of the gendarmerie. Both the Alo 155 Police Emergency Hotline and the Alo 156 Gendarmerie Emergency Hotline, operating on a freephone 24/7 basis, receive emergency calls from victims or witnesses of violence against women.

278. Despite these commendable efforts, existing prevalence data concerning domestic violence victims highlight the reluctance of law-enforcement agencies to take action in all cases, their underestimation of the risks of revictimisation and/or the persistence of inappropriate responses, including the highly problematic practice of attempting to reconcile the victim with her violent husband/partner.²⁴⁸ Reports²⁴⁹ indicating the tendency of law-enforcement officers to delay intervening, to discourage victims from reporting and to disregard both the signs of violence and the victims' accounts of violence all point to the same underlying factor: attitudes towards domestic violence that view violence as a private matter to be settled within the family walls and which are blind to the gendered nature of violence against women. Similar victim-blaming attitudes are visible also in cases of sexual violence where victims can suffer from law-enforcement officers' prejudiced assumptions, such as that they consented to sexual activity. Ultimately, such attitudes lead to inaction because individual officers minimise the importance of the violence and seek to justify it, for instance by ascribing it to the victim's behaviour. They lead to wrong assumptions regarding causes and consequences of the violence, resulting in victims not being believed or being pressured to accept the violence, evidence not being collected and charges not being pressed. Lastly, and most damagingly, they lead to the denial of basic human rights of women such as the protection of their right to life and physical integrity. In sum, they present a worrying challenge to Turkey's ability to comply with its due diligence obligation to prevent, investigate, punish and provide reparation for acts of violence covered by the scope of the Istanbul Convention (see Article 5, paragraph 2).

279. In light of the above, GREVIO considers that the law-enforcement agencies' approach to domestic violence in Turkey still bears the sign of a historic culture common to all parties to the Istanbul Convention which saw violence against women as a private matter within the family and an issue to be resolved by mediation. Such an approach would furthermore explain the over-reliance of law-enforcement agencies on the victim's willingness to come forth and report an incidence of violence.

²⁴⁶ According to the 2014 research on domestic violence, as many as 86% of the interviewed women who had been subjected to physical and/or sexual violence were aware of the role played by law-enforcement agencies in combating violence against women. However, it should be kept in mind that the research also revealed that a very small proportion of women who suffered violence decided to report it to the police and/or gendarmerie (only 7% and 1%, respectively).

²⁴⁷ During the two years prior to GREVIO's evaluation visit to Turkey, the Police Academy trained 250 000 police officers (both serving staff and candidates) on Law No. 6284.

²⁴⁸ Tables 7.11 and 7.12 of the 2014 research on domestic violence show that in 81% of applications to law-enforcement agencies, the statement of the victim who applied to those agencies was not recorded, that about a third of applications to those agencies resulted in the victim's reconciliation with her abusive partner and that 13% of applications were met with no action at all.

²⁴⁹ See page 53 of the shadow report endorsed by the Istanbul Convention Monitoring Platform.

280. Law-enforcement agencies would convince more victims to turn to them for help by undertaking thorough initial investigations without and/or before receiving any direction from prosecution. Initial law-enforcement enquiries to gather evidence are furthermore essential to raise the likelihood of prosecution services deciding to open criminal investigations. Moreover, any such surrounding evidence is essential to enable prosecution to take place *ex officio*, i.e. without relying on a complaint from the victim, as mandated by the Istanbul Convention for the categories of offences specified in its Article 55. One way of overcoming the excessive reliance on the victims' readiness to file a complaint would be the systematic use of other sources of evidence, such as ensuring that any injury, however slight, is recorded, taking photographs of the scene, taking DNA samples, making enquiries with neighbours and any other witnesses, and interviewing impartially both the victim and the perpetrator, independently of one another.

281. By taking further steps to improve their response to violence against women, law-enforcement agencies should aim at building victims' confidence. A need to strengthen victims' trust in institutions seems to be supported by data from the 2014 prevalence survey indicating that women actually are aware of their legal rights to be protected from violence,²⁵⁰ but still rarely decide to report incidents to any institution, including law-enforcement agencies.²⁵¹ A key area where trust and confidence in law-enforcement bodies can be enhanced is that of its response to those occasions where its own staff members are the perpetrators. International experience demonstrates that this is an area that often lags behind the response to cases of violence against women not involving law-enforcement officers. Information gathered by GREVIO during the evaluation would indicate that reactions to such cases of misconduct are handled lightly and that the issuance of disciplinary sanctions is not systematic and tends to be deferred until the conclusion of criminal proceedings. While being unable to verify these claims independently and without any attempt to generalise conclusions about the prevalence of officers' misconduct, GREVIO underscores that only an independent scrutiny of such cases will ensure that the practice is sound. It refers in this regard to the findings of the European Commission against Racism (ECRI), which recommended that the Turkish authorities "entrust a body that is fully independent of the police, other security forces and the prosecution services with the investigation of alleged cases of misconduct by members of the police or other security forces, including ill-treatment directed against members of vulnerable groups"²⁵² and considers that such an independent mechanism of oversight might also examine – with the support of women's organisations – cases where law-enforcement officers are themselves perpetrators of violence against women, including domestic violence. Such an independent mechanism should be complementary to internal investigative procedures within the field of law enforcement. Moreover, perpetrators should receive proportionate and dissuasive disciplinary sanctions, which include removal from their function and/or employment.

282. Having in mind the need to foster victims' trust in the law-enforcement institutions, GREVIO urges the Turkish authorities to:

- a. ensure the swift and impartial response of all law-enforcement officers to cases of domestic and other forms of violence against women, in their homes as well as in public spaces, on the basis of full respect for women's human rights, in particular the right to life and physical integrity;**

²⁵⁰ See Table 8.1 of the 2014 research on domestic violence.

²⁵¹ See Figure 7.2 on page 166 of the 2014 research on domestic violence, which illustrates that only a very small proportion of women who suffered violence decided to report it to the police and gendarmerie (only 7% and 1% respectively).

²⁵² See paragraphs 92 to 96 of ECRI's report on Turkey, ECRI(2016)37, (fifth monitoring cycle), October 2016.

- b. pursue practical steps, such as on-the-job training developed in co-operation with specialist women's NGOs and mentoring schemes, to overcome persistent attitudes, beliefs and practices that stand in the way of a police response to domestic violence that is based on an understanding of the gendered nature, impact and consequences of violence, and which focuses on the victim's safety, the collection of evidence, the full accountability of the perpetrator and the inappropriateness of efforts to reconcile the victim with the perpetrator;**
- c. promote effective and proactive law-enforcement investigations and evidence collection, including photographic documentation of injuries and other evidence in alleged cases of violence against women;**
- d. provide law-enforcement agencies with the requisite means and capacity to assist effectively and without delay all victims, from the moment they report the violence, including by expanding existing efforts to establish specialist "bureaus" within the police and gendarmerie;**
- e. entrust an independent body with the mandate of examining alleged cases of violence against women committed by members of law-enforcement bodies and ensure that law-enforcement agencies, prosecution services and the disciplinary bodies carry out effective investigations and subsequent action in such cases;**
- f. pursue their efforts to attain a gender-balanced workforce within law-enforcement agencies by considerably increasing the numbers of female officers, with a view to guaranteeing that victims are assisted and interviewed by female officers, including in emergency interventions.**

2. The role of the prosecution services and conviction rates

283. As mentioned earlier in this report, the lack of any data regarding the response of the judiciary to violence against women has greatly affected GREVIO's ability to reach any definitive conclusions in this regard. By contrast, the availability of detailed data regarding protective measures taken in pursuance of Law No. 6284 may be seen as emblematic of the lack of balance which GREVIO has observed between the authorities' response to violence against women in Turkey in the civil domain, on the one hand, and in the criminal domain on the other. Indeed, it would appear that the availability of civil remedies to protect the victim and prevent violence has the consequence of replacing or deferring criminal action.

284. Protection orders can provide immediate and lasting security for victims, especially if used effectively and combined with specialist support and follow-up processes. What they do not do is hold a perpetrator to account for his actions and establish his responsibility for injury or damage. They also do not protect other victims with whom the abuser may form later relationships. Prosecution and conviction are not always successful in this regard but their chances of preventing revictimisation, in line with Article 18 of the Istanbul Convention, and/or violence against other prospective victims may increase where offenders are able to undergo a perpetrator programme while in prison or as a condition of a suspended sentence, and given an opportunity to change their violent behaviour.

285. While recognising that victims will sometimes choose to apply for protection without being ready to support prosecution, the effective enforcement of *ex officio* processes, where they are mandated by the law in accordance with the Istanbul Convention, and the possibility of ordering pre-trial detention, should be the preferred route to protect victims in cases of repeat and more serious violence. Moreover, it should be acknowledged that many victims will fail to support prosecution where they lack a sense of long-lasting security, such as when

protective measures are granted in their lighter form and/or only for short periods of time, and/or are not properly enforced.²⁵³

286. With a view to achieving a more balanced approach between the civil and criminal remedies for violence against women, GREVIO urges the authorities to take measures to ensure that the implementation of protective measures under Law No. 6284 does not replace the need to establish and deal with the criminal liability of the perpetrator, especially in cases of repeat and more serious violence. Progress in this area should be measured through the collection of publicly available data illustrating prosecution and conviction rates for the different forms of violence covered by the scope of the Istanbul Convention, respecting the requirements defined in Article 11 of the convention, in particular that the recorded data on victim and perpetrator should be disaggregated by sex, age, type of violence and the relationship of the perpetrator to the victim, and geographical location.

B. Risk assessment and risk management (Article 51)

287. An electronic form has been developed to support statutory agencies in carrying out risk assessments in domestic violence cases. The form categorises victims as being at a high, medium or low level of risk and determines whether a protective measure is warranted. The form also serves as a record of the incident of violence in cases where there is no prosecution, which is instrumental in allowing a proper risk assessment in situations of repetition and escalation of violence. However, failures to carry out a risk assessment systematically appear to occur, so that it is not possible to readily identify women who have already suffered and reported violence in the past. To prevent a lack of expertise leading to a failure to properly complete the risk-assessment process and any possible dangerous outcomes, guidelines and training must be available. Increased supervision is also needed to ensure the risk assessment is both completed and conducted systematically and effectively. Moreover, there should be an absolute presumption that the future safety of victims and their children is the responsibility of the officials dealing with them, from the moment the official becomes aware of the violence. GREVIO emphasises that, when keeping electronic records, it is of paramount importance to employ all appropriate means to ensure personal data protection in line with the requirements of the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (CETS No. 108), which Turkey ratified in 2016.

288. Sharing information should also be an expectation in risk assessment, as victims will often seek support from a number of different organisations. Without the pooling of information, decisions may be made which are detrimental to the victim and her children, due to a lack of understanding of all the elements and intelligence available about the case. The process of risk assessment used in Turkey appears to follow the accepted standards as seen in many countries.²⁵⁴ This process presupposes that local agencies work together to co-ordinate referrals within a multi-agency committee, which includes and empowers the victim and closely involves women's NGOs representing the victim. GREVIO takes positive note of recent efforts to improve information exchange and data integration between the MoFSP and the General Directorate of Security of the Ministry of Interior, based on the conclusion of a data sharing protocol regarding reports of violent incidents as well as emergency

²⁵³ See considerations developed further in this report with respect to emergency barring and protection orders (Articles 52 and 53 of the Istanbul Convention).

²⁵⁴ The best-known version of risk assessment has been largely codified by SafeLives, a leading domestic violence NGO in the United Kingdom.

barring/protection orders issued by law-enforcement officials in line with Law No. 6284. Nevertheless, the indication that risk-assessment practice in Turkey does not always lead to a multi-agency response of some kind, in particular in high-risk cases, raises concerns. The development of the practice of analysing high-risk cases of violence at regular meetings or multi-agency case conferences and developing information-sharing protocols, following best practices,²⁵⁵ would be key to preventing gender-based killings.

