



Home Office

# **Country Information and Guidance**

## **Turkey: Women fearing gender-based violence**

**Version 1.0**

**February 2016**

# Preface

This document provides country of origin information (COI) and guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained within this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

## Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), dated July 2012.

## Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please [e-mail us](#).

## Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

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Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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# Guidance

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## 1. Introduction

### 1.1 Basis of Claim

1.1.1 Fear of persecution or serious harm by state or non-state actors due to the person's gender as a woman.

### 1.2 Other Points to Note

1.2.1 In addition to this guidance decision makers should also refer to the Asylum Instruction on [Gender issues in the asylum claim](#).

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## 2. Consideration of Issues

### 2.1 Credibility

2.1.1 For further guidance on assessing credibility see sections 4 and 5 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

2.1.2 Decision-makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).

2.1.3 Decision-makers should also consider the need to conduct language analysis testing (see [Asylum Instruction on Language Analysis](#)).

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### 2.2 Particular social group

2.2.1 Women in Turkey form a particular social group (PSG) within the meaning of the 1951 UN Refugee Convention because they share a common characteristic that cannot be changed and have a distinct identity which is perceived as being different by the surrounding society.

2.2.2 Although women in Turkey form a PSG, this does not mean that establishing such membership will be sufficient to be recognised as a refugee. The question to be addressed in each case is whether the particular person will face a real risk of persecution on account of their membership of such a group.

2.2.3 For further guidance on particular social groups, see section 7.6 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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### 2.3 Assessment of risk

2.3.1 There have been a number of legislative measures undertaken to improve the situation of women in Turkey in recent years, although insufficient

resourcing and legislative frameworks have meant that the effective, consistent, nationwide implementation of the law has been compromised. Levels of violence against women, particularly domestic violence, have not decreased and remain high, as have the incidences of rape, so-called 'honour' crimes, forced or early marriage and trafficking. Sexist rhetoric by government representatives has undermined initiatives to promote gender equality and societal and official discrimination were widespread (see [Sexual and gender-based violence](#)).

- 2.3.2 However, women in Turkey are active in a wide range of public life, although women's political representation remains low as is the rate of women's employment (see [Political representation](#) and [Access to employment and services](#)).
- 2.3.3 The level of persecution in Turkey does not reach a level which means that there is in general a real risk of persecution or serious harm. Being female does not on its own establish a need for international protection. The onus is on the person to demonstrate that she would be personally at risk of gender-based violence.
- 2.3.4 For further guidance on assessing risk, see section 6 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.4 Protection

- 2.4.1 The law prohibits discrimination based on, amongst other things, gender (see [Discrimination and sexual harassment](#)). Similarly, domestic violence, so called 'honour crimes', and human trafficking are all criminal offences in Turkey and offenders are prosecuted (see [Sexual and gender-based violence](#)). For example, perpetrators of domestic violence are made subject of protective/preventive injunctions and detention orders with in total over 200,000 such orders being issued between March 2012 and April 2014 (see [Domestic violence: enforcement of law](#)). Those found guilty of human trafficking can be sentenced to up to 12 years imprisonment and it was reported that during the first three quarters of 2014, 749 suspects in 71 sex trafficking cases were prosecuted (see [Human trafficking](#)).
- 2.4.2 There are however reports that the authorities do not always enforce the law effectively to ensure that prosecutions are brought. There have been calls for further awareness-raising campaigns and training of security officials and professionals of the judiciary on the rights of women. The Turkish government has in response adopted an action plan to address violence against women including public awareness-raising training for state officials. (see [Domestic violence: enforcement of law](#) and [National Action Plan](#)).
- 2.4.3 There are a number of non-governmental organisations in Turkey which are active in women's issues, including providing shelter, and which can potentially assist the person to avail themselves of the protection of the state (see [Civil society organizations](#) and [Shelters and other institutional assistance](#)).
- 2.4.4 Avenues of complaint exist for persons to lodge complaints against police officers they accuse of improper conduct (see [country information and](#)

[guidance on Turkey: Background](#)) but the UN have also recommended that Turkey further improve the procedures for security officers and members of the judiciary be investigated and held accountable for failure to act with regard to registering complaints and issuing and enforcing protection orders (see Domestic violence: enforcement of law).

- 2.4.5 Where the person's fear is of ill treatment/persecution at the hands of non-state agents - or rogue state agents - then effective state protection is likely to be available. However, decision-makers must consider each case on its facts. The onus is on the person to demonstrate why they would not be able to seek and obtain state protection.
- 2.4.6 For further guidance on assessing the availability or otherwise of state protection, see section 8.1 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.5 Internal relocation

- 2.5.1. Decision-makers must give careful consideration to the relevance and reasonableness of internal relocation on a case-by-case basis, taking full account of the individual circumstances of the particular person.
- 2.5.2. A woman who is at risk may be able to internally relocate to escape localised threats from members of their family, but some women, especially single women with no support networks, may be vulnerable. Whilst in some cases this could be mitigated by shelters and assistance available from civil society organisations, the individual circumstances of each case will need to be taken into account (see [Legislation](#), which refers to freedom of movement for women, and [Assistance available to women](#)).
- 2.5.3. In assessing whether women who are fleeing a risk of domestic violence have a viable internal relocation alternative, decision-makers must not only have regard to the availability of shelters/centres but also to the situation women will face after they leave such centres.
- 2.5.4. The onus is on the person to demonstrate why they believe they would be unable to relocate to avoid any risk.
- 2.5.5. For further guidance on internal relocation, see section 8.2 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.6 Certification

- 2.6.1 Where a claim falls to be refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002 .
- 2.6.2 For further guidance on certification, see the [Appeals Instruction on Certification of Protection and Human Rights claims under Section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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### **3. Policy summary**

- 3.1.1 The general level of discrimination against women in Turkey does not in itself amount to persecution.
- 3.1.2 Although there have been a number of legislative and other measures undertaken to improve the situation of women in Turkey in recent years, gender-based violence against women remains a serious problem. A woman may be able to demonstrate a real risk of serious harm from non-State actors; each case must be carefully considered on its merits.
- 3.1.3 There is in general effective protection against risk from non-State actors but victims of gender-based violence may in some circumstances be unable to obtain effective state protection.
- 3.1.4 Internal relocation to avoid risk of gender-based persecution will be viable in many cases.

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## 4. Legal context

### 4.1 Legislation

#### 4.1.1 In its December 2014 report to the UN Committee on the Elimination of Discrimination Against Women (CEDAW), the Turkish government stated:

‘Although the definition of “discrimination against women” is not included in the Constitution as described in the Convention [UN Convention on the Elimination of All Forms of Discrimination against Women], equality between women and men is among the main principles of the Constitution. There is not a specific legal regulation which makes a definition of “discrimination” and establishes the provisions regarding discrimination. However though, the international conventions shall prevail in case of any contradiction among the conventions on human rights and the national legislation, in pursuant to the Article 90 of the Constitution.

‘The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), which Turkey became the first to ratify in 2012, adopts the principle of non-discrimination on the basis of sex.

‘In accordance with the Law No. 6284 on Protection of Family and Prevention of Violence against Women, which was built on the Istanbul Convention and came into force in 2012, all women, children and other family members, as well as the victims of unilateral persistent stalking are included within the scope of the Law.

‘The principle of equality between women and men is acknowledged explicitly in the Constitution. With an amendment made to the 10th Article of the Constitution in 2004 the provision that “women and men have equal rights, the State is liable for ensuring this equality in practice” was added. Following the amendment another provision was added to the same provision in 2010 stating that “any measures to be taken to this aim shall not be contrary to the principle of equality”. The recent amendments paved the way for temporary special measures in the Constitution and it was underlined that any regulations to be put into practice in favour of women to achieve de facto equality shall not be contradictory to the principle of equality.

‘The 122nd Article of the Penal Code on discrimination was re-arranged under the heading of “hatred and discrimination” with an amendment to the Turkish Penal Code in March, 2014. The Law sets forth that any person who prevents another person from the enjoyment of public goods and services or from engaging in an economic activity on grounds of the differences arising from the person’s “language, race, ethnicity, colour, sex, disability, political

view, philosophical belief, religion or sect” shall be punished with an imprisonment beginning from one year to three years.’<sup>1</sup>

- 4.1.2 On 8 March 2013, the Rapporteur for follow-up on the UN Committee on the Elimination of Discrimination against Women wrote to the Turkish authorities raising concerns about the Law No: 6284 on the ‘Protection of Family and the Prevention of Violence against Women:’

‘The Committee considers that the new law addresses domestic violence and provides for immediate means of redress and protection, including protection orders. However, the law does not contain provisions for prosecution and punishment of perpetrators and, while it provides for a general definition of violence against women, it fails to mention specific forms of violence against women including rape, marital rape, sexual harassment and other forms of sexual violence. In addition, the State party failed to adopt a law that exclusively focuses on violence against women.’<sup>2</sup>

- 4.1.3 In its Submission to the Human Rights Council at the 21st Session of the Universal Periodic Review: Turkey, 2015, the Equal Rights Trust reported in relation to Law 6284 that:

‘The name of the Law has been criticized: while the original title was the “Law on the Protection of Women and Family Members from Violence”, it was changed by the Cabinet of Ministers. NGOs have raised concerns that this sends the message to the judiciary that their first priority is to protect the family, “ensuring that the woman succumbs even if she faces violence so she does not jeopardize the unity of the family”.

‘The Law includes a number of improvements to the previous legislation. It uses a broader definition of domestic violence in Article 2(1) (b) which, for the first time, includes explicit protection for women who are not married to the perpetrator. Article 14 requires the government to establish Violence Prevention and Monitoring Centres, open 24 hours a day, to provide protection for women who are victims of, or who have been threatened with violence, albeit with a pilot scheme for two years. As of 2014, 14 Violence Prevention and Monitoring Centres in pilot provinces have been established.

‘However, the Law also has some weaknesses. There is no reference to “sexual orientation” or “gender identity”, thus excluding women in same-sex relationships from the protections offered by the Law; similarly, the principle of “gender equality” was left out of the principles of the Law; and the

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<sup>1</sup> UN Committee on the Elimination of Discrimination Against Women. Author: KSGM - General Directorate on the Status of Women Turkey; ASPB - Ministry of family and Social Policies Turkey. State report on implementation of the Convention on the Elimination of All Forms of Discrimination against Women, dated 9 December 2014 (paragraphs 7 – 11).

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fTUR%2f7&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fTUR%2f7&Lang=en) Date accessed: 14 August 2015.

