

Committee of the Parties



Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)

Recommendation on the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence by Turkey

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The Committee of the Parties to the Convention on Preventing and Combating Violence against Women and Domestic Violence (hereinafter referred to as “the Convention”), acting under the terms of Article 68(12) of the Convention;

Having regard to the purposes of the Convention to protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence; to contribute to the elimination of all forms of discrimination against women and promote substantive equality between women and men, including by empowering women; to design a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence; to promote international co-operation with a view to eliminating violence against women and domestic violence; and to provide support and assistance to organisations and law enforcement agencies to effectively co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence;

Bearing in mind the provisions of Article 66 (1) of the Convention concerning the monitoring role of the Group of Experts on Action against Violence against Women and Domestic Violence (hereinafter referred to as “GREVIO”);

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Turkey on 1 August 2014;

Having examined the Baseline Evaluation Report concerning the implementation of the Convention by Turkey adopted by GREVIO at its 14th meeting (25-27 June 2018), as well as the comments of the Government received on 17 September 2018;

Considering the overarching priorities set out in Chapter I of the Convention (purposes and scope of the Convention, definitions, equality and non-discrimination, due diligence and gender-sensitive policies);

Bearing in mind the primordial importance of the provisions set out in Chapter II of the Convention, in particular the obligations to (1) ensure a holistic response to violence against women by devising a set of comprehensive and co-ordinated policies implemented by way of effective multi-agency co-operation; (2) institutionalise and fully mandate one or more co-ordinating bodies as required by Article 10 of the Convention; (3) adequately resource policies, measures and mandates introduced to prevent and combat all forms of violence against women, including government and non-governmental specialist support services; and (4) to collect relevant statistical data disaggregated, at a minimum, by sex, age, type of violence, relationship of the perpetrator to the victim and geographic location;

Welcoming the measures taken by the Turkish authorities in implementing the Convention and noting in particular:

- the consistent approach of framing policies and measures on violence against women within wider strategies to promote gender equality and women’s empowerment, under the leadership of the national co-ordinating body;
- the authorities’ acknowledgement that a multi-stakeholder approach to combating violence against women and achieving gender equality requires robust support of and co-operation with NGOs and civil society, by means of their involvement in legislative and policy-making procedures, as well as in the national and local multi-agency mechanisms;
- the considerable investments in collecting and centralising administrative data, in particular data regarding measures adopted in pursuance of the central piece of legislation on violence against women (Law No. 6284), as well as the support given to research on domestic violence;
- the recognition of prevention of violence against women as a priority in the political agenda, through various awareness-raising campaigns and regular training initiatives across public administration;

- the development of a strong state-run infrastructure of Şonims, which in Turkey are the entities responsible for co-ordinating and monitoring the implementation of protective measures, as well as providing general and specialist support services to victims;
- progress achieved in harmonising Turkey's civil and criminal legislation with the requirements of Chapter V of the convention;
- improvements in the response of law enforcement agencies to violence against women, based *inter alia* on the establishment of specialist offices and the development of risk assessment and risk management procedures;
- the wide array of available protective mechanisms, including emergency barring orders, and their extensive use by statutory agencies;
- the support given to victims by the national co-ordinating body through its interventions in legal proceedings regarding cases of violence against women.

A. Recommends, in light of the considerations indicated in the preamble above, that the Government of Turkey take the following measures identified in GREVIO's report¹ for immediate action to:

1. continue to base measures aimed at preventing and combating violence against women on the core principle of gender equality (paragraph 12) and on a gendered understanding of violence against women (paragraph 40), while steadily pursuing and strengthening policies and measures to ensure the practical realisation of the principle of gender equality and the abolition of practices which discriminate against women (paragraph 10);
2. ensure that the provisions of the Convention are fully implemented with regard to all women, including in particular women who are or might be exposed to intersectional discrimination (paragraph 23);
3. step-up its efforts to prevent the commission of acts of violence against women, in conformity with the due diligence standard, notably by taking measures aimed at identifying, remedying and preventing gaps in the institutional response to violence which leave women unprotected (paragraphs 25 and 36);
4. take further steps to ensure the authorities' response to violence against women addresses comprehensively all victims of all forms of violence covered by the Istanbul Convention, and is based on a strong interinstitutional co-operation among all concerned agencies (paragraph 47);
5. expand the resources dedicated at national and local level to prevent and combat violence against women, including in particular the budget allocated to the national co-ordinating body (paragraph 53);
6. further support and facilitate the role of women's NGOs as key partners in the design and implementation of policies and measures to prevent and combat violence against women - including the provision of specialist services -, notably through effective consultative processes and suitable funding opportunities (paragraph 62);
7. further consolidate the role of the national co-ordinating body, by equipping it with the necessary resources, strengthening its co-operation with civil society and reinforcing the monitoring and evaluation of policies (paragraph 69);
8. improve the collection of gender disaggregated administrative data by law-enforcement bodies and criminal courts (paragraph 78) and health professionals (paragraph 86), as well as data related to Law No. 6284 (paragraph 81), while ensuring that such data

¹ The number of the paragraph setting out the GREVIO's proposals and suggestions in the report is indicated in brackets.

collection conforms with the applicable standards on protection of personal data (paragraph 88);

9. prioritise women's empowerment and the fight against discriminatory stereotypes as a fundamental means to promote women's enjoyment of their right to gender equality and freedom from violence (paragraph 99);
 10. enhance victims' access to general support services which facilitate their recovery from violence and enable their economic empowerment, such as financial assistance, employment, child-care facilities and affordable housing (paragraph 164);
 11. increase the number, capacity and accessibility of appropriate specialist support services for all victims and their children, including shelters (paragraph 180), dedicated telephone helplines (paragraph 183) and rape crisis and/or sexual referral centres (paragraph 188);
 12. take further measures to enable an effective response by law-enforcement bodies and the judiciary to violence against women, by:
 - a. aiming at raising reporting rates (paragraph 197);
 - b. facilitating victims' access to available legal remedies in case of public officials' failure to diligently prevent, investigate and prosecute acts of violence (paragraph 203);
 - c. ensuring that the rights and safety of victims and their children are guaranteed in relation to the determination and exercise of custody and visitation rights (paragraph 212);
 - d. reviewing current legislation and policies as regards the offence of stalking (paragraph 221), sexual violence (with respect to sexual assault of children older than 15) (paragraph 234) and forced marriages (paragraph 245);
 - e. effectively addressing violence committed against women in the name of "honour" and preventing considerations related to culture, religion, social or traditional norms, customs or "honour" from excluding or limiting criminal accountability for acts of violence (paragraph 256);
 - f. ensuring that judicial sanctions in cases of violence against women are effective, proportionate and dissuasive (paragraph 263);
 - g. addressing issues which stand in the way of a swift and impartial response of all law-enforcement officers to cases of violence against women and which undermine victims' trust in the law-enforcement institutions (paragraph 282);
 - h. improving practices of risk assessment and management (paragraph 292) and making a better use of existing protective measures (paragraph 305), while ensuring that the implementation of protective measures does not replace the need to establish and deal with the criminal liability of the perpetrator (paragraph 286);
 - i. amending legislation to conform with the rules set in the convention regarding *ex parte* and *ex officio* prosecution (paragraph 313).
- B. Requests the Government of Turkey to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by 30 January 2022.
- C. Recommends that the Government of Turkey take measures to implement the further conclusions of GREVIO's baseline evaluation report.