289. In terms of risk management, GREVIO found convincing testimony that in very serious high-risk cases, a change of identity was often sought and achieved. At the lower end of risk, namely where risk threatens victims' rights other than her right to life, such as the right to physical and psychological integrity, there seems to be a tendency to minimise danger and/or a lack of individualised application of protective measures. This might explain data showing the predominant recourse to enjoining the perpetrator not to threaten, insult or humiliate the victim.²⁵⁶ Such a measure – the “lightest” among all measures that can be issued against a perpetrator in line with Law No. 6284 – represents almost one third of all measures adopted against perpetrators in 2016.²⁵⁷ GREVIO is concerned that the imposition of such “light” restraining orders and/or an underestimation by the statutory agencies of the risk factors at stake might lead to repeat and increasing violence, and, on certain occasions, death. It also notes that (as official records imply) annual numbers of emergency barring orders issued in the period 2014-2016 somewhat decreased, whereas numbers of other orders issued annually against perpetrators mostly increased in the same period.²⁵⁸ These trends raise the question of whether courts sufficiently use the provision granted by law to choose from among a wide range of orders, or to combine them to adapt to the individual needs of a victim. Available data do not allow GREVIO to conclude how many victims benefited from the orders, although the law allows adopting one or several of them with the aim of protecting the same victim and preventing further violence. As a general remark, GREVIO further notes that while decisions to issue protective measures usually appear to be taken swiftly,²⁵⁹ there is less evidence that they are backed up by thorough follow-up processes and carefully implemented safety plans.²⁶⁰

290. Efficacy of risk management relies, *inter alia*, on the proper enforcement of decisions taken in relation to the identification of risk. An issue identified by GREVIO in this connection is the vulnerability of confidentiality orders. Confidentiality orders are a type of preventive measure foreseen in Law No. 6284,²⁶¹ which provide for keeping the addresses of women at risk undisclosed in the centralised e-government system in place in Turkey. GREVIO has been informed of instances in which perpetrators of domestic violence or stalking have located a victim and her children by calling public services based on the e-government system such as the “appointment line” for medical appointments or by receiving information on the new school of their children. GREVIO is particularly concerned about reports illustrating that many victims have been injured or killed while they were under the protection of protective measures.²⁶²

²⁵⁵ GREVIO report on Austria, 2017.

²⁵⁶ Article 5, paragraph 1(a) of Law No. 6284.

²⁵⁷ As presented in Annex I to the state report, 104 469, 122 045 and 153 953 such orders were issued in 2014, 2015 and 2016, respectively. The total numbers of all orders issued against perpetrators in these years were as follows: 401 974, 415 829 and 459 493, respectively.

²⁵⁸ Data in Annex I to the state report indicate that 59 525, 56 438 and 54 371 emergency barring orders were issued in 2014, 2015 and 2016, respectively. A similar decline cannot be noted with respect to other protective orders, which mostly increased between 2014 to 2016.

²⁵⁹ See page 56 of the shadow report endorsed by the Istanbul Convention Monitoring Platform.

²⁶⁰ See page 18 of the shadow report submitted by KADEM, which points to the insufficient monitoring of protective measures issued in pursuance of Law No. 6284.

²⁶¹ See Article 8, paragraph 6, of Law No. 6284.

²⁶² See paragraph 49 of the shadow report from BIANET.

291. The authorities' investment in an electronic monitoring system, which follows the geographic activities of perpetrators and their proximity to victims, has the potential to develop into a good practice. It can be assumed that the system enables victims to be and feel safer, while continuing their lives; further, it is less costly and more efficient in comparison to other protection measures that are more difficult to enforce. The technology, as demonstrated to GREVIO during the evaluation visit, seemed sound and impressive. The ability to provide warnings to victims and ensure a swift police response when a perpetrator approaches the victim offers an excellent example of risk management. This is the next step on from providing victims with phones connected to emergency services, a system which has been proven to make victims feel safer and allowed them to conduct their lives relatively normally. These phone systems do not, however, track the perpetrator, which is the considerable benefit of the electronic monitoring process in Turkey. Currently, the electronic monitoring system is running as a pilot project in the cities of Ankara, Izmir, Istanbul, Bursa, Gaziantep and Antalya. After evaluation of this pilot project, the authorities plan to expand it to other cities throughout Turkey. In the future evaluation analysis, the authorities should take into account the opinions of the victims who have used the system.

292. GREVIO urges the Turkish authorities to improve their practices of risk assessment and risk management for all forms of violence against women, including domestic violence, by:

- a. maintaining systematically all records of reports of violence to allow the evaluation of the risk of repeat and escalating violence while ensuring respect for the principles of personal data protection;**
- b. developing a risk-assessment system which incorporates a form of multi-agency response, in particular in high-risk cases, and which associates the victim to this process so as to empower her;**
- c. assessing and managing risk by thoroughly reviewing on a case-by-case basis the risk factors and by adopting measures which are tailored to the individual situation of each victim and aim at ensuring respect for her safety and human rights;**
- d. stepping up efforts to train all statutory agencies working with potential victims in risk assessment and risk management and the need for these processes to be supported by multi-agency working;**
- e. pursue efforts to improve risk management.**

C. Emergency barring orders (Article 52); Protection orders (Article 53)

293. GREVIO welcomes the introduction in Law No. 6284 of a protective mechanism to shield women victims and their children from the threat of repeated violence, which is based on the issuance of injunction orders²⁶³ irrespective of other legal proceedings. GREVIO also welcomes the wide scope of the law which is not limited to domestic violence and extends to other forms of violence such as stalking and forms of violence which occur both in public and private spaces.²⁶⁴ While it is foreseen that these orders are usually issued either by the administrative chiefs or by judges of family courts, a number of these measures can, in

²⁶³ See Articles 3, 4 and 5 (entitled respectively "The protection orders to be issued by the administrative chiefs", "The protection orders to be issued by the judge" and "Preventive orders to be issued by the judge") of Law No. 6284. It is specified that, in this report, these measures are referred to indistinctly by the terms "protective" or "injunctive" "order" or "measure".

²⁶⁴ Article 2 of Law No. 6284 contains definitions of "domestic violence" (paragraph 1(b)), "violence against women" (paragraph 1(ç)) and "violence" (paragraph 1(d)), which follow the wording of the Istanbul Convention.

situations of imminent danger, be issued by law-enforcement officers, subject to their validation within 24 hours by the administrative chief or family court.²⁶⁵

294. The range of orders in relation to the perpetrator comprises banning further insults and threats to a victim, emergency barring orders, a range of general restraining orders and contact bans (some of which also include persons close to a victim, or a ban from damaging the victim's property, while others refer to use of various communication devices), the rendering of all legally held firearms (including in cases when an alleged perpetrator has a profession that requires carrying weapons), the prohibition of consuming alcohol or other stimulating substances and/or an obligation to undertake treatment in case of addiction, and changes in previous arrangements related to contact with children (which may be restricted, supervised or revoked completely).

295. In relation to the victim, the orders include relocation to a woman's shelter, registering property in the name of the victim, enabling a victim to change her workplace and (under condition of her informed consent) to change identity in cases of life-threatening situations, and providing financial aid, psychological and legal counselling and temporary protection in case of life-threatening danger. Further, judges are authorised to regulate issues of guardianship, custody and alimony, including temporary alimony.

296. Based on the foregoing, it can be assessed that Law No. 6284 provides a comprehensive legal framework: it prescribes a variety of diverse and wide-ranging measures, which may in principle enable an individualised approach to the protection of a particular victim. GREVIO further takes positive note of data provided by the authorities showing that the numbers of measures issued, and thus presumably the numbers of victims benefiting from these measures, are on the rise overall.²⁶⁶ GREVIO commends the efforts of authorities to collect data on the implementation of various measures prescribed in Law No. 6284. In order to ensure a proper evaluation and follow-up of the implementation of the law, data-collection mechanisms should be improved to include information on whether an order was issued upon request of a victim or *ex officio*, on the duration of measures, on the numbers of renewal, and on other relevant factors, as suggested at the end of this section. Data collection might be further developed in the future to identify for which forms of violence protective measures are taken, so as to measure to what extent the legislator's intent to widen the scope of protection beyond domestic violence has been achieved. It would also be beneficial to conduct a thorough analysis of criteria on which courts based their decisions to approve or dismiss a measure and of the effectiveness of their outcomes in terms of safety for the victim.

297. GREVIO has been apprised of a number of issues regarding the application of this mechanism. A major issue is the short period of time for which protection is afforded. Law No. 6284 prescribes that the maximum duration of orders is six months (when they are initially issued), but that they may be extended, modified, abolished or upheld *ex officio* or upon request of the protected person, officials of the MoFSP or law-enforcement officers.²⁶⁷ However, judicial officials with whom GREVIO met during the evaluation visit indicated that measures are often granted for no longer than two months. Practically, this implies victims are forced to apply anew for the extension of the initial measure. GREVIO notes in this respect that there are no data to indicate how often an extension is granted *ex officio*.

²⁶⁵ See Article 3, paragraph 2, and Article 5, paragraph 2, of Law No. 6284.

²⁶⁶ Data submitted in the state report indicate that the number of preventive orders rose from 401 974 in 2014 to 459 493 in 2016, and that the number of protection orders increased from 46 907 in 2014 to 54 269 in 2016.

²⁶⁷ See. Article 8, paragraph 2, of Law No. 6284.

298. GREVIO finds that this issue is intrinsically tied to the courts' uneasiness with the principle enshrined in Law No. 6284 that measures should be issued without the requirement of any evidence or report proving violence.²⁶⁸ GREVIO recalls in this respect that, in line with internationally recognised good practice, this principle is founded on the recognition that the statement of the victim is sufficient evidence for the purposes of affording her immediate protection. Upholding such a principle is instrumental to empowering victims and enabling them to speak out and free themselves from violence. Instead, a number of judges admitted their reluctance to take women victims at their word and their fear that victims might exaggerate or invent violence, and thus abuse the system for purposes other than their need for protection (such as building evidence in support of their claim for a divorce). Acting under these assumptions, judges prefer issuing injunctions for short periods of time during which they can ascertain whether, effectively, there has been violence or there is a risk of violence which would justify protracting the effects of the measure. GREVIO stresses that in so doing, the very purpose which injunctions are designed to serve, namely to prevent secondary victimisation, risk being defeated. The tendency – which is reported by civil society – for certain judges to require the submission of new evidence of violence to grant an extension of the initial measure or to ask for a new protection application instead of extending the initial measure is seemingly oblivious to this risk.²⁶⁹ GREVIO further underlines that Law No. 6284 has built in safeguards allowing the perpetrator to object to the measure²⁷⁰: in case of an objection, the courts can – based on a thorough examination of all the elements of the case, including any counter-evidence – rescind or modify the measure. Having regard to the foregoing, GREVIO is seriously concerned that the Turkish authorities might be considering amending Law No. 6284 and adopting a system where the statement of the victim alone would only allow the issuing of short-term injunctive orders.²⁷¹

299. The trend to shorten the length of injunctive orders might further be explained by the courts' tendency to correlate them to divorce proceedings. Some family court judges clarified to GREVIO that they will refrain from issuing emergency barring orders for more than a few months out of fear that the physical separation of husband and wife might contribute to the dissolution of their marriage. The previously described decline in annual numbers of emergency barring orders adopted in the period from 2014 to 2016 might be attributable to such opinions of judges. Conversely, judges admitted that where they felt that the conditions for a divorce were met, they would not hesitate to enable the spouses' separation by issuing emergency barring orders for longer periods of time. Such an understanding of emergency barring orders would point to a possible confusion as to the scope and goals of Law No. 6284. Indeed, victims should be entitled to the full protection of an emergency barring order irrespective of whether they decide to ask for a divorce and they should not be denied the full protection of the law because they choose to pursue their marital relationship.

300. Law-enforcement agencies can play a crucial role in facilitating the courts' decision-making process to issue protective measures under Law No. 6284. This can be achieved both by making full use of their powers to issue such orders in situations of immediate danger and by collecting evidence in a proactive manner, so as to avoid over-reliance on a victim's statement.

301. Law No. 6284 stipulates that where protection orders are violated by perpetrators, preventive detention shall be ordered by a judge (imprisonment from 3 to 10 days). In cases

²⁶⁸ See Article 8, paragraph 3, of Law No. 6284.

²⁶⁹ See page 55 of the shadow report endorsed by the Istanbul Convention Monitoring Platform.

²⁷⁰ See Article 9 of Law No. 6284.