<sup>2</sup> Letter from Rapporteur on follow-up Committee on the Elimination of Discrimination against Women to the Permanent Representative of Turkey to the United Nations, dated 8 March 2013. [http://www2.ohchr.org/english/bodies/cedaw/docs/CEDAWfollow-up\\_Turkey.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/CEDAWfollow-up_Turkey.pdf) Date accessed: 3 September 2015

prohibition of mandatory reconciliation and mediation was not included in the Law.<sup>3</sup>

- 4.1.4 The European Commission's 2014 Progress Report on Turkey (which covers the period from October 2013 to September 2014), reported that:

'As regards women's rights and gender equality, implementation of the March 2012 Law on the Protection of Family and Prevention of Violence against Women, which also provided for preventive imprisonment measures against violent partners, continued. There was criticism about the effectiveness of its implementation, the clarity of some provisions and the adequacy in numbers, competences and training of staff dealing with domestic violence.<sup>4</sup>

- 4.1.5 The same report noted:

'The parliamentary committee on equal opportunities between men and women issued 9 opinions on draft legislation. Law enforcement personnel, health professionals, social workers and teachers received some training on gender equality. No amendments were made to Turkish legislation that forbids a woman from exclusively using her maiden name after marriage, despite an ECtHR ruling to this effect. In January, the Constitutional Court also ruled that married women could exclusively use their maiden name.'<sup>5</sup>

- 4.1.6 The Social Institutions and Gender Index 2014 noted that there were no restrictions on women's access to public space in Turkey.<sup>6</sup>

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## 4.2 Political representation

- 4.2.1 In a June 2014 Joint submission to the UN UPR Working Group, the Human Rights Joint Platform comprised of four NGOs raised concerns that:

'Participation and representation of women in decision-making mechanisms is historically low. (The highest rate of participation by women in parliament to date is 14.02%, at the level of mayorship, this figure is 3.7%). The most prominent causes of this situation are that temporary measures and policies are not directly ingrained in the Constitution, no provisions are set forth in the

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<sup>3</sup> Equal Rights Trust. 'The Equal Rights Trust - Submission to the Human Rights Council at the 21st Session of the Universal Periodic Review: Turkey,' 2015.

<http://www.refworld.org/docid/54c10b264.html> Date accessed: 3 September 2015

<sup>4</sup> European Commission. '2014 Progress Report on Turkey' (covering the period October 2013 to September 2014), dated 8 October 2014 (2.1. Democracy and the rule of law, page 56).

[http://ec.europa.eu/enlargement/pdf/key\\_documents/2014/20141008-turkey-progress-report\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf)  
Date accessed: 14 August 2015

<sup>5</sup> European Commission. '2014 Progress Report on Turkey' (covering the period October 2013 to September 2014), dated 8 October 2014 (2.1. Democracy and the rule of law, page 57)

[http://ec.europa.eu/enlargement/pdf/key\\_documents/2014/20141008-turkey-progress-report\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf)  
Date accessed: 2 September 2015.

<sup>6</sup> Social Institutions and Gender Index. Country Profiles for 2014; Turkey.

<http://www.genderindex.org/country/turkey> Date accessed: 24 February 2016.

Law on Political Parties and the Law on Parliamentary Elections, and all measures are left to arbitrary and discriminatory practices.<sup>7</sup>

4.2.2 In its Submission to the Human Rights Council at the 21st Session of the Universal Periodic Review : Turkey, 2015, the Equal Rights Trust reported that: 'Turkey was urged to promote women's rights and to strengthen efforts to achieve full gender equality. Turkey accepted these recommendations; however, there remain significant areas of life in which progress has been slow, such as political participation and employment.

'... At the local level, women make up less than 1% of mayors, 4.2% of city councillors and 3.3% of members of provincial assemblies.'<sup>8</sup>

4.2.3 The website Agora-Parl.org, which provides information about Parliaments, described the female representation in the Turkish parliament following the elections of November 2015: 'Female representation in the Turkish parliament dropped to 75 deputies out of a total of 550 in last Sunday's general election, whereas the previous election had seen the highest percentage of female representation in Parliament.

'After the election on June 7 [2015], female deputies represented 18 percent of Parliament. Since Sunday's election [November 2015] this figure has dropped to 15 percent.

'The Justice and Development Party (AK Party), which regained parliamentary majority on Nov. 1 by securing 317 parliamentary seats, has 32 women among its deputies. There were 41 female deputies from the AK Party among the deputies who entered Parliament after the June 7 elections.'<sup>9</sup>

4.2.4 In the new Cabinet announced by Prime Minister Ahmet Davutoğlu in November 2015, only two seats out of 26 were allocated to women.<sup>10</sup>

4.2.5 In its 2014 Progress Report on Turkey (which covers the period from October 2013 to September 2014), the European Commission reported that:

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<sup>7</sup> UPR Stakeholders Report to the United Nations Universal Periodic Review of Turkey 21st Session [January – February 2015], Joint Submission 7 By Human Rights Joint Platform (Human Rights Association; Human Rights Agenda Association; Human Rights Research Association; Helsinki Citizens Assembly; Amnesty International Turkey), dated 14 June 2014 <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTRStakeholdersInfoS21.aspx> Date accessed: 18 November 2015

<sup>8</sup> Equal Rights Trust. 'The Equal Rights Trust - Submission to the Human Rights Council at the 21st Session of the Universal Periodic Review: Turkey,' 2015 <http://www.refworld.org/docid/54c10b264.html> Date accessed: 3 September 2015

<sup>9</sup> Agora-Parl.org. 'Turkey: Female representation in Parliament declines,' dated 4 November 2015. <http://www.agora-parl.org/news/turkey-female-representation-parliament-declines> Date accessed: 24 February 2016.

<sup>10</sup> Today's Zaman. 'Only 2 women chosen out of 26 ministers in new cabinet,' dated 24 November 2015. [http://www.todayszaman.com/national\\_only-2-women-chosen-out-of-26-ministers-in-new-cabinet\\_405166.html?mkt\\_tok=3RkMMJWWfF9wsRonvajPe%2B%2FhmjTEU5z16uUuXKW%2Fi4kz2EFye%2BLIHETpodcMTcpnNbvYDBceEJhqyQJxPr3HLdkN18NoRhfmCw%3D%3D](http://www.todayszaman.com/national_only-2-women-chosen-out-of-26-ministers-in-new-cabinet_405166.html?mkt_tok=3RkMMJWWfF9wsRonvajPe%2B%2FhmjTEU5z16uUuXKW%2Fi4kz2EFye%2BLIHETpodcMTcpnNbvYDBceEJhqyQJxPr3HLdkN18NoRhfmCw%3D%3D) Date accessed: 24 February 2016.

'The number of female candidates in the March [2014] local elections increased for all main political parties. Three metropolitan mayor posts are now held by women. The BDP brought in a co-chair system in municipalities where it won the vote, so that each of these municipalities has a woman co-mayor. However, women's political representation remains low. No legislative changes were introduced to promote women's inclusion, representation and participation in politics. Women were underrepresented in decision-making positions in the public sector while improvements were reported in the private sector.'<sup>11</sup>

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## 5. Sexual and gender-based violence

### 5.1 Overview

5.1.1 The following figures on intimate personal violence and partner abuse in the UK are provided as a comparison with the statistics for Turkey in the section that follows. These statistics cover the year ending March 2015 and were published by the Office for National Statistics:

- 'The CSEW [Crime Survey for England and Wales] estimates that 8.2% of women and 4.0% of men reported experiencing any type of domestic abuse in the last year (that is, partner / ex-partner abuse (non-sexual), family abuse (non-sexual) and sexual assault or stalking carried out by a current or former partner or other family member). This is equivalent to an estimated 1.3 million female victims and 600,000 male victims.
- 'There were 6.5% of women and 2.8% of men who reported having experienced any type of partner abuse in the last year, equivalent to an estimated 1.1 million female victims and 500,000 male victims.
- 'Overall, 27.1% of women and 13.2% of men had experienced any domestic abuse since the age of 16, equivalent to an estimated 4.5 million female victims and 2.2 million male victims.'<sup>12</sup>

5.1.2 In its June 2014 Joint submission to the UN UPR Working Group, the Human Rights Joint Platform reported:

'Existing legal and policy arrangements and practices that involve women target the protection of the family. The most recent and evident example of this is the Law for the Protection of the Family and the Prevention of

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<sup>11</sup> European Commission. '2014 Progress Report on Turkey' (covering the period October 2013 to September 2014), dated 8 October 2014 (2.1. Democracy and the rule of law, page 57). [http://ec.europa.eu/enlargement/pdf/key\\_documents/2014/20141008-turkey-progress-report\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf)  
Date accessed: 14 August 2015

<sup>12</sup> Office for National Statistics. 'Statistical Bulletin: Chapter 4 – Intimate personal violence and partner abuse,' released 11 February 2016. <http://www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/focus-on-violent-crime-and-sexual-offences--2014-to-2015/chapter-4.html> Date accessed: 24 February 2016.



Violence Against Women, which entered into force in 2012. Violence against women, which is fostered by gender inequality, results in the loss of the lives of hundreds of women in Turkey each year. According to the information compiled by the Independent Communication Network (BIA) from news stories reflected in the media, the number of women murdered in 2014 is 214, and the number of women raped is 163. There are only 123 women's shelters in a country with a population of 76 million. The number of women benefiting from these is 2,190 (17 women per shelter home) and the shelter home population consists of heterosexual women aged between 18 and 60 without disabilities who have not been subject to state violence. No fundamental policy to eliminate violence against women exists.<sup>13</sup>

5.1.3 The Amnesty International Report 2014/15 noted that 'The implementation of the 2012 Law on Protection of Family and Prevention of Violence against Women remained inadequate, under-resourced and ineffective in dealing with domestic violence. A number of women under judicial protection were reported to have been killed. The number of shelters for victims of domestic violence remained far below that required by law.'<sup>14</sup>

5.1.4 In its June 2014 Submission for the 21<sup>st</sup> Session of the UPR Working Group, London Legal Group commented:

'It has been reported that during the first 9 months of the year 2013, 842 women were killed. Data released for the first four months of 2014 reveals that 89 women were killed, 19 raped, 200 battered and 19 harassed in that time period. These figures illustrate that, human rights violations continue against women systematically and despite improvements through new legal provisions, the situation continues to remain alarming in practice.'<sup>15</sup>

5.1.5 In June 2015, the BBC news service reported in a press release on the trial of three men accused with murder and attempted rape of 20-year-old student Ozgecan Aslan that: 'The trial comes amid calls for more action to stop violence against women in Turkey. More than 280 women were

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<sup>13</sup> UPR Stakeholders Report to the United Nations Universal Periodic Review of Turkey 21st Session [January – February 2015] Joint Submission 7 By Human Rights Joint Platform (Human Rights Association; Human Rights Agenda Association; Human Rights Research Association; Helsinki Citizens Assembly; Amnesty International Turkey), dated 14 June 2014 <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTRStakeholdersInfoS21.aspx> Date accessed: 18 November 2015

<sup>14</sup> Amnesty International. 'Amnesty International Report 2014/15; The State of the World's Human Rights,' Turkey, dated 25 February 2015 <https://www.amnesty.org/en/countries/europe-and-central-asia/turkey/report-turkey/> Date accessed: 14 August 2015.

<sup>15</sup> London Legal Group Submission to the UN Universal Periodic Review of the Republic of Turkey for consideration by the Office of the UN High Commissioner for Human Rights for the 21st Session of the UPR Working Group 2015 <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTRStakeholdersInfoS21.aspx> Date accessed: 3 September 2015

murdered by men in the country in 2014, according to reports, while there is said to have been about 134 killings so far in 2015.’<sup>16</sup>

- 5.1.6 In response to the murder the UN Entity for Gender Equality and the Empowerment of Women reported in February 2015 that it was concerned that ‘notwithstanding the progress in Turkish legislation and institutional structuring, recent data on violence against women shows insignificant improvement since 2008 and violence against women is still pervasive with two out of every five women in Turkey exposed to sexual and physical violence.’<sup>17</sup>
- 5.1.7 In its 2014 Progress Report on Turkey (which covers the period from October 2013 to September 2014), the European Commission reported that: ‘Cases of women under judicial protection being killed have been reported, thereby questioning the effectiveness of the relevant legislation and its implementation. Violence against women, including honour killings and early and forced marriages, remained an issue. There are no official statistics on instances of violence against women, including killings and early and forced marriages.’<sup>18</sup>
- 5.1.8 The same report stated:
- ‘Societal acceptance of domestic abuse in some cases contributed to underreporting of gender-based violence. There were reports of sexual harassment during rallies, in police custody and police vehicles. “Consent,” “undue provocation” and “appearing older” were used to justify a reduction in sentences for sex crimes while the Forensic Medicine Institute was criticised for delays in finalising reports on sex crimes. Implementation of the ECtHR judgment in the *Opuz v. Turkey* case relating to effective judicial decisions with preventive or deterrent effect for offenders is still pending.’<sup>19</sup>
- 5.1.9 In January 2015 Freedom House reported:
- ‘The government has declared that combating domestic violence is a priority, and in June [2014] it toughened punishments for sexual assault. However, cases of domestic violence continue to increase, and critics argue that the government is more focused on family integrity than women’s rights. Many

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<sup>16</sup> BBC News. ‘Turkey trial over murder of student Ozgecan who “resisted rape,”’ dated 12 June 2015 [http://www.bbc.co.uk/news/world-europe-33108144#sa-ns\\_mchannel=rss&ns\\_source=PublicRSS20-sa](http://www.bbc.co.uk/news/world-europe-33108144#sa-ns_mchannel=rss&ns_source=PublicRSS20-sa) Date accessed: 2 September 2015

<sup>17</sup> UN Entity for Gender Equality and the Empowerment of Women (replaces UNIFEM, DAW, INSTRAW, OSAGI). Press statement: ‘UN Women and UNFPA condemn the brutal murder of Özgücan Aslan and stand with the women and men of Turkey who combat gender-based violence,’ dated 17 February 2015. Available at ecoinet: [http://www.ecoi.net/local\\_link/298263/420737\\_en.html](http://www.ecoi.net/local_link/298263/420737_en.html) Date accessed: 3 September 2015

<sup>18</sup> European Commission. ‘2014 Progress Report on Turkey’ (covering the period October 2013 to September 2014), dated 8 October 2014 (2.1. Democracy and the rule of law, page 56). [http://ec.europa.eu/enlargement/pdf/key\\_documents/2014/20141008-turkey-progress-report\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf) Date accessed: 14 August 2015.

<sup>19</sup> European Commission. ‘2014 Progress Report on Turkey’ (covering the period October 2013 to September 2014), dated 8 October 2014 (2.1. Democracy and the rule of law, page 56). [http://ec.europa.eu/enlargement/pdf/key\\_documents/2014/20141008-turkey-progress-report\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf) Date accessed: 14 August 2015.

question the government's commitment given its sexist rhetoric in the past, including suggestions by Erdoğan that men and women are not equal and that women should have at least three children. In December [2014], Erdoğan accused those promoting birth control of committing treason by seeking to dry up the Turkish bloodline.<sup>20</sup>

5.1.10 In its submission to the Working Group on the Universal Periodic Review of Turkey 2015, the UN Country Team stated:

'While Turkey is trying to establish infrastructure to minimise violence against women and honour killings, the rate remains high. The Law to Protect Family and Prevent Violence against Women (No. 6284) entered into force in 2012, aiming to make legal arrangements in accordance with the Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention). However, its effective implementation, particularly within the police and the judiciary system, remains a challenge. Though the number of shelters has doubled since 2010, it still remains too low to cover all victims. The UN regrets that the Municipal Law No. 5393 was changed in December 2012 and the population threshold for the establishment of shelters for women and children in metropolitan municipalities and municipalities was increased. Specialised shelters, special needs groups, a dedicated hotline and women's counselling and monitoring centres need to be established. More efforts are needed for the effective access of victims to appropriate legal information, legal aid and judicial proceedings.'<sup>21</sup>

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## 5.2 National Action Plan

5.2.1 The Turkish government stated the following in its December 2014 report to CEDAW:

'The National Action Plan on Gender Equality (2008-2013) and National Action Plan on Combating Domestic Violence Against Women (2007-2010) was implemented to ensure that the current legislation is effectively translated into the practice and mobilize the relevant institutions and agencies with regard to their missions in achieving gender equality. The National Action Plan on Combating Domestic Violence against Women was updated for the years 2012 and 2015; put into practice [sic]. The updating activities of the National Action Plan on Gender Equality are being carried out under the headings of promotion of gender equality in Turkey, participation in decision-making mechanisms, health, education, employment, environment, poverty and the media. The Action Plans identify the purposes, objectives, implementation periods and the responsible

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<sup>20</sup> Freedom House. 'Freedom in the World 2015;' Turkey, dated 28 January 2015. <https://freedomhouse.org/report/freedom-world/2015/turkey#.VMiUXy5yxyE> Date accessed: 14 August 2015.

<sup>21</sup> United Nations. 'Universal Periodic Review of Turkey 2015 - UNCT Submission,' 2015 (paragraph 20). <http://www.refworld.org/docid/54c109084.html> Date accessed: 14 August 2015



institutions; are monitored through the monitoring and evaluation meetings in which the responsible institutions and agencies participate.’<sup>22</sup>

5.2.2 In its submission to the Working Group on the Universal Periodic Review of Turkey 2015, the UN Country Team stated:

‘The National Action Plan (NAP) on Gender Equality-1 (2008-2013) has been in place since 2008 and the new one is currently being drafted. The NAP on Combating Domestic Violence against Women in Turkey-2 (2012-2015) was drafted in 2012. However, monitoring and evaluation, adequate planning, budgeting and reporting are seen as the main constraints of the NAPs on both subjects. More efforts are needed in order to establish a monitoring system with benchmarks and timelines for the implementation of these NAPs. A strong commitment should also be made towards adequate funding the plan. The NAPs need to be drafted in a participatory manner and adopted by Parliament.

‘Despite supportive legislative changes, discrimination against women still continues. The representation of women in politics, women’s employment rate, literacy levels and overall enrolment in the education system are all still low. The MoFSP [Ministry of Family and Social Policies] was established in 2011 with a mission to make, implement and monitor integrated social policies that target individuals, family and the community. Legislation frameworks with respect to gender equality and non-discrimination need to be implemented consistently across the country. Moreover, efforts are required to strengthen dialogue and cooperation between women’s NGOs and relevant public institutions. There is a need for gender equality units within Government institutions to mainstream gender into policies and plans, while further training is needed for both central and local level Government officials and service providers on gender equality, gender-sensitive planning, budgeting, data collection and service provision. Gender equality should be systematically promoted in education. Programmes on gender equality in which men and youth are involved need to be developed.’<sup>23</sup>

5.2.3 The European Commission’s 2014 Progress Report on Turkey (which covers the period from October 2013 to September 2014) reported that ‘Work... continued to implement the Ministry for Family and Social Policies’ 2012-15 national action plan to combat violence against women. Civil society organisations regretted the lack of indicators, objectives, a monitoring system or funds allocated for activities.’<sup>24</sup>

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<sup>22</sup> UN Committee on the Elimination of Discrimination Against Women. Author: KSGM - General Directorate on the Status of Women Turkey; ASPB - Ministry of family and Social Policies Turkey. State report on implementation of the Convention on the Elimination of All Forms of Discrimination against Women, dated 9 December 2014 (paragraph 25).

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fTUR%2f7&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fTUR%2f7&Lang=en) Date accessed: 14 August 2015

<sup>23</sup> United Nations. ‘Universal Periodic Review of Turkey 2015 - UNCT Submission,’ 2015 (paragraphs 12 – 14). <http://www.refworld.org/docid/54c109084.html> Date accessed: 14 August 2015.

<sup>24</sup> European Commission. ‘2014 Progress Report on Turkey’ (covering the period October 2013 to September 2014), dated 8 October 2014 (2.1. Democracy and the rule of law, page 56).

5.2.4 The UN Human Rights Council's Special Rapporteur noted in a report in May 2015 that: 'Violations of the right to life of women in Turkey are a serious challenge and were extensively reported to the Special Rapporteur during his visit, especially in the context of domestic violence and "honour" killings.

'The Special Rapporteur commended Turkey for ratifying the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention); enacting legislation on the prevention of violence against women; and making efforts to establish a national action plan to fight domestic violence. However, despite those efforts, bold steps are required to ensure the effective and swift implementation of the legal framework. The Special Rapporteur recommended that priority be given to improving the functioning of the protection orders system and establishing a mechanism to regularly monitor the functioning of the system. The Special Rapporteur learned that a process was under way to update the activities in the National Action Plan for the period 2016 to 2019 and was aware that a cooperation protocol had been signed by relevant ministries for a pilot project to utilize technical surveillance with a view to combatting violence against women. In that regard, Turkey is also conducting an impact analysis study of Law No. 6284 on Protection of Family and Prevention of Violence against Women.'<sup>25</sup>

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### 5.3 Discrimination and sexual harassment

5.3.1 In a June 2014 Joint submission to the UN UPR Working Group, Human Rights Joint Platform raised concerns that:

'Ever-increasing conservative policies and modes of behaviour on the part of political authorities and in social discourse threaten women's enjoyment of their rights and freedoms at an increasing rate. Traditional roles of women in the family and society are reinforced. Women are defined not as individuals in their own right, but through normative family values. In the most basic sense, the lack of the expressions "gender", "sexual orientation" and "gender identity" in the Constitution documents the limited approach of state policies in terms of equality.'<sup>26</sup>

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[http://ec.europa.eu/enlargement/pdf/key\\_documents/2014/20141008-turkey-progress-report\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf)

Date accessed: 14 August 2015

<sup>25</sup> UN Human Rights Council. 'Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions,' Addendum Follow-up to country recommendations: Turkey, dated 6 May 2015, A/HRC/29/37/Add.4 (Deaths resulting from violence against women, paragraphs 36 – 37).