²⁷¹ One of the legislative proposals in the report of the Divorce Commission is to shorten the period for injunctive orders to 15 days, unless the victim provides any written documentation or other proof of the violence.

of continued violation, imprisonment ranging from 15 to 30 days shall be imposed, provided that the total period of imprisonment does not exceed six months. Release on probation cannot be ordered in cases of preventive detention of domestic violence perpetrators. The extremely low number of decisions regarding preventive imprisonment compared to the annual numbers of adopted orders raises the question of whether preventive imprisonment is rarely ordered by judges in cases of violation of these orders.²⁷² Judges with whom GREVIO met during the evaluation visit mentioned omissions and/or delays in the notification of the protection order to the perpetrator as constituting a major obstacle to the prompt enforcement of preventive detention. Reports from civil society further claim that even repeated notifications by victims about violation of orders are not always followed by appropriate action by law-enforcement agencies.²⁷³ Although GREVIO was not able to verify such claims, it notes that the failure to respond diligently to violations of orders, where confirmed, would point to a greater problem of some law-enforcement officers resisting implementing Law No. No. 6284. Cases of alleged failures to act should be investigated and sanctioned, if appropriate, whereas any potential resistance might be addressed through proper in-service training. Delays in the judicial proceedings instituted to adjudicate upon the breach can further delay the enforcement of orders.

302. GREVIO recalls that the violation of a protection order is very likely to signal a situation of high risk for the victim, which the responsible authorities should take into account when deciding how to punish a perpetrator who violated an order. GREVIO is extremely concerned that in such situations, the authorities' failure to act diligently might jeopardise the ability of the protective system devised by Law No. 6284 to prevent the perpetrator from doing more harm.

303. Other issues standing in the way of a proper implementation of the protective measures foreseen in Law No. 6284 relate to insufficient capacity, such as the lack of vehicles to transport victims and their children in a life-threatening situation to a shelter, or insufficient means to cover the expenses of the law-enforcement officer designated as the victim's personal bodyguard.²⁷⁴

304. As a general comment, GREVIO notes that the protective measures contemplated by Law No. 6284 can be adopted by the competent authorities upon request or *ex officio*.²⁷⁵ While acknowledging that there are situations where it is in the interest of the victim herself that measures to protect her – particularly short-term measures – are taken *ex officio*, such as in cases where it is necessary to react to an imminent danger, such measures should, in principle, be taken with the informed consent of the victim or, at least, after having heard her account and views.

305. While respecting the victims' informed choices, GREVIO urges the Turkish authorities to:

- a. uphold the principle that the victim's statement is evidence for the purposes of issuing protective measures under Law No. 6284;**
- b. ensure that protective measures are issued for adequate periods of time, having regard to the prime consideration of the victim's safety and the need for her**

²⁷² Appendix I to the state report indicates that 1 380, 1 318 and 1 179 decisions related to preventive imprisonment were issued in 2014, 2015 and 2016, respectively. However, these figures seem to represent only a tiny proportion of the annual numbers of orders issued in the same years (401 974, 415 829 and 459 493 respectively).

²⁷³ See page 56 of the shadow report endorsed by the Istanbul Convention Monitoring Platform.

²⁷⁴ See page 54 of the shadow report endorsed by the Istanbul Convention Monitoring Platform.

²⁷⁵ See Article 2, paragraph 1(ğ) of Law No. 6284.

- empowerment and recovery, which can only be achieved by offering her counselling and the necessary support services;
- c. encourage law-enforcement agencies to further make proactive use of their prerogatives under Law No. 6284 to issue protection orders, including emergency barring orders, themselves;
 - d. encourage law-enforcement agencies to further engage in thorough evidence gathering and recording, in support of the victim's statement;
 - e. ensure that perpetrators are notified about protection orders diligently and without delay, namely by clearly identifying the statutory agencies' responsibility to this end;
 - f. react diligently to breaches of protection orders, in particular by effectively enforcing the sanction of preventive detention especially in situations of high risk;
 - g. hold to account and sanction officials who fail to act diligently in enforcing protection orders.

Progress in this area should be carefully monitored and analysed, relying on appropriate data collection that highlights, in particular, the forms of violence for which protective measures are issued, whether a measure was requested by a victim or issued *ex officio*, the average duration of protection orders, the number of renewals of protection orders sought by the same victim (or for her upon request by the authorities), the numbers of protection orders issued by law-enforcement agencies in emergency situations, the number of breaches of protection orders (separately by each type of order issued in line with Law No. 6284) and whether all breaches were appropriately sanctioned. Analyses should be carried out at regular intervals and be made available to the public.

D. Investigations and evidence (Article 54)

306. Article 54 of the Istanbul Convention entails the obligation for parties to take the necessary legislative or other measures to ensure that evidence relating to the sexual history and sexual conduct of the victim shall be permitted or considered only when it is relevant and necessary. The drafters of the convention felt it essential to emphasise that a victim's past sexual behaviour should not be considered as an excuse for acts of violence against women and domestic violence, allowing the exoneration of the perpetrator or the diminishing of his liability.²⁷⁶

307. GREVIO refers with extreme concern to media reports²⁷⁷ relaying defence and/or courts' arguments based on the lack of virginity or the sexual activity of victims of "honour"-based gender killings, with no apparent probative value.

308. GREVIO notes positively that the provision in the TCC (Article 287) criminalising genital examinations can be seen as a means to counter the practice of virginity testing. Under this provision, any person carrying out such an examination, or having it carried out, incurs criminal responsibility, unless authorisation of a judge or a prosecutor has been obtained. Furthermore, under the rules of criminal procedure, only judges can approve genital examinations carried out for the purposes of gathering evidence for the prosecution of a crime. In neither of these cases, is there any indication regarding the need to seek the free consent of the woman concerned.

²⁷⁶ See paragraph 278 of the Explanatory Report to the Istanbul Convention.

²⁷⁷ See paragraph 51 of the shadow report by BIANET.

309. GREVIO strongly encourages the Turkish authorities to take measures to:

- a. bar the admissibility and/or consideration of previous sexual history evidence in courts, as a means to combat the perpetuation of damaging stereotypes of victims as being promiscuous and, by extension, immoral and not worthy of the protection provided by civil and criminal law;**
- b. ensure that no genital examinations can be carried out without the free informed consent of the woman concerned.**

E. Ex parte and ex officio proceedings (Article 55 paragraph 1)

310. Pursuant to the first paragraph of Article 55 of the Istanbul Convention, parties are under the obligation to ensure that investigations into or prosecutions of a number of categories of offences proceed without a report or complaint being filed by the victim, and to enable proceedings to continue in the event of withdrawal of such a complaint. This rule aims at sparing victims the sole responsibility for initiating prosecution.²⁷⁸ The fact that many of the offences covered by the convention are perpetrated by family members, intimate partners or persons in the immediate social environment of the victim and the resulting feelings of shame, fear and helplessness lead to low numbers of reporting and, subsequently, convictions. Therefore, law-enforcement authorities should investigate in a proactive way in order to gather evidence such as substantial evidence, testimonies of witnesses, medical expertise, etc., in order to make sure that the proceedings may be carried out even if the victim withdraws her statement or complaint at least with regard to serious offences, such as physical violence resulting in death or bodily harm.²⁷⁹ This also supports the intention of holding perpetrators to account for their actions and ensures the state is taking responsibility for acts contrary to social and criminal justice.

311. Physical violence is one of the forms of violence for which *ex officio* proceedings are required by the Istanbul Convention. Turkey did not enter a reservation to Article 55, paragraph 1, in respect of Article 35 regarding minor offences. Thus, in Turkey, *ex officio* proceedings should apply to all forms of physical violence covered by the convention. The least serious form of physical violence in the TCC is the offence of intentional injury defined in Article 86 of the TCC. According to paragraph 2 of this article, prosecution of the offence requires a complaint by the victim in case the offence causes a minor injury.

312. Sexual violence is another form of violence for which *ex officio* proceedings are required by the Istanbul Convention. Prosecution of the various forms of sexual violence regulated by the TCC is not subject to a uniform rule: while the TCC is in compliance with the requirements of Article 55, paragraph 1, for a range of forms of sexual violence, there remain, nevertheless, forms of violence for which this is not the case. Thus: (1) the less serious form of sexual assault regulated in the first paragraph of Article 102 of the TCC; (2) marital rape under the second paragraph of Article 102 of the TCC; (3) sexual importuning of a child committed by a child under the first paragraph of Article 103 of the TCC; and (4) sexual intercourse with a child over the age of 15 under the first paragraph of Article 104 of the TCC all require a complaint by the victim.

²⁷⁸ See paragraph 279 of the Explanatory Report to the Istanbul Convention.

²⁷⁹ See paragraph 280 of the Explanatory Report to the Istanbul Convention.

313. GREVIO urges the Turkish authorities to amend their legislation to conform with the rules regarding *ex parte* and *ex officio* prosecution set out in Article 55, paragraph 1, of the Istanbul Convention.

F. Victim support in legal proceedings (Article 55 paragraph 2)

314. With a view to empowering victims and to encouraging them to go through with criminal proceedings, paragraph 2 of Article 55 of the Istanbul Convention requires parties to ensure that victim organisations, specifically trained domestic violence counsellors or other types of support/advice services may assist and support victims during investigations and judicial proceedings. Good practice examples have shown that victims who are supported or assisted by a specialist support service during investigations and proceedings are more likely to file a complaint and testify and are better equipped to deal with the emotionally challenging task of actively contributing to the outcome of proceedings. The type of service which this paragraph refers to is not of a legal, but a practical/psychological nature. It includes psychologically/emotionally preparing victims to endure testifying in front of the accused, accompanying victims to court and/or assisting them in any other practical and emotional way.²⁸⁰

315. GREVIO welcomes the support given to victims by the MoFSP through its interventions in legal proceedings regarding cases of violence against women. GREVIO particularly values the commitment shown by the authorities to support victims by assigning lawyers to represent and defend their rights in courts.²⁸¹ Women's specialist organisations have an important role to play in supplementing such efforts by providing victims with the necessary practical/psychological support called for by paragraph 2 of Article 55 of the Istanbul Convention.

316. GREVIO encourages the Turkish authorities to take measures to promote the widespread availability, during investigations and judicial proceedings concerning the offences covered by the Istanbul Convention, of victims' support and/or assistance services by specialist women's NGOs and domestic violence counsellors.

G. Measures of protection during investigations and judicial proceedings (Article 56)

317. GREVIO takes positive note of the Turkish authorities' efforts to improve measures of protection which are available to victims, and in particular women and child victims, during all the stages of investigations and trial proceedings. These efforts aim primarily at avoiding secondary victimisation and relate to ongoing discussions on the draft law on victims' rights and the foreseen establishment of specialist support structures for victims in 150 courthouses around the country. An example of a recently introduced measure of protection is the setting up of dedicated "judicial interview rooms" within the premises of courts, where victims can give their testimony with the assistance of trained specialist staff. Such efforts should be grounded on a gendered understanding of violence against women, including domestic violence, and address claims by specialist women's organisations that existing procedures and/or judges' attitudes towards them excessively restrict their sphere of action and the support they can offer to victims. These initiatives should, furthermore, address

²⁸⁰ See paragraph 282 of the Explanatory Report to the Istanbul Convention.

²⁸¹ The authorities informed GREVIO that in pursuance of Article 20 of Law No. 6284, the MoFSP appointed lawyers in 11.477 lawsuits in 2016 and in 24.338 lawsuits in 2017 (as of the month of October).

existing shortcomings in the implementation of measures to keep victims informed and safe, when the imprisoned perpetrator escapes or is released temporarily or definitively, at least in cases where she and the members of her family might be in danger.

318. GREVIO strongly encourages the Turkish authorities to ensure the availability of the necessary victim protection measures, in accordance with Article 56 of the Istanbul Convention. Such measures should be based on a gendered understanding of violence against women and value specialist women's organisations' role in supporting victims to express their views, defend their interests and exercise their rights.

H. Legal aid (Article 57)

319. GREVIO welcomes the provision in Law No. 6284²⁸² exempting victims of violence against women from court fees and litigation expenses related to the issuance and enforcement of the protective measures foreseen under this law. As regards other legal proceedings, victims may apply for legal aid under the conditions determined by Turkish internal laws. GREVIO notes however the reality of a limited scope for legal aid, both economically and substantively, resulting in non-eligibility for legal aid for women with scarce financial means, and the cumbersome procedures to prove eligibility. Moreover, the limited numbers of lawyers trained in violence against women results in many victims not benefiting from their entitlement to legal aid and/or not receiving adequate legal support and assistance.