[http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session29/Documents/A\\_HRC\\_29\\_37\\_Add\\_4\\_en.doc](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session29/Documents/A_HRC_29_37_Add_4_en.doc) Date accessed: 14 August 2015

<sup>26</sup> UPR Stakeholders Report to the United Nations Universal Periodic Review of Turkey 21st Session [January – February 2015] Joint Submission 7 By Human Rights Joint Platform (Human Rights Association; Human Rights Agenda Association; Human Rights Research Association; Helsinki Citizens Assembly; Amnesty International Turkey), dated 14 June 2014

<http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTRStakeholdersInfoS21.aspx> Date accessed: 18 November 2015

5.3.2 The 2014 US State Department Human Rights report for Turkey published in June 2015 stated that:

‘The law prohibits discrimination based on race, gender, disability, language, or social status, but the government did not enforce these prohibitions effectively. Government officials used discriminatory language toward opposition groups such as protesters, women, Alevis, Kurds, and other minorities. The constitution allows measures to advance gender equality as well as measures to benefit children, seniors, persons with disabilities, widows, and veterans, without violating the constitutional prohibition against discrimination.

‘On March 3 [2014], the parliament approved a law known as the Democratization Package that introduced an article on hate speech or injurious acts related to language, race, nationality, color, gender, disability, political opinion, philosophical belief, religion, or sectarian differences. Perpetrators of these acts may be punished by up to three years in prison. While observers considered the legislation a positive step, they noted its categories did not match OSCE’s [Organisation for Security and Co-operation in Europe] recommendations because ethnic identity, sexual orientation, sexual identity, age, and profession were not included. Consequently civil society organizations asserted the grounds for punishing discrimination and hate in the law remained too limited and excluded major offences that may be motivated by discrimination and/or hate, especially failing to protect the most vulnerable groups, including women, persons with disabilities, LGBT individuals, Roma, and religious minorities.

‘During the year [2014] penalties for sexual crimes committed against women and children were increased. The law provides different penalties for the crimes of sexual harassment and sexual assault, requiring from two up to five years’ imprisonment for sexual harassment and five to ten years’ imprisonment for sexual assault of an adult. If the victim is a child, the recommended punishments are longer. Women’s rights activists reported authorities rarely enforced these laws. Bianet counted 75 cases of sexual harassment... [between January and October 2014]; the government did not provide data on sexual harassment.

‘While women enjoy the same rights as men under the law, societal and official discrimination were widespread. On July 28 [2014], Deputy Prime Minister Bulent Arinc sparked an outcry with his statement that women should not laugh loudly in public. "She should not laugh loudly in front of all the world and should preserve her decency at all times," he stated. He went on to mock women using their cell phones excessively, implying that women, even with their female friends, should be quiet and submissive. On November 24, President Erdogan told a summit organized in honor of the UN’s International Day for the Elimination of Violence against Women: "You cannot claim that men and women are equal, as their natures are different." He went on to clarify: "Our religion has defined a position for women: motherhood," and he added that women and men could not be treated

equally “because it is against human nature.... You cannot place a mother breastfeeding her baby on an equal footing with men.”<sup>27</sup>

5.3.3 In its 2014 report on the Gezi protests of May 2013, the International Federation for Human Rights noted that women protestors were exposed to sexual violence by law enforcement officials: ‘Lawyers also reported on gender-based violence and sexual harassment of woman protestors by police forces. In particular, women detained in police vans pending their transfer, were exposed to verbal and physical attacks and sexual assaults by security forces.’<sup>28</sup>

5.3.4 The European Committee of Social Rights examined Turkey’s record of respecting the European Social Rights Charter in 2014 and stated in January 2015:

‘The Committee notes that no specific provision exists, defining and prohibiting sexual harassment in the workplace. It recalls that, for the purposes of Article 26§1 of the Charter, sexual harassment is defined as a breach of equal treatment characterised by the adoption, towards one or more persons, of preferential or retaliatory conduct, or other forms of insistent behaviour, which may undermine their dignity or harm their career and that, irrespective of admitted or perceived grounds, harassment creating a hostile working environment shall be prohibited and repressed in the same way as acts of discrimination, independently from the fact that not all harassment behaviours are acts of discrimination, except when this is presumed by law. Article 26§1 requires an effective protection to be afforded to workers against harassment by domestic norms, irrespective of whether this is a general anti-discrimination act or a specific law against harassment.

‘The Committee concludes that the situation in Turkey is not in conformity with Article 26§1 of the Charter on the ground that it has not been established that employees are given appropriate and effective protection against sexual harassment in the workplace or in relation to work.’<sup>29</sup>

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## 5.4 Domestic violence and rape

5.4.1 In its response of October 2014 to the UN Committee against Torture, the Turkish government stated that: ‘From 1 January 2009 to 31 March 2014, a total of 31,333 incidents of domestic violence happened and 76,411 women

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<sup>27</sup> United States Department of State. ‘2014 Country Reports on Human Rights Practices;’ Turkey, dated 25 June 2015 (Section 6. Discrimination, Societal Abuses, and Trafficking in Persons). <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236586> Date accessed: 14 August 2015.

<sup>28</sup> International Federation for Human rights (FIDH). ‘Gezi, One year on,’ dated April 2014 [http://www.fidh.org/IMG/pdf/turkey\\_avril\\_2014\\_uk\\_web.pdf](http://www.fidh.org/IMG/pdf/turkey_avril_2014_uk_web.pdf) Date accessed: 3 September 2015.

<sup>29</sup> Coe-ECSR - Council of Europe - European Committee of Social Rights. European Committee of Social Rights Conclusions 2014 (TURKEY) Articles 2, 4, 21, 22, 26, 28 and 29 of the Revised Charter, January 2015. Available at [ecoi.net](http://www.ecoi.net): [http://www.ecoi.net/file\\_upload/1226\\_1422358113\\_turkey2014-en.pdf](http://www.ecoi.net/file_upload/1226_1422358113_turkey2014-en.pdf) Date accessed: 3 September 2015.

were exposed to domestic violence in areas within gendarmerie jurisdiction.<sup>30</sup>

- 5.4.2 The 2014 US State Department Human Rights report for Turkey published in June 2015 stated that: 'Government statistics on violence against women were incomplete, and human rights organizations alleged that authorities manipulated the statistics to show progress on the issue. Societal acceptance of domestic abuse in some cases contributed to underreporting of gender-based violence.

'Violence against women, including spousal abuse, remained a serious and widespread problem both in rural and urban areas. Spousal rape is a criminal offense, and the law also provides criminal penalties for crimes such as assault, wrongful imprisonment, or threats. Despite these measures the number of killings and other forms of violence against women in the country remained high, and activists asserted increased awareness and a change in mentality were required to prevent more women from becoming victims of domestic violence.

'Courts regularly issued restraining orders to protect victims, but human rights organizations reported that police rarely enforced them effectively. Women's associations also charged that government counselors sometimes encouraged women to remain in abusive marriages at their own personal risk rather than break up families.

'On August 8 [2014] in Istanbul, a husband stabbed his wife, Hasret Kara, with a screwdriver 43 times in front of her four children. She survived the attack and underwent surgery on her lungs. After an initial detention, the court released her husband. Following a public campaign led by women activists and NGOs (who also guarded her house with the help of neighbors), authorities rearrested the husband on August 27.

'According to Bianet, which tracks statistics through media reporting, ...[between January and October 2014] a total of 235 women were killed, 88 women and girls raped, and 499 women battered in the country. NGO groups maintained these numbers were probably much lower than actual occurrences due to underreporting. The Jandarma reported that ...[between January and October 2014].., 7,552 cases of domestic violence were reported, representing a 6 percent increase over the previous year. As of August 1 [i.e. 1 January to 1 August 2014], the Jandarma identified 25 rape and 290 sexual assault cases with 328 suspects.<sup>31</sup>

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<sup>30</sup> UN Committee against Torture. Replies of the Government of Turkey to the list of issues prepared by the Committee against Torture (CAT/C/TUR/Q/4), dated 22 October 2014 (paragraphs 139 – 141). [http://www.ecoi.net/file\\_upload/4232\\_1422523472\\_g1501025.pdf](http://www.ecoi.net/file_upload/4232_1422523472_g1501025.pdf). Date accessed: 14 August 2015.

<sup>31</sup> United States Department of State. '2014 Country Reports on Human Rights Practices:' Turkey, dated 25 June 2015 (Section 6. Discrimination, Societal Abuses, and Trafficking in Persons) <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dldid=236586> Date accessed: 14 August 2015.



## 5.5 Violence against women: enforcement of law

### 5.5.1 The 2014 US State Department Human Rights report for Turkey published in June 2015 stated that:

'The law prohibits violence against women, but human rights organizations claimed the government did not effectively enforce it. The law prohibits sexual assault, including rape and spousal rape, with penalties of imprisonment for two to seven years. The government did not effectively or fully enforce these laws or protect victims, who often waited days or weeks to report incidents due to embarrassment or fear of reprisals, hindering effective prosecution of assailants.'<sup>32</sup>

### 5.5.2 In its June 2014 Submission for the 21st Session of the UPR Working Group, London Legal Group commented:

'... the US Country Report of 2013 indicates that the Turkish government has not "effectively enforced" the law on violence against women. In its 2013 progress report, the European Commission (EC) also stated that stopping violence against women and in particular honour killings, continues to be a "major challenge" for Turkey especially in the south-east region which is predominantly populated by Kurds.'<sup>33</sup>

### 5.5.3 Human Rights Watch noted the following in the report, 'Turkey's Human Rights Rollback; Recommendations for Reform,' of September 2014:

'In Turkey, perpetrators of violence against women, most commonly male partners, ex-partners, and family members, often enjoy impunity. The authorities have failed to implement the 2012 Law on the Protection of the Family and Prevention of Violence. In particular, some women have been murdered by their partners or ex-partners while under police protection orders. Combatting impunity for violence against women should be a priority.'<sup>34</sup>

### 5.5.4 In its June 2014 submission to the United Nations Universal Periodic Review, Human Rights Watch noted:

'... there remains a pressing need to address the rights deficit for women in Turkey, with low female labour force participation and an endemic problem of violence in the home. Police and courts still regularly fail to protect even

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<sup>32</sup> United States Department of State. '2014 Country Reports on Human Rights Practices,' Turkey, dated 25 June 2015 (Section 6. Discrimination, Societal Abuses, and Trafficking in Persons). <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236586> Date accessed: 14 August 2015.

<sup>33</sup> London Legal Group Submission to the UN Universal Periodic Review of the Republic of Turkey for consideration by the Office of the UN High Commissioner for Human Rights for the 21st Session of the UPR Working Group 2015 <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTRStakeholdersInfoS21.aspx> Date accessed: 3 September 2015

<sup>34</sup> Human Rights Watch. 'Turkey's Human Rights Roll-back: recommendations for reform,' dated 29 September 2014 (page 4) <https://www.hrw.org/report/2014/09/29/turkeys-human-rights-rollback/recommendations-reform> Date accessed: 3 September 2015.

women who have been granted protection orders under the 2012 Law on the Protection of the Family and Prevention of Violence against Women, and the number of women killed by spouses and family members has not decreased and remains high.<sup>35</sup>

5.5.5 In its response of October 2014 to the UN Committee against Torture, the Turkish government stated that:

‘As per Law No. 6284 on the Protection of Family and Prevention of Violence Against Women, which came into effect in March 2012, measures are taken in respect of all victims of domestic and other violence against women, regardless of language, religion, race, ethnicity, age, etc. From the date on which the law came into force until 9 April 2014, 29,018 protective injunctions, 183,867 preventive injunctions and 3,006 coercive detention orders have been taken under the said Law. As of 9 April 2014, a total of 18,812 victims of violence have applied to Violence Prevention and Monitoring Centres, which have been established as per the said Law and have been operational since 2013.’<sup>36</sup>

5.5.6 The Turkish government’s response also stated that:

‘The “Department on Combating Domestic Violence” was established and put into operation within the Department of Peace and Order of the General Directorate of Security of the Ministry of the Interior on 03.08.2011 for the purpose of implementation of security services with respect to combating domestic violence countrywide in a coordinated manner, and implementing the measures, in cooperation with relevant institutions and organisations for individuals subjected to domestic violence. In order to provide coordination with provincial security directorates, the Homicide Bureaus within the Peace and Order departments in provinces, and Peace and Order Bureaus have been assigned as liaison offices.

‘One of the fundamental principles of Law No. 6284 on Protection of Family and Prevention of Violence against Women is to follow a fair, effective, and expeditious procedure in the provision of support and services to be given to victims of violence. To that end, the authority to decide on injunction that was only vested with has also been partially given to chief of civil administration, and to chief of law-enforcement in cases where there is peril in delay, so as to be submitted later for approval in terms of certain precautions. Moreover, aside from the victim, the Ministry of Family and Social Policies can make a request for injunction in person. In addition, it has also been laid down that while issuing protective injunction to accelerate the process, evidence and documents will not be sought and preventive injunctions shall be issued and implemented without delay. Announcement and notification clauses will not

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<sup>35</sup> Human Rights Watch. Submission to the United Nations Universal Periodic Review 21st Session of the Working Group on the UPR United Nations Human Rights Council [January – February 2015], dated June 2014 <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTRStakeholdersInfoS21.aspx> Date accessed: 3 September 2015.

<sup>36</sup> UN Committee against Torture. Replies of the Government of Turkey to the list of issues prepared by the Committee against Torture (CAT/C/TUR/Q/4), dated 22 October 2014 (paragraphs 139 – 141). [http://www.ecoi.net/file\\_upload/4232\\_1422523472\\_g1501025.pdf](http://www.ecoi.net/file_upload/4232_1422523472_g1501025.pdf). Date accessed: 14 August 2015

be sought in the implementation of an injunction, and the public officials who receive the report are obliged to fulfil their tasks without delay and to notify the authorities with respect to other precautions needed to be taken.

'In this context, within the Gendarmerie jurisdiction:

- In 2012, 6,137 protective/preventive injunctions in total were issued. 4,792 of these were preventive and 1,345 of these were protective;
- In 2013, 5,894 protective/preventive injunctions were issued;
- •Between 1 January 2014 and 31 March 2014, 1,015 protective/preventive injunctions were issued.

“Pilot Implementation Cooperation Protocol Regarding the Use of Electronic Support Technologies within the scope of Combating Violence against Women” pursuant to Article 12 entitled Follow-up with Technical Methods of Law No. 6284 was signed between the Ministry of Family and Social Policies and the Ministry of the Interior on 27.09.2012. In this context, the pilot implementation of the security button has been launched in Adana and Bursa provinces. A police officer was assigned to ensure liaison and communication between Security Directorate and Violence Prevention and Monitoring Centre within daily working hours.

'Enforcement of injunctions on changing identity and other information and documents issued by judge within the scope of Article 4/1-ç of the Law (No. 6284) on Protection of Family and Prevention of Violence against Women is being performed by the Department of Peace and Order of the General Directorate of Security.'<sup>37</sup>

5.5.7 The UN Human Rights Council's Special Rapporteur noted in a report in May 2015 that:

'While the efforts to establish infrastructure necessary to minimizing violence against women are commendable, the rate of violence against women in Turkey remains very high. The violent murder of university student Özgecan Aslan, in February 2015, triggered demonstrations across Turkey protesting violence against women, and the State's failure to provide adequate protection to women and ensure prosecutions was brought to the attention of the Special Rapporteur. The Government undertook to adopt an action plan to address violence against women. It was also reported that 118,014 women had filed complaints with the police alleging violence in 2014 — a significant increase from the 82,205 complaints registered in 2013. The Special Rapporteur called for continued awareness-raising campaigns and training of security officials and professionals of the judiciary on the rights of women. In its response, the Government provided comprehensive information on the various measures currently being implemented in that regard. Public awareness-raising meetings were being organized at all levels throughout the

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<sup>37</sup> UN Committee against Torture. Replies of the Government of Turkey to the list of issues prepared by the Committee against Torture (CAT/C/TUR/Q/4), dated 22 October 2014 (paragraphs 145 – 149). [http://www.ecoi.net/file\\_upload/4232\\_1422523472\\_g1501025.pdf](http://www.ecoi.net/file_upload/4232_1422523472_g1501025.pdf). Date accessed: 14 August 2015.



State on Law No. 6284 and its implementation, and other positive measures, including awareness-raising and training for State officials, have been undertaken.’<sup>38</sup>

- 5.5.8 The same source also noted that: ‘The Special Rapporteur recommended that security officers and members of the judiciary be investigated and held accountable for failure to act with regard to registering complaints and issuing and enforcing protection orders’.<sup>39</sup>

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## 5.6 Honour killings

- 5.6.1 The OECD Development Centre’s 2014 Social Institutions and Gender Index (SIGI) stated:

‘So-called “honour killings” have been reported in Turkey. They particularly affect families in the rural Southeast and urban migrants from that area. The Penal Code of 2004, under Article 82, removed previous sentence reductions for murder in the name of custom, and now honour killing is criminalized with life imprisonment. According to an expert paper published by the UN, there have been a few examples of Turkey enforcing the law by issuing life prison sentences for those convicted of an honour killing. However, there are reports that strategies to avoid criminal prosecution for the crime include designating a young male relative to perform the killing (juvenile offenders may receive reduced sentences) or pressure girls into committing suicide.’<sup>40</sup>

- 5.6.2 The UN Human Rights Council’s Special Rapporteur noted in a report in May 2015 that:

‘Although the 2005 Penal Code abolished de facto reduction of sentences for perpetrators of honour killings, uneven legal interpretation of article 82 of the Penal Code has resulting [sic] in perpetrators of honour killings receiving lighter sentences. Article 82 of the Code regulates crimes punishable by aggravated life imprisonment and refers to “custom killing” rather than “honour killing”; some courts have determined that honour killings do not fall within the scope of article 82. The Special Rapporteur recommended that article 82 be understood as including honour killings under “custom” and that

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<sup>38</sup> UN Human Rights Council. ‘Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions;’ Addendum Follow-up to country recommendations: Turkey, dated 6 May 2015, A/HRC/29/37/Add.4, Deaths resulting from violence against women (paragraph 40). [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session29/Documents/A\\_HRC\\_29\\_37\\_Add\\_4\\_en.doc](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session29/Documents/A_HRC_29_37_Add_4_en.doc) Date accessed: 14 August 2015.

<sup>39</sup> UN Human Rights Council. ‘Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions;’ Addendum Follow-up to country recommendations: Turkey, dated 6 May 2015, A/HRC/29/37/Add.4, Deaths resulting from violence against women (paragraph 38). [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session29/Documents/A\\_HRC\\_29\\_37\\_Add\\_4\\_en.doc](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session29/Documents/A_HRC_29_37_Add_4_en.doc) Date accessed: 14 August 2015.

<sup>40</sup> OECD Development Centre. Social Institutions and Gender Index (SIGI): Turkey, undated. <http://genderindex.org/country/turkey> Date accessed: 14 August 2015

there should be a uniform legal interpretation of that article in order to ensure that the highest penalty is always applied in cases of honour killings. In its response, the Government indicated that Turkey was bound by the Istanbul Convention, which became effective on 1 August 2014 and provides for measures to be adopted to ensure that motives, such as honour, are not considered as an excuse for acts of violence.’<sup>41</sup>

5.6.3 The OECD Development Centre’s 2014 Social Institutions and Gender Index (SIGI) stated:

‘The Penal Code maintains the clause (Article 29) that sentences may be reduced if the murder was committed under the influence of anger, severe pain, or incitement following a wrongful instigation. However, according to the CEDAW report, this provision is not intended to apply to honour killings: “It was explained in the article’s justification that family members, relatives and others who have murdered a woman victimized by sexual assault cannot avail themselves of reduction of sentence on the grounds of wrongful instigation and that all wrongful acts do not necessarily constitute wrongful instigation.”’<sup>42</sup>

5.6.4 The 2014 US State Department Human Rights report for Turkey published in June 2015 stated that:

‘So-called honor killings of women continued to be a problem. Most honor killings occurred in conservative families in the rural Southeast of the country or among families of migrants from the Southeast living in large cities. Individuals convicted of honor killings may receive life imprisonment, but NGOs reported that actual sentences were often reduced due to mitigating factors. The law allows judges, when establishing sentences, to take into account anger or passion caused by the “misbehavior” of the victim. Because the law created harsh penalties for honor killings, family members sometimes pressured girls to commit suicide to preserve the family’s reputation. The Federation of Women Associations reported a trend of suspicious suicides of teenage girls in Adiyaman and Siirt Pervari regions during the year. The government did not report honor-killing statistics for 2014, and women’s advocates alleged this failure was part of the problem. Human rights groups also alleged that honor killings were likely underreported in the media and inadequately investigated by the police, as murders were not always attributed to honor killing, were made to look like suicide, or were in fact induced suicides.

‘Kader Erten in Siirt was forced to marry at a young age. She mothered two children by the age of 16. While her husband was doing military service, she

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<sup>41</sup> UN Human Rights Council. ‘Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions;’ Addendum Follow-up to country recommendations: Turkey, dated 6 May 2015, A/HRC/29/37/Add.4, Deaths resulting from violence against women (paragraph 39). [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session29/Documents/A\\_HRC\\_29\\_37\\_Add\\_4\\_en.doc](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session29/Documents/A_HRC_29_37_Add_4_en.doc) Date accessed: 14 August 2015.