320. GREVIO strongly encourages the Turkish authorities to improve access to legal aid for victims of the various forms of violence covered by the Istanbul Convention, in particular by promoting, in co-operation with specialist women's organisations, the training in violence against women of lawyers appointed to the Legal Aid Offices. GREVIO further invites the authorities to consider ways to simplify and streamline the procedures for accessing legal aid and to raise the awareness of the Legal Aid Offices of the needs of victims of violence against women.

²⁸² Article 2, paragraph 1, of Law No. 6284.

VII. Migration and asylum

321. In the area of migration and asylum, the main requirement of the Istanbul Convention is to ensure that residence status laws and asylum procedures do not ignore the realities of women living in abusive relationships or who are subjected to sexual violence and exploitation and other forms of gender-based violence. Residence status laws shall provide for the possibility of obtaining autonomous residence permits for women in specific circumstances (Article 59). Asylum procedures, on the other hand, must be gender-sensitive and allow women to disclose their stories in full, and grounds for persecution shall be interpreted in a gender-sensitive manner. This can only be achieved if, in turn, reception procedures and support services for asylum seekers are sensitive to the needs of women victims or those at risk of violence (Article 60).

A. Overview of the specific situation in Turkey

322. Turkey currently hosts both a mass-influx refugee population from neighbouring Syria and a surging number of individually arriving asylum seekers of other nationalities, most notably originating from Iraq, Afghanistan, Iran and Somalia, among other places. These two populations of protection seekers are subject to two different sets of asylum rules and procedures. As such, the Turkish asylum system has a dual structure.

323. Turkey maintains a “geographical limitation” to the 1951 Refugee Convention, and denies refugees from “non-European” countries of origin the prospect of long-term legal integration in Turkey. That said, in April 2013 Turkey adopted a comprehensive new Law on Foreigners and International Protection (LFIP), which establishes a dedicated legal framework for asylum in Turkey and affirms Turkey’s obligations towards all persons in need of international protection, regardless of country of origin, at the level of binding domestic law. The new law also created a brand new, civilian Directorate General of Migration Management (DGMM) mandated to take charge of migration and asylum.

324. Turkey implements a “temporary protection” regime, acquired on a *prima facie*, group basis, to Syrian nationals and stateless Palestinians originating from Syria. This status grants beneficiaries the right to legal stay, protection from *refoulement* and access to a set of basic rights and services, including free health care, until they are settled into a third country. The DGMM is the agency in charge of registering and granting status to refugees from Syria within the scope of the “temporary protection” regime, which is based on Article 91 of the LFIP and the Temporary Protection Regulation (TPR) of 22 October 2014. GREVIO takes positive note of information provided by the authorities indicating that Syrians who were taken under temporary protection as per this regulation have been living in Turkey since 2011 and none of them has been deported forcibly.

325. On the other hand, asylum seekers from other countries of origin are expected to apply for an individual “international protection” status under LFIP and are subject to a status determination procedure conducted by the DGMM. That said, the Provincial DGMM Directorates have only recently become fully operational and have so far delivered only a small number of procedure and status decisions on “international protection” applicants.

326. According to data from the DGMM, in 2017 the number of refugees from Syria registered as beneficiaries of “temporary protection” was listed at 3 038 480, of which fewer than 10% (246 080) are accommodated in 24 large-scale refugee camps spread across 10 provinces in the south of Turkey. The remaining majority live in residential areas in private accommodation funded by their own resources and are dispersed all over Turkey, including in the big cities of Istanbul, Ankara and Izmir. As of end of March 2018, there were 1 632 508 registered Syrian women citizens. However, it is thought that the number of women is much

higher when non-registered Syrians are taken into account, notwithstanding the authorities' view that almost all Syrians in the country are registered. According to a UNHCR study,²⁸³ of all countries in the world, Turkey hosted the greatest number of refugees; similarly, Turkey was the fourth country in the world with respect to the number of refugees hosted relative to national population size.

327. DGMM is in charge of the camps set up for refugees from Syria and also assumes a co-ordinating role in regards to provision of rights and services to the non-camp population of "temporary protection" beneficiaries.

328. GREVIO welcomes Turkey's humanitarian initiative in taking in the significant number of Syrian citizens fleeing war in their own country, and notes with appreciation the important level of resources allocated to cater to their needs. GREVIO was grateful for the opportunity to visit a container city on the outskirts of Malatya where the delegation could see for itself the important efforts made at provincial and national level.

329. While GREVIO recognises that the Syrians benefiting from "temporary protection status" do not fall within the remits of "migrant" and "asylum seekers", as provided for in Chapter VII of the Istanbul Convention, it nevertheless recalls that a contracting party must ensure that all general and specialist support services for women victims of violence must be made available and accessible to all women on its territory. Throughout this report GREVIO has indicated its concerns over the question of access to services and would here only like to indicate that these difficulties are exacerbated for refugees, whether due to a language barrier, from being housed in a camp far from the centre of towns where such services might be provided and from being, in some cases, undocumented and reliant on the exiled community of Syrians in Turkey.

330. In this regard, GREVIO notes that, for example, women might be refused access to shelters for victims of violence because of a fear that they are merely seeking accommodation and are not in fact victims. Such a refusal may mean that a woman is forced to return home where she may be at further risk of domestic and sexual violence. During meetings with GREVIO, officials indicated that Syrian women have access to shelters on an equal footing with Turkish nationals, with the exception of unregistered Syrian women who have to approach the DGMM first. NGO sources, however, indicate that Syrian women, because of the language barrier and a lack of information about the Turkish legal system, are unaware of the ability to seek support, and when they do they may encounter problems in accessing Şönims and are sometimes sent to AFAD temporary centres instead of to shelters.²⁸⁴

331. Finally, GREVIO was informed that often the Turkish authorities consider it best to leave issues such as violence against women to be dealt with by the leaders of the Syrian communities in the camps. While understanding the reasoning behind this approach, GREVIO nevertheless considers it important to ensure that women and girls have access to counselling and support from specialist services with experienced personnel.

332. GREVIO also notes that women refugees fleeing a war zone are particularly vulnerable to violence, in particular sexual violence, which is often used as a weapon in conflict situations, sexual harassment, particularly when they are on the move, and forced marriage – unfortunately often seen by families as a way of protecting young girls. Furthermore,

²⁸³ See: UNCHR, www.unhcr.org/news/latest/2017/2/58b001ab4/poorer-countries-host-forcibly-displaced-report-shows.html (the analysis describes the situation as of mid-2016).

²⁸⁴ See page 62 of the shadow report endorsed by the Istanbul Convention Monitoring Platform.

women in these situations are highly vulnerable and are unlikely to denounce or try to escape from domestic violence for fear of not having anywhere to go. Both government and NGO sources reported that early and forced marriages are widespread among the Syrian population, particularly among those who live in temporary centres.²⁸⁵

333. Therefore, one area that is very important for all women refugees, whatever their status in Turkey, is that they benefit from gender-sensitive interviewing procedures by the DGMM (see below under Article 60), so that those at risk of violence can be identified and offered the necessary protection and services.

B. Migration (Article 59)

334. In Turkey, family residence permits are regulated by Article 34 of the LFIP. Family residence permits can be granted to the foreign spouses of Turkish citizens, persons within the scope of Article 28 of Law No. 5901,²⁸⁶ foreigners holding one of the residence permits, and refugees and beneficiaries of subsidiary protection. They are conferred for a maximum duration of two years and, in any case, cannot exceed the duration of the sponsor's residence permit. In the event of divorce, a short-term residence permit may be issued to a foreign spouse of a Turkish citizen, provided that he or she resided on a family residence permit for at least three years. While noting the limited scope of this provision, which only applies to the former spouses of Turkish nationals, GREVIO notes with satisfaction that an exception is made to the condition of a three-year-long residence in the country under a family residence permit in cases of domestic violence; where it is established by a court that the foreign spouse is a victim of domestic violence, this condition is lifted.²⁸⁷

335. GREVIO invites the Turkish authorities to extend the ability for victims to obtain an autonomous residence permit in case of divorce irrespective of the duration of the relationship, whatever the nationality of the sponsoring spouse.

C. Gender-based asylum claims (Article 60)

336. As mentioned above, the Turkish asylum system has a dual structure, with two different sets of asylum rules and procedures applying to the mass-influx refugee population from neighbouring Syria on the one hand, and, on the other, to the individually arriving asylum seekers of other nationalities, most principally originating from Iraq, Afghanistan, Iran and Somalia, among other places.

337. The legal system for asylum is established by the LFIP, as mentioned above, which also created DGMM as the agency mandated to take charge of migration and asylum issues. This new agency is currently still in the process of establishing full operational command of the asylum case load and building a new, fully fledged asylum system. The UNHCR supports DGMM as a complementary protection body: it undertakes refugee status determination (RSD) activities grounded in the UNHCR's mandate and makes resettlement referrals – in tandem with the new international protection procedure managed by DGMM.

²⁸⁵ See also the report of the fact-finding mission to Turkey by Ambassador Tomáš Boček, Special Representative of the Council of Europe Secretary General on migration and refugees, 2016, available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680699e93.

²⁸⁶ Article 28 of Law No. 5901 on Turkish Citizenship regulates the rights of persons who lost Turkish citizenship by obtaining a renunciation permit.

²⁸⁷ Paragraph 6 of Article 34 of the LFIP.

338. Asylum seekers, with the exception of people of Syrian origin, are required to apply to the Provincial Directorates of DGMM for an individual international protection status under the LFIP. The LFIP, in addition to outlining the different eligibility grounds for asylum in Turkey, also provides a new, fully fledged international protection application and determination procedure, complete with basic procedural safeguards, including guarantees on access to legal representatives and to UNHCR and new legal remedies that secure any applicant's right to stay in Turkey until the full exhaustion of the procedure.

339. Although the LFIP does not explicitly recognise violence against women as a form of persecution within the meaning of the Geneva Convention relating to the Status of Refugees, the authorities indicate that victims of such violence may be considered as persons having a well-founded fear of being persecuted because they belong to "a particular social group".

340. Moreover, according to Article 3 of the LFIP, "persons with special needs" who benefit from a general prioritisation in all procedures, rights and benefits include "unaccompanied minors, people with disabilities, elderly, pregnant women, single parents with minor children, victims of torture, rape and other forms of psychological, physical or sexual violence". In addition, under the aforementioned provision, victims of torture, sexual assault or other forms of serious psychological, physical or sexual violence are entitled to receive any necessary medical treatment. Similar provisions apply to people with special needs falling under the regime of temporary protection who are entitled to access children's centres, women's shelters or other appropriate places, under the responsibility of the MoFSP.

341. The main issue that GREVIO has found in relation to victims' access to protection as people belonging to "a particular social group" or "with special needs" relates to their identification as victims. Difficulties in detecting victims can be ascribed to the considerable barriers preventing victims from coming forward on the one hand and, on the other, the lack of mechanisms to screen victims for signs of violence. Asylum seekers face significant cultural and socio-economic barriers to complaining about any form of gender-based violence they have been exposed to or are at risk of, especially for sensitive issues including survival sex, domestic violence and female genital mutilation. Additionally, people of concern have limited understanding of their rights, referral mechanisms and available services in Turkey, which limits their ability to report and receive assistance. Language barriers are also among the most significant obstacles.

342. The development of gender-sensitive reception procedures, which include the provision of information to women and girls on gender-based violence and available assistance services, is therefore key to allowing victims to access protection. According to Article 70 of LFIP, during registration applicants must be provided with information regarding the relevant procedures, as well as their rights and obligations as asylum applicants; if requested by the applicant, interpretation is to be provided during the registration and status determination interview stages. In addition, the law recognises that international protection applicants and status holders are free to seek legal assistance and counselling services provided by NGOs. Although efforts are being deployed to raise the necessary capacity to implement these provisions with a gender-sensitive perspective, such as through training of case managers on gender-based violence and the recruitment of female interpreters, GREVIO saw little evidence that these procedures are geared towards allowing instances of violence against women to emerge. Furthermore, there is no available data to illustrate how often asylum requests have been granted based on gender-based violence-related motives or how many such requests might have been refused.