<sup>42</sup> OECD Development Centre. Social Institutions and Gender Index (SIGI): Turkey, undated. <http://genderindex.org/country/turkey> Date accessed: 14 August 2015

was found dead in her house in January. Her husband's family claimed she committed suicide, but a local NGO believed it was an honor killing because rumors of her infidelity surfaced. A court was seeking to determine whether it was a suicide or honor killing.<sup>43</sup>

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## 5.7 Human trafficking

### 5.7.1 In its June 2014 submission to the UN Universal Periodic Review, the Jubilee Campaign reported:

'The Turkish government has failed to successfully investigate, prosecute, and punish traffickers. The number of prosecutions in comparison to the number of investigations has drastically decreased. Furthermore, the punishment often does not meet the crime. Sometimes, those originally charged with "mediating for prostitution" or "forced imprisonment" are eventually given more lenient sentences than deters traffickers.

'Turkey also fails to adequately restore trafficking victims. Two of the three NGO trafficking shelters closed during the reporting period due to insufficient funding. Although victims can access free state health care and psychological services, without adequate NGO shelters victims are vulnerable for re-trafficking because they do not have a transition period in a safe environment ...

'Turkey's law enforcement training for identifying trafficking victims is inadequate. Officers are unfamiliar with trafficking indicators, non-physical forms of control, and how to effectively engage with traffickers even when identified. Human trafficking is a terrible violation of the human rights and Turkey has a responsibility to identify and protect these victims. While Jubilee Campaign commends Turkey's efforts to date, we encourage the Government of Turkey to fully bring their law and practices on human trafficking in line with international standards.'<sup>44</sup>

### 5.7.2 The US Department of State's Trafficking in Persons Report 2015 reported that:

'Turkey is a destination and transit country, and to a lesser extent source country, for women, men, and children subjected to sex trafficking and forced labor. Trafficking victims in Turkey are primarily from Central and South Asia, Eastern Europe, Syria, and Morocco... Turkish women may be subjected to sex trafficking within the country and have been reported as victims in Europe. The government and NGOs report traffickers increasingly

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<sup>43</sup> United States Department of State. '2014 Country Reports on Human Rights Practices;' Turkey, dated 25 June 2015 (Section 6. Discrimination, Societal Abuses, and Trafficking in Persons) <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236586> Date accessed: 14 August 2015

<sup>44</sup> Jubilee Campaign. 'Submission to the United Nations Universal Periodic Review 21st Session of the Working Group on the UPR United Nations Human Rights Council' [January – February 2015] <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTRStakeholdersInfoS21.aspx> Date accessed: 3 September 2015

use psychological coercion, threats, and debt bondage to compel victims into sex trafficking. Transgender persons are particularly vulnerable to trafficking, suffering from lack of protection by authorities and alleged police violence.

'The Government of Turkey does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government increased law enforcement efforts against trafficking offenders, including complicit government officials, and it identified more victims in comparison to the previous year. Despite these efforts, the government ceased funding for three NGO-run trafficking shelters in mid-2014, which left the shelters nearly inoperable until they received funding from outside sources. The government's protocol to identify victims was not reliably applied, and NGOs alleged there were cases where sex trafficking victims were arrested, detained, and deported for crimes committed as a result of being subjected to trafficking. The government continued to deny children and Turkish nationals were among trafficking victims. Some officials, including police, downplayed the seriousness of the crime and failed to recognize the need for increased vigilance to combat trafficking among the refugee population.

'The government demonstrated increased anti-trafficking law enforcement efforts to combat sex trafficking, but it did not take direct action to address forced labor crimes. Article 80 of Turkey's penal code prohibits both sex and labor trafficking by use of force, threats, or abuse of power, and prescribes penalties of eight to 12 years' imprisonment. Article 227(1) prohibits the facilitation of child prostitution and prescribes penalties of four to 10 years' imprisonment. Penalties under both articles are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The 2013 "Foreigners and International Protection Act" provides a legal definition of trafficking and establishes trafficking victims' eligibility for a special type of residence permit that can be renewed for up to three years.

'The Ministry of Justice reported prosecuting 749 suspects in 71 sex trafficking cases under article 80 in the first three quarters of 2014. It did not provide the details of these cases. Separately, the Turkish National Police (TNP) reported conducting 30 operations resulting in the detention of dozens of suspected traffickers and the identification of 100 potential victims...During the first three quarters of 2014, of 62 cases completed involving 285 suspects, Turkish courts were without the jurisdiction to try 44 suspects and acquitted 216 defendants. Courts convicted 25 traffickers under article 80; however, only four received terms of imprisonment, with 21 receiving suspended sentences. The prosecutions and convictions reported in 2014 marked an increase from 2013, when the government prosecuted 196 defendants in 32 cases and convicted 17 traffickers. Nevertheless, the government again did not prosecute any forced labor crimes. In 2014, the government prosecuted three officials complicit in human trafficking under articles 227 and 80; though the details of these cases were unclear, two of

the offenders were sentenced to terms of imprisonment and one was acquitted.... The government trained 3,028 officials in 2014.<sup>45</sup>

5.7.3 The OECD Development Centre's 2014 Social Institutions and Gender Index (SIGI) stated that 'In 2006, in line with international standards, Turkey added the expression, "forcing to prostitution" to its definition of human trafficking.'<sup>46</sup>

5.7.4 The US Department of State's Country Report also noted:

'The government increased efforts to identify trafficking victims, but did less to provide protection services. The government identified 50 potential trafficking victims during the first three quarters of 2014, 43 of whom were victims of sexual exploitation and seven were victims of labor exploitation, which may include trafficking crimes; this represented a significant increase from the 15 adult female victims of sex trafficking identified in 2013. Two of the victims identified were children. The victims were predominantly from Central Asia, Eastern Europe, and Syria. Twenty-six victims accepted support services and 24 elected for immediate repatriation, which the government facilitated. Though the TNP reported 100 potential trafficking victims discovered through law enforcement operations, it did not report referring them to protection services. Additionally, because the government did not recognize children engaged in begging or Turkish nationals could be trafficking victims; these populations were not identified or referred to care. The government reported utilization of its national referral mechanism for victim identification and assistance, which included law enforcement, civil society groups, embassies, and international organizations. During the reporting period, the government issued two directives to officials with guidance on victim identification procedures. In September 2014, the government began cooperation with the EU to improve victim identification measures, update the national referral mechanism, and broaden anti-trafficking trainings; however, the government did not provide funding for these efforts. The government did not ensure trafficking victims were not punished for unlawful acts committed as a direct result of being subjected to human trafficking. For example, front-line police officers often failed to identify sex trafficking victims, particularly among women in prostitution, and deported them without providing them access to victim assistance. NGOs continued to report some first-line responders and police officers were not trained in victim identification and assistance, and police and prosecutor re-assignments and firings made it difficult for NGOs to coordinate effectively with law enforcement officials.

'In September 2014, the government ceased funding three NGO shelters offering assistance to victims, including psychological and medical care, legal counseling on humanitarian visa and residence permit issuance, and

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<sup>45</sup> US Department of State. 'Trafficking in Persons Report 2015;' Country Narratives; Turkey, dated 27 July 2015. <http://www.state.gov/j/tip/rls/tiprpt/countries/2015/243553.htm> Date accessed: 14 August 2015

<sup>46</sup> OECD Development Centre. 'Social Institutions and Gender Index (SIGI):' Turkey, undated. <http://genderindex.org/country/turkey> Date accessed: 14 August 2015



counseling on their rights to return home. These shelters were also closed during part of the reporting period while the NGOs waited for an international donor project to fund them. These shelters continued to be underutilized due to law enforcement's inability to proactively identify and refer victims to shelter services. The government did not offer specialized facilities for child trafficking victims, but reported the protection and rehabilitation services for child victims of domestic violence would be used for child trafficking victims; however, similar to the previous reporting period, no data was provided to specify if child trafficking victims accessed such services. The government reported domestic and foreign victims would be given the same assistance; however, the government did not identify Turkish victims. The government continued to allow automatic residency status for 30 days to any identified foreign trafficking victim, who had the option to apply for extensions of that status for up to three years; victims were not repatriated unless they requested it.<sup>47</sup>

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## 5.8 Forced and Early Marriage

5.8.1 In its June 2014 contribution to the UN Universal Periodic Review of Turkey, the International Children's Center commented that: 'Child marriages account for around 23% of all marriages, 91% of them girls... Girl child is still being regarded as a commodity and early (forced) marriages are still an issue to consider.'<sup>48</sup>

5.8.2 The OECD Development Centre's 2014 Social Institutions and Gender Index (SIGI) stated: 'Under the Turkish Civil Code of 2001, the legal age of marriage is 18 for both men and women.

'Article 124 stipulates that 17 year-olds may marry with parental consent, and according to Articles 126 and 128, 16 year-olds may marry with the permission of a judge and legal guardian in "extreme situations."

'Early or forced marriage is defined as a criminal offense in Turkey. Marriages must be registered with civil authorities before religious marriages can take place. Carrying out an unregistered religious marriage is in breach of Article 237 of the Criminal Code. The Civil Code grants women subjected to forced marriage the right to apply for an annulment within the first five years of the marriage.

'Data reported by the Turkish Statistics Institute (TUIK) in 2006 indicates that early marriage primarily affects females: 31.7% of women compared to 6.9% of men marry for the first time before the age of 18. The TUIK indicates that there were over 180,000 child brides in Turkey in 2012.

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<sup>47</sup> US Department of State. 'Trafficking in Persons Report 2015,' Country Narratives; Turkey, dated 27 July 2015. <http://www.state.gov/j/tip/rls/tiprpt/countries/2015/243553.htm> Date accessed: 14 August 2015.

<sup>48</sup> International Children's Center. Submission to the United Nations Universal Periodic Review 21st Session of the Working Group on the UPR United Nations Human Rights Council [January – February 2015] <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTRStakeholdersInfoS21.aspx> Date accessed: 3 September 2015

'A 2011 report by the Parliamentary Commission on Equality of Opportunity for Women and Men noted that official statistics may be flawed, because it is difficult to measure early marriages carried out in unofficial religious ceremonies. These unofficial marriages particularly affect poor, rural regions (e.g. Anatolia), where 40-50% of girls may be married before the age of 18, some when they are as young as 12 years-old. The Commission concluded that early marriages are "widely accepted" by Turkish society and seen as a means to relieve families of the economic burden of caring for their daughters, while ensuring that girls do not engage in premarital sexual activities. Moreover, the report stated that bride prices continue to be paid in many regions, providing an additional incentive for families to marry their daughters early. The issue may also be rooted in other cultural practices, such as the exchange of brides between two families and the giving of girls as brides to settle blood feuds. In addition, girls continue to be married off to their rapists or molesters to preserve family honour, the report noted.'<sup>49</sup>

5.8.3 The 2014 US State Department Human Rights report for Turkey published in June 2015 stated that:

'The law defines 18 years as the minimum age for marriage, although children may marry at 17 with parental permission and at 16 with court approval. Children as young as 12 were at times married in unofficial religious ceremonies, particularly in poor, rural regions. Some families applied to court to change the birthdate of their daughters so that they could "legally" marry. Early and forced marriage was particularly prevalent in the Southeast, and women's rights activists reported the problem remained serious. In January the women's NGO Flying Broom estimated that based on police data, one-third of all marriages involved girls under age 18 and one-third of those marriages were as second wives. Some girls were married as young as 12. One indicator of this phenomenon may be the birthrate for girls under age 19. According to the UN Population Fund, birthrates were 29 per thousand teenage girls, and 38 per thousand girls ages 15 to 19 during the period 2005-10. As many as 91,000 girls under age 18 gave birth each year across the country, with the largest percentages concentrated in the Southeast.'<sup>50</sup>

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## 5.9 Female Genital Mutilation

5.9.1 According to the US State Department country report for 2014, the law does not prohibit Female Genital Mutilation: 'there were no documented cases of FGM/C in the country, and it was not a traditional practice.'<sup>51</sup>

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<sup>49</sup> OECD Development Centre. 'Social Institutions and Gender Index (SIGI);' Turkey, undated. <http://genderindex.org/country/turkey> Date accessed: 14 August 2015.