343. GREVIO recognises that as a relatively new institution, DGMM is still in the process of consolidating its structures and working methods. The creation and implementation of gender guidelines will be essential to help DGMM include gender-sensitive elements in its

developing practices. Such guidelines should cover the enhancement of awareness and responsiveness to cultural and religious sensitivities or personal factors, as well as the recognition of trauma. In pursuing such efforts, the authorities should support the role of women's NGOs in providing relevant legal assistance and counselling services to victims, including victims in detention premises.

344. By analogy, the authorities should consider building similar gender-sensitive mechanisms into the different registration processes of people falling under the temporary protection scheme.

345. GREVIO encourages the Turkish authorities to develop, in co-operation with specialist women's NGOs, gender-sensitive procedures, guidelines and support services to allow all women asylum seekers, including applicants under administrative detention, to disclose instances of violence against women. Progress in this field should be measured by collecting relevant data on the number of claims granted on the basis of gender-based violence-related motives. GREVIO invites the authorities to consider developing similar procedures and guidelines with respect to the registration processes applying to people of Syrian or other origin falling under the temporary protection scheme.

D. Non-refoulement (Article 61)

346. The *non-refoulement* obligation undertaken by Turkey is expressly stated in the LFIP²⁸⁸ and therefore binds DGMM in its operations. It is also a central feature of the temporary protection scheme under the TPR.²⁸⁹ Hence, repatriation of people excluded from temporary protection may be prohibited under the *non-refoulement* principle, although the DGMM is authorised to impose administrative measures, i.e. detention of people who cannot be deported for *non-refoulement* reasons. GREVIO could not verify information showing whether women, including pregnant women and women with disabilities, are being detained on arbitrary grounds in deportation centres and/or are being pressured into accepting their return to countries in which they risk being subject to torture, inhuman or degrading treatment or punishment.²⁹⁰

347. GREVIO notes that the TPR construes the principle of *non-refoulement* narrowly since Article 17 of the TPR does not provide persons under the TPR's scope with a right to access the territory of Turkey and persons who approach the border without valid travel documents may or may not be admitted at the discretion of provincial governorates. While in general Turkey continues its "open door policy" in respect of persons fleeing Syria, there have been reports of recent push backs at the border.²⁹¹

348. GREVIO strongly encourages the Turkish authorities to take all necessary measures to ensure that the principle of *non-refoulement* enshrined in the law is respected in practice, so that women victims of violence who are in need in protection, regardless of their status or residence, are not returned under any circumstance to any country where their life would be at risk or where they might be subject to torture or inhuman or degrading treatment or punishment.

²⁸⁸ Articles 4 and 55, paragraph 1(a) of the LFIP.

²⁸⁹ Article 6, paragraph 1, of the TPR.

²⁹⁰ Page 64 of the shadow report endorsed by the Istanbul Convention Platform.

²⁹¹ A February 2018 report by Human Rights Watch documented cases of violence at the border, ranging from live ammunition to beatings and denial of medical assistance. See www.hrw.org/news/2018/02/03/turkey/syria-border-guards-shoot-block-fleeing-syrians.

Concluding remarks

349. In conclusion, GREVIO finds that the situation regarding violence against women in Turkey offers a mixed picture, where undeniable evidence of progress coexists with reasons to be concerned.

350. This analysis cannot be made in isolation from the current context that prevails in Turkey. As previously mentioned in this report, such diverse factors as the draining of resources in the civil service sector that came with the mass dismissal of civil servants following the failed coup attempt, the anti-terror measures and the security operations in South-East Turkey, are not propitious to the fulfilment of women's right to live a life free from violence.

351. At the same time, these factors can easily overshadow the less visible reality of the many women and men, in parliament and in line ministries, among civil society and in NGOs, public servants and professionals, whose relentless work aims to make laws and policies to prevent and combat violence against women become reality.

352. Without clear direction and an unswerving adherence to the principles of gender equality, such efforts and the many legislative and other gains which advanced the cause against violence against women in Turkey risk regressing. In particular, the authorities should take an uncompromising stance against any attempt to culturalise the issue of women's rights and deflect attention from the root cause of violence against women which lies in the unequal gendered structures in society.

353. During the evaluation process, GREVIO noted the signs of a tendency which would seem to depart from one of the fundamental principles of the Istanbul Convention, namely the gendered nature of violence against women in all countries. Turkey played a leading role during the negotiations on the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, which, in its short name – the Istanbul Convention – bears testimony before the international arena of the authorities' staunch support to its goals. GREVIO can only encourage Turkey to uphold its adherence to the principle of the gendered nature of violence against women as a means to continue to affirm its "ownership" of the Istanbul Convention.

354. GREVIO requests the national authorities to translate this report into their official national language and to ensure that it is widely disseminated, not only to the relevant state institutions at all levels (national, regional and local), in particular to the government, the ministries and the judiciary, but also to NGOs and other civil society organisations that work in the field of violence against women.

Appendix I:

List of proposals and suggestions by GREVIO

I. Purposes, definitions, equality and non-discrimination, general obligations

B. Fundamental rights, equality and non-discrimination (Article 4)

1. Gender equality and non-discrimination

1. Bearing in mind that the realisation of *de jure* and *de facto* equality between women and men is a key element in the prevention of violence against women, GREVIO urges the Turkish authorities to: (paragraph 10)

- a. continue to develop and considerably strengthen policies and measures ensuring the practical realisation of the principle of gender equality and the abolition of practices which discriminate against women;
- b. expand efforts to develop capacities of judges and prosecutors to understand and apply international legal norms and standards on women's human rights and equality between women and men, including provisions of the Istanbul Convention, as well as carry out awareness-raising activities for all women and girls aimed at increasing their knowledge on these provisions and on the available remedies to claim their rights, including before the Constitutional Court;
- c. assess laws and policies, including the recent 4+4+4 education scheme, for their impact on gender equality and violence against women, amend if necessary such laws and policies, and ensure that all legislative and policy proposals undergo an impact analysis from a gender perspective;
- d. mainstream measures to prevent and combat violence against women in any policy aiming at supporting girls' exercise of their right to education and women's aspiration to gain economic independence.

2. GREVIO strongly encourages the Turkish authorities to continue to uphold the principle of gender equality as the core principle underlying government measures aimed at preventing and combating violence against women and to use every possible opportunity, including awareness-raising activities and training, to promote understanding and acceptance of the principle of gender equality. (paragraph 12)

2. Intersectional discrimination

3. GREVIO strongly encourages the Turkish authorities to: (paragraph 23)

- a. support efforts to prevent and combat violence which affects women who are or might be exposed to intersectional discrimination, including women in rural areas, Kurdish women, women with disabilities and lesbian women, by addressing the inequalities faced by these women;
- b. integrate the perspective of such women in the design, implementation, monitoring and evaluation of policies for preventing and combating violence against women, by supporting, funding and closely co-operating with women's NGOs representing them;

- c. mainstream preventing and combating violence against women in programmes which are tailored to the specific needs of these women, including by developing special programmes aimed at proactively reaching out to them;
- d. develop and improve accessibility of protection and support services for victims belonging to these groups of women;
- e. add specific indicators in data collection pertaining to violence against women which relate to women and girls who are or might be exposed to intersectional discrimination.

C. State obligations and due diligence (Article 5)

4. GREVIO urges the Turkish authorities to uphold the principle that under any circumstance, state actors should refrain from resorting to unlawful violence, including violence committed while responding to perceived and alleged security threats and directed towards women viewed as enemies of the state, or women – be they mothers, wives, sisters, daughters – related to such persons. (paragraph 25)

5. Having due regard to the proposals and suggestions formulated in this report, GREVIO urges the authorities to: (paragraph 36)

- a. step up measures to identify and remedy gaps in the institutional response to violence against women, in accordance with their duty of due diligence;
- b. exercise due diligence to (1) systematically review and take into account the risk of revictimisation by applying effective measures to protect victims from any further violence and harm, and (2) investigate and punish acts of violence;
- c. hold to account state actors who, in failing to fulfil their duties, engage in any act of violence, tolerate or downplay violence, or blame victims;
- d. pursue ongoing efforts to analyse all cases of gender-based killings of women, with the aim of preventing them in the future, preserving the safety of women and holding accountable both the perpetrators and the multiple agencies that come into contact with the parties;
- e. work towards building public trust in their effective political will to combat violence against women and displaying a greater determination to openly condemn violence against women and combat more coercively this societal scourge.

D. Gender-sensitive policies (Article 6)

6. GREVIO urges the Turkish authorities to: (paragraph 40)

- a. ensure that policies promoting gender equality are not thwarted by attempts to confine women to the traditional role of mothers and care-givers;
- b. design policies to support the family which build on women's right to be treated as equals to men and which aim at empowering them;
- c. guarantee that appropriate funding is made available to support policies promoting women's equal rights and empowerment;
- d. base all policies to prevent and combat violence against women on the clear understanding of the gendered nature of violence against women as a means to keep women unequal;
- e. continue to train and raise awareness among policy makers, civil servants and in society about the prevalence of violence against women and domestic violence and challenge attitudes which justify such violence.

II. Integrated policies and data collection

A. Comprehensive and co-ordinated policies (Article 7)

7. GREVIO strongly encourages the authorities to take further measures to ensure that their co-ordinated response to violence against women: (paragraph 47)

- a. comprehensively addresses all forms of violence covered by the Istanbul Convention, by placing a particular emphasis on sexual violence against women and girls, forced marriage and crimes in the name of “honour”;
- b. addresses the specific needs of all groups of victims, in particular children experiencing or witnessing violence against their mother and women who are or might be exposed to intersectional discrimination, such as women belonging to certain ethnic groups – Kurdish women for example – women in rural areas, women with disabilities, lesbian women, and migrant or refugee women, including internally displaced women and undocumented migrant women;
- c. is based on strong interinstitutional co-operation among all governmental agencies, with respect to the areas of prevention, integrated policies, protection and prosecution.

B. Financial resources (Article 8)

8. GREVIO strongly encourages the Turkish authorities to: (paragraph 53)

- a. strengthen the machinery for combating violence against women by providing appropriate human and financial resources at both the central and local levels;
- b. expand significantly the budget allocated to the GDSW as the co-ordinating body responsible for ensuring the implementation of the Istanbul Convention;
- c. continue current efforts in implementing gender-responsive budgeting so as to be able to identify and allocate appropriate funding, monitor public spending and measure progress achieved in combating violence against women;
- d. take further appropriate measures, such as the establishment of suitable funding streams, to encourage and support all women’s NGOs providing specialist support services and working to prevent violence against women and domestic violence by providing them with stable and sustainable funding levels,

while ensuring the transparency of their decisions, as a pre-condition for ensuring a meaningful participation of civil society in policy making.

C. Non-governmental organisations and civil society (Article 9)

9. GREVIO urges the authorities to: (paragraph 62)

- a. fully acknowledge and uphold the role of independent women’s organisations as drivers of change and key partners in their fight to address the structural causes of gender inequality and violence against women;
- b. provide an enabling and conducive environment allowing women’s organisations representing all groups of women to thrive;
- c. create a framework for ensuring regular, foreseeable and effective consultative processes which guarantee the role of women’s NGOs – including in particular NGOs

representing women subject to intersectional discrimination – in guiding policy development, as key to the design of successful policies;

- d. support by all means the expansion of NGO-run specialist services in Turkey, such as women's centres and shelters, in particular by establishing suitable funding opportunities, such as grants based on transparent procurement procedures, and ensuring stable and sustainable funding levels for all NGOs working to support victims and prevent violence.

D. Co-ordinating body (Article 10)

10. GREVIO strongly encourages the Turkish authorities to: (paragraph 69)

- a. strengthen and broaden the role of the GDSW as the national co-ordinating body responsible for co-ordinating and implementing policies and measures to prevent and combat all forms of violence, and to equip it with the necessary powers, competences and human and financial resources to fulfil its mission;
- b. set up separate bodies for monitoring and evaluating policies so as to ensure objectivity in their evaluation, in close consultation with parliament and civil society;
- c. intensify the participation of civil society organisations, especially women's NGOs working to prevent violence and support victims, in the co-ordination and monitoring of policies, by involving them as members of the co-ordinating body and by institutionalising consultation and participation processes.

E. Data collection and research (Article 11)

1. Administrative data collection

a. Data collection by law-enforcement bodies and criminal courts

11. GREVIO urges the Turkish authorities to: (paragraph 78)

- a. make the gendered nature of all forms of violence that are criminalised in line with the Istanbul Convention visible in crime statistics by using compulsory disaggregation by sex and age of a victim, sex and age of a perpetrator, type of violence and geographical location, and collect data on all three of the following: number of victims, number of events (crimes or incidents) and number of perpetrators;
- b. develop data categories detailing the type of relationship between perpetrator and victim for all criminally sanctioned forms of violence against women that would enable, for example, cases of intimate-partner violence against women to be isolated from other forms of domestic violence incidents;
- c. ensure that these and any other data categories in use, including the type of violence and location where the offence is committed, are harmonised with legal definitions of criminal offences in the Istanbul Convention and across the various sectors;
- d. conduct studies on prosecution and conviction rates for all forms of violence against women covered by the Istanbul Convention and make public the results of such studies;
- e. conduct publicly available annual studies on cases of gender-based killings of women, which would serve as input data for analysis aimed at assessing possible systemic gaps in the institutional responses to violence, as recommended elsewhere in this report, notably with respect to the obligation of due diligence;

- f. collect and publish data on the number of criminal and other sanctions imposed on the perpetrators of all forms of violence against women, with an indication of the type of sanctions imposed (for example, imprisonment, fine, court-ordered participation in perpetrator programmes, restriction of liberty or deprivation of liberty) and, where appropriate, of their suspended execution, their reduction for any motive and average length of sanctions.

b. Data related to Law No. 6284

12. GREVIO urges the Turkish authorities to ensure data are collected and published regarding the breaches of emergency barring, restraining and protection orders, the number of sanctions imposed as a result of such breaches and the cases where the woman was revictimised or murdered as a consequence. Such steps would allow the Turkish authorities to assess the effectiveness of the system governing the enforcement of emergency barring, restraining and protection orders. GREVIO strongly encourages the Turkish authorities to engage in such an assessment and to identify possible avenues for policy improvement. More detailed suggestions/proposals related to data collection on emergency barring and protection orders are developed further in this report in the section dealing with Articles 52 and 53 of the Istanbul Convention. (paragraph 81)

c. Data on civil lawsuits and other remedies

13. GREVIO encourages the Turkish authorities to ensure data are collected and published regarding the number of remedies applied for and granted against state authorities; the number of compensation claims from perpetrators and the number of women victims who obtained such compensation; the number of applications for state compensation and the number of women victims who were awarded state compensation. (paragraph 83)

d. Data collected by health professionals

14. GREVIO strongly encourages the Turkish authorities to systematise data collection regarding cases of violence against women in the health-care sector, including by appropriate training, and to ensure that such data also cover cases of violence against girls. The authorities should moreover assess and if need be, address the reasons behind the decrease in recorded cases of violence.

e. Centralised data collection

15. GREVIO strongly encourages the Turkish authorities to ensure that the process of collecting, storing and transforming collected data complies with standards on data protection, as contained in the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, and with recognised best practices, to ensure confidentiality and respect for the privacy of victims, perpetrators and other persons involved.

2. Population-based surveys

16. GREVIO encourages the Turkish authorities to carry out surveys on all forms of violence against women, bearing in mind that surveys should be conducted using methods that allow women to feel safe and free to disclose incidents of violence.

3. Research

17. GREVIO encourages the Turkish authorities to: (paragraph 93)

- a. carry out research on forms of violence against women, including sexual violence and forced marriage and other forms of violence against women not previously covered;
- b. assess incidence, reporting and conviction rates and analyse their causes;
- c. continue to evaluate existing policies and legislative measures and to assign research to assess their level of implementation and efficiency, taking into consideration victims' views and levels of satisfaction.

III. Prevention

A. General obligations (Article 12)

18. GREVIO urges the Turkish authorities to promote programmes and activities for the empowerment of women and girls by countering discriminatory stereotypes, as a means of upholding their right to live a life free of violence. To this end, the authorities should encourage and support the setting up of local women's and girls' centres working to empower women and girls in all communities, in particular in those communities, such as rural communities, where prevailing patriarchal attitudes pose a considerable challenge to gender equality. (paragraph 99)

19. GREVIO invites the Turkish authorities to actively engage men and boys, alongside women and girls, as actors of change to promote women's equality and prevent gender-based violence against women. (paragraph 101)

B. Awareness raising (Article 13)

20. GREVIO strongly encourages the Turkish authorities to: (paragraph 106)

- a. develop regular awareness-raising campaigns on the different manifestations of all forms of violence covered by the scope of the Istanbul Convention, their consequences for children and the need to prevent such violence;
- b. ensure such campaigns focus on delivering specific prevention messages to specific groups in society to dispel myths, stimulate debate and change societal attitudes to address the culture of victim blaming and the notion of women's obedience to men, among other things;
- c. involve actively all women's NGOs in the design and implementation of such campaigns and foster a societal climate which supports women's NGOs' activities in this field.

C. Education (Article 14)

21. GREVIO encourages the Turkish authorities to: (paragraph 111)

- a. pursue their efforts to promote a gender-sensitive approach in education, in particular by ensuring that teaching material in all public and private schools and in all teaching programmes does not convey stereotyped narratives regarding the roles of women and men;
- b. closely monitor how teachers make use of the existing teaching materials and how they approach issues related to gender equality and violence against women;

- c. take measures to promote the principles of equality between women and men, non-stereotyped gender roles, mutual respect and non-violent conflict resolution in interpersonal relationships in all non-formal educational facilities, as well as in any sports, cultural and leisure facilities, and support NGOs' initiatives in this area.

D. Training of professionals (Article 15)

22. With a view to endowing professionals with the necessary knowledge and skills and to achieving the change in attitudes called for in the Istanbul Convention, GREVIO strongly encourages the Turkish authorities to: (paragraph 120)

- a. ensure that all professionals concerned benefit from the foreseen compulsory initial training, covering all forms of violence against women including domestic violence;
- b. ensure on a continuous and regular basis in-service training on all forms of violence against women for all professionals concerned, based on up-to-date and clear protocols and guidelines that set out the standards staff are expected to follow in their respective fields;
- c. ensure that training addresses any resistance from professionals and relies on the principle of gender equality, as the leading concept for preventing and combating violence against women, and the ensuing need to deconstruct sexist stereotypes;
- d. embed their training efforts in a culture that fosters leadership, supervision and accountability;
- e. involve the expertise of women's NGOs in designing and implementing training.

23. GREVIO strongly encourages the Turkish authorities to introduce systematic and mandatory in-service training on all forms of violence covered by the Istanbul Convention for case workers, decision makers and interpreters dealing with asylum seekers, migrants and refugees, including temporary refugees. (paragraph 122)

E. Preventive intervention and treatment programmes (Article 16)

1. Programmes for perpetrators of domestic violence

24. GREVIO encourages the Turkish authorities to: (paragraph 129)

- a. further develop voluntary and court-ordered programmes – within both criminal and civil proceedings – that (1) focus on achieving behavioural change of the perpetrator to adopt non-violent behaviour; (2) ensure that the safety of victims, their support and their human rights are of primary concern; (3) work in close co-ordination with specialist support services for victims, such as women's shelters and counselling centres, based on multi-agency co-operation;
- b. expand significantly the number of such programmes to ensure that domestic violence perpetrators receive appropriate treatment;
- c. use all available means to ensure such programmes are widely attended;
- d. ensure that personnel administering such programmes receive adequate training that incorporates a gendered understanding of violence and the need to deconstruct sexist stereotypes;
- e. take measures to monitor perpetrator programmes and evaluate their impact, based, inter alia, on feedback from the victim.

2. Programmes for sex offenders

25. GREVIO encourages the authorities to develop treatment programmes for sex offenders which take due account of best practices developed internationally, while guaranteeing a human rights-based approach. (paragraph 131)

F. Participation of the private sector and the media (Article 17)

1. The private sector

26. GREVIO invites the authorities to: (paragraph 133)

- a. pursue their efforts to engage employers in the creation and the implementation of policies to prevent and combat violence against women, including in particular sexual harassment at work;
- b. integrate the women's perspective and the prevention of violence against women into the work of the Committee to Combat Mobbing, in close co-operation with women's NGOs;
- c. collect data regarding the number of women victims of sexual harassment at work, complaints filed by victims and the outcome of such complaints.

2. The media

27. GREVIO encourages the Turkish authorities to promote, without interfering with the independence of the media, compliance of all media and journalists with standards to enhance respect for the dignity of women and thus contribute to preventing violence against them, and campaigns to raise women's awareness of the channels for lodging complaints about discriminatory content in the media. (paragraph 136)

IV. Protection and support

A. General obligations (Article 18)

1. Obligation to ensure protection and support based on a multi-agency approach

28. GREVIO strongly encourages the Turkish authorities to: (paragraph 144)

- a. complete the full roll-out of Victim Protection Monitoring Centres (Şönims) throughout all the provinces of the country and ensure that they are established in sufficient numbers so as to provide optimal coverage, in particular in areas in which they do not yet exist and in large/metropolitan cities, which may need more than one such centre;
- b. strengthen Şönims' multi-agency approach, including at the level of Provincial Commissions for Co-ordinating, Monitoring and Evaluating Measures to Combat Violence against Women;
- c. fulfil the Şönims' aim to operate as "one-stop" stations where a single application from the victim recorded on the basis of her informed consent entitles her to access the full range of services needed, through enhancing multi-agency co-ordination between service providers, improving the referral mechanisms and/or prioritising victims' access to services;

- d. enhance the capacity and expand the provision of services in Şönims so that all victims, including victims with special needs, have indiscriminate access to protection and support and are referred to specialist women's support services for gender-sensitive counselling and empowering support.

4. Obligation to ensure that service provision is not dependent on the victim's willingness to press charges

29. GREVIO strongly encourages the Turkish authorities to take measures to ensure that protection and support to victims complies with the general principles laid down in Article 18 of the Istanbul Convention, in particular by: (paragraph 153)

- a. grounding protection and support on a gendered understanding of violence against women, including by developing specialist capacities/skills, through training and other appropriate means, of relevant service providers (particularly those in Şönims) to recognise the gendered dynamics, impact and consequences of violence;
- b. conceiving and shaping protective measures which contribute to the empowerment of victims, with a focus on long-term recovery (including but not limited to high-quality psychological counselling and other forms of socio-economic support);
- c. developing, within and/or in addition to state-run services, alternative, low-threshold specialist support services acting in the interest of victims and giving them the choice to decide whether or not to press charges against the perpetrator.

B. Informations (Article 19)

30. With the aim of empowering victims, GREVIO encourages the authorities: (paragraph 157)

- a. to sustain their efforts aimed at ensuring that all victims receive adequate and timely information allowing them to take informed decisions and to exercise effectively their rights to support and protection;
- b. to develop information which is meaningful and accessible, in all relevant languages, to all groups of victims, such as women in rural areas, girls, lesbian women and victims of forms of violence that are less reported, such as victims of sexual violence, as part of a wider effort aimed at opening up access to services for them;
- c. intensify efforts to ensure that professionals in all relevant institutions properly inform victims of the available legal remedies and measures of support.

C. General support services (Article 20)

4. Affordable housing

31. With the aim of empowering victims and helping them to recover from violence, GREVIO urges the Turkish authorities to: (paragraph 164)

- a. entitle victims of violence without the necessary financial means to receive financial assistance;
- b. develop employment programmes for all victims of violence, in particular in areas lacking employment opportunities, such as rural areas;
- c. expand the provision of child-care facilities for victims of violence and encourage victims' access thereto;

- d. enable access to affordable housing services for women victims of violence and their children, for example by expanding social housing models;
- e. consider prioritising victims of violence in accessing general services which may contribute to their long-term empowerment and financial security.
To measure progress in this field, relevant policies should be supported by dedicated financial means and clearly identified targets.