<sup>50</sup> United States Department of State. 'Country Reports on Human Rights Practices for 2014;' Turkey, dated 25 June 2015 (Section 6. Discrimination, Societal Abuses, and Trafficking in Persons). <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dId=236586> Date accessed: 14 August 2015.

<sup>51</sup> United States Department of State. 'Country Reports on Human Rights Practices for 2014;' Turkey, dated 25 June 2015 (Section 6. Discrimination, Societal Abuses, and Trafficking in Persons).

5.9.2 The OECD Development Centre’s 2014 Social Institutions and Gender Index (SIGI) stated:

‘No statistics are available on the prevalence of female genital mutilation (FGM) in Turkey, though it does not appear to be a common practice. While FGM is found in some Kurdish communities in other countries, it is reportedly not practiced among the Kurds of Turkey, with the possible exception of some communities along the border with Iran. In 2012, Turkey became the first country to ratify the Council of Europe’s Istanbul Convention on Preventing and Combating Violence and Domestic Violence against Women, which criminalizes FGM, among other forms of violence against women.’<sup>52</sup>

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## 6. Divorce and property rights

6.1.1 The OECD Development Centre’s 2014 Social Institutions and Gender Index (SIGI) stated:

‘No discrimination between men and women was found regarding the right to initiate divorce in Turkey. One of the spouses may file for divorce in the case of “irretrievable breakdown of marriage” caused by a variety of circumstances, including adultery, desertion, insanity, detrimental treatment, or commitment of a humiliating act. The law also does not discriminate between men and women with regards to alimony and compensation for damages resulting from the divorce. The Civil Code of 2001 [Articles 218-241] held that property acquired during marriage must be shared equally between the spouses in the case of divorce, easing the financial burden of divorce for many women. However, a divorced woman, though not a man, is forbidden from remarrying without special court permission for up to 300 days after the dissolution of her prior marriage.’<sup>53</sup>

6.1.2 The same source stated: ‘No legal barriers were found to women’s access to land. The Civil Code of 2001 removed the previous priority given to male children over agricultural holdings, reportedly intended to prevent land fragmentation. The current law on land inheritance does not discriminate by gender.

‘Under the Civil Code (2001), men and women have equal ownership rights to property. The Code, under provisions on the “Regime Regarding the Ownership of Acquired Property,” introduced the provision that property acquired during marriage must be shared equally between the spouses. No data was found regarding women’s access to and ownership of property.’<sup>54</sup>

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<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dclid=236586> Date accessed: 14 August 2015.

<sup>52</sup> OECD Development Centre. ‘Social Institutions and Gender Index (SIGI);’ Turkey, undated. <http://genderindex.org/country/turkey> Date accessed: 14 August 2015.

<sup>53</sup> OECD Development Centre. ‘Social Institutions and Gender Index (SIGI);’ Turkey, undated. <http://genderindex.org/country/turkey> Date accessed: 14 August 2015

<sup>54</sup> OECD Development Centre. ‘Social Institutions and Gender Index (SIGI);’ Turkey, undated. <http://genderindex.org/country/turkey> Date accessed: 14 August 2015.



## 7. Access to employment and services

### 7.1 Employment

7.1.1 In a June 2014 Joint submission to the UN UPR Working Group on Turkey, the Human Rights Joint Platform reported:

‘The rate of women’s participation in the labour force in Turkey is one of the lowest in the world (March 2014: 30.2%). When we exclude unpaid women agricultural workers in rural areas, women who receive allowances for home care and women who work part-time or under flexible conditions, the rate of women employed full time in urban areas is even lower. In this context, according to the 2013 Gender Equality Report of the World Economic Forum, Turkey still ranks 123rd in the world with respect to women’s employment. The state has no regular national action plan to bring about improvements in this area.’<sup>55</sup>

7.1.2 In its June 2014 Submission to the Human Rights Council at the 21st Session of the Universal Periodic Review : Turkey, 2015, the Equal Rights Trust reported that:

‘Data from the Turkish Statistical Institute (TSI) shows significant disparities between men and women in the field of employment. In determining the labour force in Turkey, the TSI excludes various categories of people (those aged under 15, those still in education, those who are retired, those who are unable to work through disability and illness, and “housewives”). Whereas 71.5% of men are considered as part of the labour force, the figure for women is significantly lower: 30.8%. The key reason is that 40.7% of all women are recorded as “housewives” and are thus excluded from the labour force; there is no equivalent category for men. The number of women recorded as “housewives” has decreased in recent years. Whereas in 2004, almost 54% of women over 15 were so, by 2013, this had decreased to just under 41% of women. Nevertheless, patriarchal attitudes which consider women to have the primary responsibility for housework, care for children and the elderly continue to result in millions of women in Turkey being excluded from the labour force. Even amongst those who participate in the labour force, the unemployment level for women is higher than for men: 11.9% compared to 8.7%.’<sup>56</sup>

7.1.3 In January 2015 Freedom House reported that ‘The constitution grants women full equality before the law, but the World Economic Forum ranked

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<sup>55</sup> UPR Stakeholders Report to the United Nations Universal Periodic Review of Turkey 21st Session [January – February 2015] Joint Submission 7 By Human Rights Joint Platform (Human Rights Association; Human Rights Agenda Association; Human Rights Research Association; Helsinki Citizens Assembly; Amnesty International Turkey), dated 14 June 2014 <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTRStakeholdersInfoS21.aspx> Date accessed: 3 September 2015.

<sup>56</sup> Equal Rights Trust. ‘The Equal Rights Trust - Submission to the Human Rights Council at the 21st Session of the Universal Periodic Review:’ Turkey, 2015 <http://www.refworld.org/docid/54c10b264.html> Date accessed: 3 September 2015

Turkey 125 out of 142 countries surveyed in its 2014 Global Gender Gap Index. Only about a third of working-age women participate in the labor force.’<sup>57</sup>

7.1.4 The OECD Development Centre’s 2014 Social Institutions and Gender Index (SIGI) stated:

‘Under the Labour Act of 2003, employment discrimination, including on the basis of sex, pregnancy, or maternity, is prohibited in hiring, wages, and termination. A court may order an employer found to be in violation to pay damages or back wages to the employee who was discriminated against. However, the family assistance allocation is given only to the husband in cases where both the wife and the husband are public employees. A 2008 Labour Law promises state contributions towards Social Security costs for female employees for five years, and a 2010 amendment to the Constitution allows for affirmative action in favour of women.

‘A previous Turkish law that required a woman to obtain her spouse’s permission to work was repealed in 1990. Article 192 of the present Civil Code (2001) resolves that “spouses do not have any obligation to obtain permission from each other in their choice of profession and occupation.” However, a clause in the same Article states that “the harmony and welfare of the marriage union should be borne in mind when choosing and performing a job or profession.”

‘Under the Civil Servants Law of 2004 and the Labour Act of 2003 (as amended in 2011), women are granted 16 weeks of maternity leave, half before and half after giving birth. The leave may be extended given special circumstances. The leave is paid by the Government at two-thirds the women’s salary. In addition, women are allotted one and a half hours of nursing leave per day until the child reaches the age of one. Offices where more than 150 women are working are required to establish a breastfeeding room and infant nursery. Women are also allowed up to one year of unpaid leave from work to care for a new-born.

‘The percentage of women in general government employment in Turkey (23.6%) is less than half the OECD average. The overall labour force participation rate of women in Turkey is the lowest in the OECD. Women are also underrepresented in managerial-level positions and more likely than men to be in informal employment with no social protection, especially in rural areas. Women are mostly employed as unpaid family workers, especially in agriculture, while men predominate in the service sector. The Government has developed programs to encourage the hiring of women.

‘On the other hand, among university graduates, there is less of a gap in women’s labour force participation. Women are better represented in certain higher-skilled professions than might be suggested by the overall labour participation rate, for example comprising over half of bankers, 39% of

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<sup>57</sup> Freedom House. ‘Freedom in the World 2015;’ Turkey, dated 28 January 2015. <https://freedomhouse.org/report/freedom-world/2015/turkey#.VMiUXy5xyE> Date accessed: 14 August 2015.

architects, and 41.5% of university staff (though, still only 27.4% of full professors).

'In 2013, the Government lifted a ban on headscarves for female workers in state offices. But, according to a New York Times blog post from 2013, it continues to be rare to see a woman who is veiled in a service job, such as operating a cash register or behind a bank counter, due to dress codes, hiring procedures, and corporate culture.

'Social and cultural factors may be more decisive in preventing women from working. A 2004 study by a sociologist and MP, cited in the Turkish daily *Hurriyet*, found that 0.5% of women named the headscarf as the reason they did not work, while 23% cited caring for children, 18% said that men in their family did not want them to work, and 17% said they could not find a job. 8% believed women should remain at home, 3% said the circles they live in did not approve of working women, and 1% did not want to work among men. Similarly, a qualitative research study by Gfk Consulting, carried out in 2008, found that "traditional views of gender roles and relations" are primarily responsible for the differentiated levels of participation in the labour force by men and women. Lack of approval from family members and the need to provide child care stand out as obstacles to women's labour force participation, according to the study. In addition, a 2008 poll by the Women Entrepreneurs Association of Turkey showed that almost half of urban women believed that economic independence for women is unnecessary.