D. Specialist support services (Article 22)

32. GREVIO strongly encourages the Turkish authorities to widen the spectrum of support services available to women victims of all forms of violence, in particular by ensuring an independent role for women's NGOs in providing essential services such as counselling, shelter accommodation and advice to women victims of violence. (paragraph 168)

E. Shelters (Article 23)

33. GREVIO urges the Turkish authorities to: (paragraph 180)

- a. increase the number and capacity of appropriate, easily accessible specialist shelters for victims of violence against women and domestic violence, providing safe accommodation to all women victims and their children, relying on and preceded by a country-specific needs assessment, which would take into account prevalence data and other relevant factors, including the level of risk and the requirement to meet the needs of specific/vulnerable groups of women;
- b. review existing laws and regulations to remove restrictions preventing access to shelters for certain groups of victims, such as women over the age of 60, women with mental disabilities, mothers of boys over the age of 12 or of children with disabilities;
- c. devise alternative filtering mechanisms allowing the detection of victims of violence without delaying victims' immediate access to shelters;
- d. take additional measures to ensure that shelters and the rules by which they operate foster a culture of empowering victims, respecting diversity and fully upholding victims' human rights.

F. Telephone helplines (Article 24)

34. GREVIO urges the Turkish authorities to set up or support the functioning of one or more dedicated telephone helplines in all relevant languages covering all forms of violence within the scope of the Istanbul Convention, run by specialist staff trained in all these forms of violence. (paragraph 183)

G. Support for victims of sexual violence (Article 25)

35. GREVIO urges the Turkish authorities to: (paragraph 188)

- a. set up rape crisis and/or sexual violence referral centres in sufficient numbers, recalling that one such centre should be available per every 200 000 inhabitants and that their geographic spread should make them accessible to victims in rural areas as well as in cities;
- b. ensure that these centres provide both short-term support, forensic examination and medical care, as well as longer-term counselling and support;

- c. further develop and enhance the capacities of Child Monitoring Centres (CMCs) to provide support to child victims of sexual violence and forced marriages;
- d. ensure that cases of underage and possibly forced marriages are detected, namely by health-care personnel, even in cases when birth takes place without medical supervision and notifications are done verbally, and measure progress in this field, in particular by collecting data regarding the number of cases of sexual violence and forced marriages registered by CMCs and other health-care establishments.

H. Protection and support for child witnesses (Article 26)

36. GREVIO strongly encourages the Turkish authorities to step up measures to: (paragraph 194)

- a. increase awareness of the harmful effects of witnessing domestic violence on children;
- b. ensure that the statutory agencies mandated to implement Law No. 6284 systematically examine the situation of the children of the victim, assess the risks to which they are exposed and determine the measures to be taken to protect the best interest of the child;
- c. guarantee a thorough monitoring and follow-up of any measure taken to protect child witnesses, paying attention to whether custody and visitation arrangements and/or changes thereof may negatively affect children and their mothers;
- d. enhance the capacity of service providers, including specialist women's support services, to protect and support child witnesses.

V. Substantive law

37. GREVIO urges the Turkish authorities to take measures to raise the rates of reporting of incidents of violence against women, by conducting research into and addressing the underlying causes of underreporting, in relation to all forms of violence covered by the Istanbul Convention, including in particular sexual violence. (paragraph 197)

38. GREVIO strongly encourages the Turkish authorities to take measures to ensure that prosecution is a central component of Turkey's response to violence against women and that measures of protection taken under Law No. 6284 are not viewed as replacing the need for prosecution. (paragraph 200)

A. Civil law

1. Civil lawsuits and remedies (Article 29)

39. GREVIO urges the Turkish authorities to include, in information provided to victims in pursuance of Article 19 of the Istanbul Convention, elements regarding available remedies in case of public officials' failure to perform their statutory duties to diligently prevent, investigate and prosecute acts of violence covered by the convention and to monitor progress in this area by keeping data on the numbers of claims lodged by women victims of violence and their outcome. GREVIO further invites the authorities to identify the prevailing reasons preventing victims from accessing legal remedies against state authorities and, based on their findings, to take measures to address such causes. (paragraph 203)

2. Compensation (Article 30)

40. GREVIO strongly encourages the Turkish authorities to adopt measures to facilitate and guarantee access to compensation for victims of all forms of violence against women, in particular by: (paragraph 205)

- a. reviewing the civil procedures regarding compensation from perpetrators with a view to improving their effectiveness;
- b. ensuring that victims are systematically informed of their right to claim compensation and of the relevant procedures to be followed;
- c. strengthening the capacity of law practitioners and specialist women's support services to help victims claim compensation;
- d. incorporating the issue of compensation in training programmes for the law-enforcement agencies, the judiciary and victim support organisations;
- e. setting up a state compensation scheme accessible to victims which complies with the requirements of Article 30, paragraph 2, for all forms of violence against women defined in the Istanbul Convention, paying due regard to the victim's safety;
- f. monitoring progress in this area, by keeping data on numbers of compensation claims filed by victims and their outcome.

3. Custody and visitation rights (Article 31)

41. GREVIO urges the Turkish authorities to: (paragraph 212)

- a. promote a greater use of the legal provisions in Law No. 6284 allowing the determination of custody-related issues pending the application of emergency barring and restraining and protection orders, notably by training legal professionals and judicial officials, including by developing protocols and guidelines;
- b. take the necessary measures to ensure that incidents of violence are fully taken into account by courts when determining custody and visitation rights of children, in particular by seeking and taking into account the opinion of professionals such as social workers and child psychologists advising courts in matters pertaining to the best interest of the child;
- c. uphold the principle enshrined in paragraph 2 of Article 31 that the exercise of any visitation or custody rights should not jeopardise the rights and safety of the victim and children, with reference in particular to the ongoing examination of the draft law on victims' rights;
- d. monitor the courts' practice in this field and measure progress.

B. Criminal law

1. Psychological violence (Article 33)

42. GREVIO encourages the Turkish authorities to: (paragraph 217)

- a. take the necessary measures, including training and developing protocols and guidelines, to raise awareness of the professionals concerned, in particular law-enforcement and judicial officers, of the relevance of psychological violence as one of the most widespread forms of violence affecting women's lives in Turkey;
- b. make a thorough review of the current use of existing provisions of the TCC in judicial practice, paying due regard to the requirements related to abusive patterns of coercion or threats;

- c. investigate, prosecute and punish effectively cases of psychological violence by making full use of the available provisions in the Turkish Criminal Code, including in particular the offence of torment sanctioned under Article 96 of this code, or consider introducing a new provision that would better fit into the Istanbul Convention's framework.

2. Stalking (Article 34)

43. GREVIO urges the Turkish authorities to establish stalking as a separate offence and to subject it to an effective and dissuasive punishment, having due regard to its possible manifestations in the digital sphere. (paragraph 221)

3. Sexual violence, including rape (Article 36)

44. GREVIO invites the Turkish authorities to: (paragraph 226)
- a. introduce criminal legislation that would specifically cover the intentional conduct set out in Article 36, paragraph 1c, of the Istanbul Convention, namely the conduct of causing another person to engage in non-consensual acts of a sexual nature with a third person;
 - b. carry out an analysis of courts' practice in respect of cases of sexual violence against former spouses, and based on the findings of such an analysis, take the appropriate measures to ensure that the provisions of the Turkish Criminal Code on sexual violence are applied in such cases.
45. GREVIO urges the Turkish authorities to: (paragraph 234)
- a. amend their legislation on sexual assault of children older than 15 having due regard to the requirement of the Istanbul Convention to criminalise all forms of non-consensual acts of a sexual nature, including rape;
 - b. conduct studies on the implementation by courts of the criminal provisions regarding sexual violence against girls.

4. Forced marriages (Article 37) and civil consequences of forced marriages (Article 32)

46. GREVIO urges the Turkish authorities to: (paragraph 245)
- a. recognise forced marriage as an offence under criminal law in its own right;
 - b. take the necessary measures to ensure that no victim of rape or harassment is forced into marriage with the perpetrator and that marriage does not nullify the violent act;
 - c. enforce, including by means of sanctions, the responsibility of all state officials entitled to perform civil marriages, including muftis, to prevent the conclusion of illegal child and forced marriages;
 - d. promote the development and use of reliable birth registration systems to circumvent any attempt to conceal the age of spouses;
 - e. adopt the necessary legislative measures allowing forced marriages to be voidable, annulled or dissolved without any undue financial or administrative burden placed on the victim and introduce programmes aimed at addressing economic and social needs of women whose marriages have been rendered voidable, annulled or dissolved as a result of being concluded under force;
 - f. collect data on child and forced marriages and follow trends in this area;
 - g. develop comprehensive policies and measures to prevent and combat child and forced marriages, including among the refugee population. Such policies should address the

underlying social, economic and cultural drivers of child and forced marriages and include information campaigns among parents, in schools and communities, centred on the right to freely choose one's partner and the unlawfulness of child and forced marriages.

5. Female genital mutilation (Article 38)

47. GREVIO strongly encourages the authorities to: (paragraph 248)

- a. consider introducing in their criminal legislation an offence specifically targeting all forms of female genital mutilation as defined in Article 38 of the Istanbul Convention;
- b. raise awareness and knowledge among the professionals concerned and society at large regarding this specific form of violence against women.

8. Unacceptable justifications for crimes, including crimes committed in the name of so-called "honour" (Article 42)

48. GREVIO urges the Turkish authorities to: (paragraph 256)

- a. dismantle the concept that the honour and prestige of a man or the family are intrinsically associated with the conduct or presumed conduct of women related to them, which is based on patriarchal attitudes and serves to control women and curb their personal autonomy;
- b. ensure that women who are under pressure from their families and those around them receive the necessary help and support, including by women's NGOs, with a view to preventing situations in which women accused of having transgressed norms are pressured into committing suicide;
- c. ensure that suicides, accidents and deaths of women which might disguise killings in the name of "honour" are effectively investigated and prosecuted;
- d. ensure, including through training of judicial professionals, that on no grounds whatsoever do claims that the victim has transgressed cultural, religious, social or traditional norms, customs or "honour" translate into sentence reductions in court practice;
- e. amend the Turkish Criminal Code, with a view to explicitly excluding crimes, including murders, committed in the name of "honour" and not merely "custom" from the application of Article 29 of the code on unjust provocation;
- f. closely monitor judicial practices against the requirements of Article 42 of the Istanbul Convention, including by gathering data on convictions in cases of murders committed in the name of "honour".

49. GREVIO strongly encourages the Turkish authorities to take measures, which are based on a close analysis of courts' practice and the collection of relevant judicial data, to ensure that no sentence reductions are granted based on justifications which mirror victim-blaming attitudes and a lack of gendered understanding of violence against women. (paragraph 258)

9. Sanctions and measures (Article 45)

50. While respecting the principle of the independence of the judiciary, GREVIO urges the Turkish authorities to take measures to ensure that judicial sanctions in cases of violence against women are effective, proportionate and dissuasive. In determining judicial sanctions, precautions should be taken to avoid victims being revictimised by the imposition of fines on their husbands or partners. The suspension of sentencing should be the result of a careful balancing between the need, on the one hand, to promote the social reintegration of first

offenders and, on the other, to contain the danger of recidivism, avoid undue delays in criminal proceedings and uphold the principle of accountability under criminal law. (paragraph 263)

10. Aggravating circumstances (Article 46)

51. GREVIO strongly encourages the Turkish authorities to fill the remaining gaps in their criminal legislation so as to fully comply with the requirements of Article 46 of the Istanbul Convention on aggravating circumstances. (paragraph 266)

11. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)

a. Mediation in criminal procedures

52. GREVIO strongly encourages the Turkish authorities to: (paragraph 270)

- a. take measures to ensure that in cases of an offence of violence against a woman, mediation does not apply where the victim has not or is not able to freely consent to the procedure, having regard to the imbalance in power relations between the victim and the perpetrator;
- b. ensure that all women victims of violence are informed about the non-mandatory nature of mediation in criminal proceedings;
- c. introduce safeguards aimed at guaranteeing that only those women victims of violence who can exercise their free will to accept or decline the procedure enter mediation;
- d. train judges, mediators and legal professionals on the need to ensure that victims freely consent to mediation and are not exposed to further revictimisation;
- e. consider expanding the inapplicability of criminal mediation in cases of intentional wounding to other categories of victims, such as former spouses, current and former partners.

b. Conciliation in civil procedures

53. GREVIO strongly encourages the Turkish authorities to effectively enforce the ban on reconciliation in family disputes and divorce proceedings where there is a history of domestic violence, within the meaning given to this term by Article 3b of the Istanbul Convention. To this end, mediators should receive adequate training on methods for screening family law cases for domestic violence. (paragraph 272)

VI. Investigation, prosecution, procedural law and protective measure

A. Immediate response, prevention and protection (Article 50)

1. Reporting to and investigations by law-enforcement agencies

54. Having in mind the need to foster victims' trust in the law-enforcement institutions, GREVIO urges the Turkish authorities to: (paragraph 282)

- a. ensure the swift and impartial response of all law-enforcement officers to cases of domestic and other forms of violence against women, in their homes as well as in

- public spaces, on the basis of full respect for women's human rights, in particular the right to life and physical integrity;
- b. pursue practical steps, such as on-the-job training developed in co-operation with specialist women's NGOs and mentoring schemes, to overcome persistent attitudes, beliefs and practices that stand in the way of a police response to domestic violence that is based on an understanding of the gendered nature, impact and consequences of violence, and which focuses on the victim's safety, the collection of evidence, the full accountability of the perpetrator and the inappropriateness of efforts to reconcile the victim with the perpetrator;
 - c. promote effective and proactive law-enforcement investigations and evidence collection, including photographic documentation of injuries and other evidence in alleged cases of violence against women;
 - d. provide law-enforcement agencies with the requisite means and capacity to assist effectively and without delay all victims, from the moment they report the violence, including by expanding existing efforts to establish specialist "bureaus" within the police and gendarmerie;
 - e. entrust an independent body with the mandate of examining alleged cases of violence against women committed by members of law-enforcement bodies and ensure that law-enforcement agencies, prosecution services and the disciplinary bodies carry out effective investigations and subsequent action in such cases;
 - f. pursue their efforts to attain a gender-balanced workforce within law-enforcement agencies by considerably increasing the numbers of female officers, with a view to guaranteeing that victims are assisted and interviewed by female officers, including in emergency interventions.

2. The role of the prosecution services and conviction rates

55. With a view to achieving a more balanced approach between the civil and criminal remedies for violence against women, GREVIO urges the authorities to take measures to ensure that the implementation of protective measures under Law No. 6284 does not replace the need to establish and deal with the criminal liability of the perpetrator, especially in cases of repeat and more serious violence. Progress in this area should be measured through the collection of publicly available data illustrating prosecution and conviction rates for the different forms of violence covered by the scope of the Istanbul Convention, respecting the requirements defined in Article 11 of the convention, in particular that the recorded data on victim and perpetrator should be disaggregated by sex, age, type of violence and the relationship of the perpetrator to the victim, and geographical location. (paragraph 286)

B. Risk assessment and risk management (Article 51)

56. GREVIO urges the Turkish authorities to improve their practices of risk assessment and risk management for all forms of violence against women, including domestic violence, by: (paragraph 292)

- a. maintaining systematically all records of reports of violence to allow the evaluation of the risk of repeat and escalating violence while ensuring respect for the principles of personal data protection;
- b. developing a risk-assessment system which incorporates a form of multi-agency response, in particular in high-risk cases, and which associates the victim to this process so as to empower her;
- c. assessing and managing risk by thoroughly reviewing on a case-by-case basis the risk factors and by adopting measures which are tailored to the individual situation of each victim and aim at ensuring respect for her safety and human rights;

- d. stepping up efforts to train all statutory agencies working with potential victims in risk assessment and risk management and the need for these processes to be supported by multi-agency working;
- e. pursue efforts to improve risk management.

C. Emergency barring orders (Article 52); Protection orders (Article 53)

57. While respecting the victims' informed choices, GREVIO urges the Turkish authorities to: (paragraph 305)

- a. uphold the principle that the victim's statement is evidence for the purposes of issuing protective measures under Law No. 6284;
- b. ensure that protective measures are issued for adequate periods of time, having regard to the prime consideration of the victim's safety and the need for her empowerment and recovery, which can only be achieved by offering her counselling and the necessary support services;
- c. encourage law-enforcement agencies to further make proactive use of their prerogatives under Law No. 6284 to issue protection orders, including emergency barring orders, themselves;
- d. encourage law-enforcement agencies to further engage in thorough evidence gathering and recording, in support of the victim's statement;
- e. ensure that perpetrators are notified about protection orders diligently and without delay, namely by clearly identifying the statutory agencies' responsibility to this end;
- f. react diligently to breaches of protection orders, in particular by effectively enforcing the sanction of preventive detention especially in situations of high risk;
- g. hold to account and sanction officials who fail to act diligently in enforcing protection orders.
- h. Progress in this area should be carefully monitored and analysed, relying on appropriate data collection that highlights, in particular, the forms of violence for which protective measures are issued, whether a measure was requested by a victim or issued ex officio, the average duration of protection orders, the number of renewals of protection orders sought by the same victim (or for her upon request by the authorities), the numbers of protection orders issued by law-enforcement agencies in emergency situations, the number of breaches of protection orders (separately by each type of order issued in line with Law No. 6284) and whether all breaches were appropriately sanctioned. Analyses should be carried out at regular intervals and be made available to the public.

D. Investigations and evidence (Article 54)

58. GREVIO strongly encourages the Turkish authorities to take measures to: (paragraph 309)

- a. bar the admissibility and/or consideration of previous sexual history evidence in courts, as a means to combat the perpetuation of damaging stereotypes of victims as being promiscuous and, by extension, immoral and not worthy of the protection provided by civil and criminal law;
- b. ensure that no genital examinations can be carried out without the free informed consent of the woman concerned.

E. Ex parte and ex officio proceedings (Article 55 paragraph 1)

59. GREVIO urges the Turkish authorities to amend their legislation to conform with the rules regarding ex parte and ex officio prosecution set out in Article 55, paragraph 1, of the Istanbul Convention. (paragraph 313)

F. Victim support in legal proceedings (Article 55 paragraph 2)

60. GREVIO encourages the Turkish authorities to take measures to promote the widespread availability, during investigations and judicial proceedings concerning the offences covered by the Istanbul Convention, of victims' support and/or assistance services by specialist women's NGOs and domestic violence counsellors. (paragraph 316)

G. Measures of protection during investigations and judicial proceedings (Article 56)

61. GREVIO strongly encourages the Turkish authorities to ensure the availability of the necessary victim protection measures, in accordance with Article 56 of the Istanbul Convention. Such measures should be based on a gendered understanding of violence against women and value specialist women's organisations' role in supporting victims to express their views, defend their interests and exercise their rights. (paragraph 318)

H. Legal aid (Article 57)

62. GREVIO strongly encourages the Turkish authorities to improve access to legal aid for victims of the various forms of violence covered by the Istanbul Convention, in particular by promoting, in co-operation with specialist women's organisations, the training in violence against women of lawyers appointed to the Legal Aid Offices. GREVIO further invites the authorities to consider ways to simplify and streamline the procedures for accessing legal aid and to raise the awareness of the Legal Aid Offices of the needs of victims of violence against women. (paragraph 320)

VII. Migration and asylum

B. Migration (Article 59)

63. GREVIO invites the Turkish authorities to extend the ability for victims to obtain an autonomous residence permit in case of divorce irrespective of the duration of the relationship, whatever the nationality of the sponsoring spouse. (paragraph 335)

C. Gender based asylum claims (Article 60)

64. GREVIO encourages the Turkish authorities to develop, in co-operation with specialist women's NGOs, gender-sensitive procedures, guidelines and support services to allow all women asylum seekers, including applicants under administrative detention, to disclose instances of violence against women. Progress in this field should be measured by collecting relevant data on the number of claims granted on the basis of gender-based violence-related

motives. GREVIO invites the authorities to consider developing similar procedures and guidelines with respect to the registration processes applying to people of Syrian or other origin falling under the temporary protection scheme. (paragraph 345)

D. Non refoulement (Article 61)

65. GREVIO strongly encourages the Turkish authorities to take all necessary measures to ensure that the principle of non-refoulement enshrined in the law is respected in practice, so that women victims of violence who are in need in protection, regardless of their status or residence, are not returned under any circumstance to any country where their life would be at risk or where they might be subject to torture or inhuman or degrading treatment or punishment. (paragraph 348)

Appendix II:

List of representatives of Turkey present at the state dialogue with GREVIO

- Aysel Kandemir, Undersecretary, Ministry of Family And Social Policy
- Hakkı Öztürk, Deputy Undersecretary, Ministry of Family And Social Policy
- Gülser Ustaoglu, General Director, General Directorate on the Status of Women
- Muzaffer Uyav Gültekin, Deputy to the Permanent Representative of Turkey to the Council of Europe
- Süreyya Erkan, Deputy General Director, General Directorate on the Status of Women
- Göknur Akçadağ, Head of International Organizations Department, General Directorate on the Status of Women
- Mustafa Çadır, Head of Women's Policies Department, General Directorate on the Status of Women
- Muhittin Özdemir, Head of Victim Rights Department, Ministry of Justice
- Tarıkan Çetiner, Directorate General of Turkish National Police , Chief of Branch Office for Combating Domestic Violence
- Özlem Yılmaz, General Command of Gendarmerie- Chief of Branch Office for Children and Combating Domestic Violence
- Meryem Tatlıer Baş, Expert, General Director, General Directorate on the Status of Women

Appendix III:

List of the national authorities, other public bodies, non-governmental organisations and civil society organisations with which GREVIO held consultations

National authorities

- Ministry of Family and Social Policies
 - General Directorate on the Status of Women

- Ministry of Interior
 - General Directorate of Security
 - Gendarmerie General Commandery
 - General Directorate of Migration Management
 - Police Academy
 - Istanbul Security Directorate
 - Malatya Security Directorate
 - Malatya Gendarmerie Commandery
 - Malatya Provincial Migration Management
 - Temporary Refugee Center of Malatya

- Ministry of Justice
 - Department of Victim Rights
 - General Directorate of Prisons And Detention Houses
 - General Directorate of International Law and Foreign Relations
 - Human Rights Department
 - Ankara and Istanbul Family Courts
 - Ankara and Istanbul Domestic Violence Prosecution Bureaus
 - Electronic Monitoring Center

- Ministry of Education
 - International Relations Department

- Ministry of Health
 - Turkish Public Health Institution
 - Turkish Public Hospitals Institution
 - Malatya Child Monitoring Center

Public bodies

- Shelter and first step station in Istanbul
- Violence Protection Monitoring Centre (Şonim) of Istanbul
- Shelter and first step station in Malatya
- Violence Protection Monitoring Centre (Şonim) of Malatya

Civil society organisations and other organisations

- Human Rights Association
- Association for Struggle Against Sexual Violence
- Federation of Women's Associations in Turkey (TKDF)
- Purple Roof
- Women for Women's Human Right (WWHR)
- Istanbul Convention Monitoring Platform (please refer to the shadow report on the official website to the Istanbul Convention to find the 81 members of this platform)
- Association to support women candidates (KA.DER)
- Turkish Medical Association: Women Medical Doctors and Women's Health
- Gay and Lesbian Cultural Research and Solidarity Foundation
- Rainbow Istanbul Women's Associations Platform (GIKAP)
- Kadınlarla Dayanışma Vakfı /Foundation for Women's Solidarity (KADAV)
- Association for Monitoring Gender Equality (CEID)
- KAMER Foundation
- Women and Democracy Association (KADEM)
- We Will Stop Femicide Platform
- Independent Communication Network (BİANET)
- Foundation of Support and Training for the Women in Healthcare (KASAV)

GREVIO, the *Group of Experts on Action against Violence against Women and Domestic Violence*, is an independent human rights monitoring body mandated to monitor the implementation of the *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention) by the Parties.

The Istanbul Convention is the most far-reaching international treaty to tackle violence against women and domestic violence. Its comprehensive set of provisions spans far-ranging preventive and protective measures as well as a number of obligations to ensure an adequate criminal justice response to such serious violations of human rights.

This report contains an overall analysis of the implementation of the provisions of the Istanbul Convention. It highlights positive initiatives in preventing and combating all forms of violence against women at national level and provides suggestions and proposals to improve the situation of women facing such violence.

www.coe.int/conventionviolence

www.coe.int

The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, 28 of which are members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.