Moreover, reportedly, women continue to face discrimination in employment, despite the law. According to the 2010 NGO Shadow report to the CEDAW, women are commonly asked in job interviews about their intentions in terms of being married, because they prefer to hire women who do not intend to marry in the short-run. In addition, in a poll conducted by Yılmaz Esmer of Bahçeşehir University and cited in *The Washington Post*, 60% of respondents said that employers should give priority to men over women when hiring.'<sup>58</sup>

7.1.5 In its 2014 Progress Report on Turkey (which covers the period from October 2013 to September 2014), the European Commission reported that:

'With regard to the gender equality, the participation of women in the labour force increased marginally but remained low, at 33.2 % (Eurostat, 2013). Shortcomings were reported in implementing the circular on increasing women's employment and equal opportunities. Gender-based segregation of domestic duties and inadequate childcare services or services for older people limits women's access to the labour market. With regard to employment as unpaid family worker, there is a significant gap between women and men, and full enforcement of principle of equal pay for equal value of work needs to be stepped up.'<sup>59</sup>

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<sup>58</sup> OECD Development Centre. 'Social Institutions and Gender Index (SIGI);' Turkey, undated. <http://genderindex.org/country/turkey> Date accessed: 14 August 2015.

<sup>59</sup> European Commission. '2014 Progress Report on Turkey (covering the period October 2013 to September 2014),' dated 8 October 2014 (2.1. Democracy and the rule of law, pages 56 – 57).

- 7.1.6 The 2014 US State Department Human Rights report for Turkey published in June 2015 stated that: 'The constitution permits measures, including positive discrimination, to advance gender equality. The Purple Roof Association reported non-Turkish speaking women and women with disabilities had difficulty accessing these services.

'Women continued to face discrimination in employment and were generally underrepresented in managerial-level positions in business and government. According to the Turkish Statistics Institute, women's participation in the labor market was at 27 percent in 2013. Women mostly served as unpaid family workers with no social protection apart from that afforded by other family members. According to the June data of the State Personnel Department, 37.3 percent of individuals employed by state institutions and agencies were women. Women occupied only 9.2 percent of executive positions within the state bureaucracy. According to the European Commission's progress report, women's access to employment was limited by gender-based segregation of domestic duties and inadequate child-care services or services for older persons.

'The number of women in politics and the judiciary remained very small. In April the Association for the Support and Training of Women Candidates reported in its Equality in Representation of Men and Women Report that only one of 81 provincial governors appointed by the Ministry of Interior was a woman. In the high judiciary, the rate of representation for women was 14.2 percent. The Ministry of Family and Social Policies reported that six of 458 deputy governors and 21 of 860 subgovernors were women. The ministry also reported that as of February, women held 41 percent of the teaching positions at universities, and 28 percent of full professors were women. Women were rectors in 14 of 176 universities. The High Council of Judges and Prosecutors announced that as of September 2013, a total of 3,549 of 13,666 judges and prosecutors were women. Of 550 members of parliament, 78 were women. At times members of parliament used language that denigrated women.

'Women were also underrepresented in management in trade unions. The government, working with the state employment agency Is-Kur and women's groups, developed programs to encourage the hiring of women. The government reported that men and women had equal employment opportunities and received equal pay for equal work.'<sup>60</sup>

- 7.1.7 In its submission to the Working Group on the Universal Periodic Review of Turkey 2015, the UN Country Team stated:

'Rural women's access to resources and services such as education and employment are below the access rates for urban women. Also, there is a

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[http://ec.europa.eu/enlargement/pdf/key\\_documents/2014/20141008-turkey-progress-report\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf)

Date accessed: 14 August 2015.

<sup>60</sup> United States Department of State. 'Country Reports on Human Rights Practices for 2014;' Turkey, published 25 June 2015 (Section 6. Discrimination, Societal Abuses, and Trafficking in Persons).

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236586> Date accessed: 14 August 2015.

feminisation of rural employment. Some 17.8 per cent of all working men are employed in the agricultural sector while 37 per cent of all working women are employed in agriculture and 96.1 per cent of them work without any social security. It is recommended that the MoLSS [Ministry of Labour and Social Security] and the MAFL [Ministry of Agriculture, Food and Livestock] jointly address the high level of women working in agriculture who lack any social security either through policy or in practice.

‘However, unregistered employment at a rate of 37.5 per cent (2012) still remains one of the important challenges that prevent employees from enjoying their fundamental economic rights which result from being a registered worker. Women are more disadvantaged than men in this respect. Between 2009 and 2012, the rate of men working without social security declined by 2.9 per cent, while there was a rise of 15.5 per cent for women during the same period. To ensure a satisfactory work-life balance for women, social policies and services – such as childcare, sick-leave and care for the elderly need to be strengthened.’<sup>61</sup>

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## 7.2 Access to financial services

### 7.2.1 The OECD Development Centre’s 2014 Social Institutions and Gender Index (SIGI) stated:

‘With regards to access to financial services, data from 2012 shows that 82.1% of males compared to 32.7% of females above the age of 15 hold a bank account at a formal financial institution. Compared to other upper-middle income countries, the rate for men is above, while the rate for women is below the average. The Global Entrepreneurship Monitor’s 2012 Women’s Report lists Turkey among the countries with low-levels of female-run businesses, with less than two businesses run by women for every ten run by men. However, the total entrepreneurial activity rate for women is one percentage point above the average for its region (“Developing Europe”).’<sup>62</sup>

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## 7.3 Health services (reproductive rights)

### 7.3.1 In their joint submission to the UPR Working Group of June 2014, Women for Women’s Human Rights – New Ways (WWHR – New Ways) and the Sexual Rights Initiative (SRI) raised concerns about the human rights violations of women and girls living in Turkey who face barriers to safe abortion services:

‘In May 2012, the Prime Minister of Turkey, Recep Tayyip Erdoğan, called abortion “murder” at the closing session of the International Parliamentarians

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<sup>61</sup> United Nations. Universal Periodic Review of Turkey 2015 - UNCT Submission, 2015 (paragraphs 46 – 49) <http://www.refworld.org/docid/54c109084.html> Date accessed: 14 August 2015.

<sup>62</sup> OECD Development Centre. ‘Social Institutions and Gender Index (SIGI);’ Turkey, undated. <http://genderindex.org/country/turkey> Date accessed: 14 August 2015.



Conference on the Implementation of the International Conference on Population and Development (ICPD) Program Plan of Action (IPCI). This set in motion debates, which have resulted in effectively banning of what is legally still permissible, that is to access abortion services until the tenth week of pregnancy. Following the Prime Ministers' speech, public debates on the issue of abortion began. At the same time, the Minister of Health, Recep Akdağ announced that new regulations would be put in place regarding this issue. Through June and July 2012 the issue was discussed in great detail within society and throughout the media. Debates centered on the time limit for legal abortion, rape victims' right to abortion, whether or not abortion is a sin, among other issues. The Prime Minister's denunciation of women who have abortions as "murderers" perpetuated social stigma towards women wanting to access abortion services.

'While the extensive and intense campaigns and lobbying conducted by women's organizations resulted in safeguarding women's right to legally access abortion services, political actors and the media have created and perpetuated the perception that "abortion has been banned" ...

'Despite the fact that a woman's right to abortion is well protected and regulated by law, following the debates which ensued after Prime Minister Erdoğan's "I see abortion as murder" comment, any woman who has since attempted to exercise her legal right to access abortion has been branded a "murderer" by certain media organs and government officials. Thus, social pressure is being used to prevent women from exercising their legal rights...

'Public debates on the issue of abortion also brought with them debates about surrounding rape. The right to abortion until the twentieth week in cases of rape was suddenly opened up for discussion with some government officials going as far as to say abortion should be banned in rape cases, and that the state would take care of babies born out of rape. Such statements have resulted in indirectly affected court rulings. Since 2012, in court rulings on rape cases have infrequently granted survivors of sexual violence permission to obtain an abortion after the twenty week limitation period. This is despite the reality that in many cases, the victim has to wait for a final ruling of her case before she is permitted to obtain an abortion which typically takes more than twenty weeks. In such cases, survivors of sexual violence are therefore doubly discriminated against, in that they not only have their right to access safe abortion services denied, but also their right to live free from all forms of stigma, discrimination and violence.

'Since the introduction of the HTP [Health Transformation Programme], and the corresponding structural transformation in the health system, the health system has remained very limited. One example is in access to a range of modern methods of contraception. Specifically, birth control units at state hospitals are being shut down one by one or left understaffed which results in limited to no access to free family planning services. With limited access to family planning, women are at greater risk of experiencing unplanned pregnancies. This results in increased demand for abortion services, which

also remain limited given the current governments' refusal to publically clarify the circumstances under which women can legally obtain abortion services.

'...State hospitals added to the confusion by telling women who applied for abortions that abortion had been banned. Whereas private clinics performing abortions have had to become warier since private clinics are facing new regulations which aim to further restrict the provision of abortion services...

'The Pregnancy, Baby and Post-Natal Monitoring System (GEBLIZ), which began in September 2008, is an intrusive mechanism, which violates woman's privacy. GEBLIZ is a system that can potentially endanger women's safety through both unexpected follow-up home visits by health workers and the recording of pregnancy information for all women, leaving them unable to conceal their pregnancies if they so choose. For example, an 18 years old woman in Istanbul became pregnant; following which her personal data become recorded in the GEBLIZ system. After a few days the health workers visited her home for a health check. When her mother realized her daughter's pregnancy, she attempted to stab her. Although the mother was not able to harm the young pregnant woman, afterwards she disinherited her daughter.

'The above negative developments have led to increases in risky procedures to terminate unwanted pregnancies. Such procedures are often undertaken in unhealthy and unsanitary conditions, which can seriously threaten the women's health and well-being. Unfortunately, there is no current statistical data on the prevalence of unsafe abortion in Turkey, however, information informally provided from those working in the field reflects the existence of unsafe abortions.'<sup>63</sup>

- 7.3.2 The US Department of State reported in its 2014 Country report on Human Rights Practices: 'Women's rights NGOs criticized the government for unofficial bans on or interference in the distribution of birth control pills.'<sup>64</sup>

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## 8. Assistance available to women

### 8.1 Civil society organizations

- 8.1.1 An article in the Daily Sabah in January 2015 noted that '...in the early 1980s there were only 20 civil society organizations in Turkey while today their number has reached 90,000 as well as 20,000 charitable foundations.'<sup>65</sup>

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<sup>63</sup> Joint Submission by Women for Women's Human Rights. New Ways (WWHR) and Sexual Rights Initiative (SRI) to the United Nations Universal Periodic Review of Turkey 21st Session [January – February 2015] <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRTRStakeholdersInfoS21.aspx> Human Trafficking and Modern Day Slavery. Date accessed: 3 September 2015

<sup>64</sup> US Department of State. 'Country Reports on Human Rights Practises for 2014;' Turkey <http://uk.reuters.com/article/uk-turkey-election-idUKKCN0SP17S20151103> Date accessed: 11 February 2016.

<sup>65</sup> Daily Sabah. 'NGO Power to New Turkey: Turkish Women in Action,' dated 7 January 2015.

### 8.1.2 The article continued:

'Particularly NGOs dealing with women's issues have grown in importance and taken the lead in dealing with the demands and problems of Turkish women concerning human rights and democracy. Among Turkey's prominent female-oriented civil society organizations are the Women and Democracy Association (KADEM), International Women and Family Association (IWFA), Women Health Professionals Solidarity Association (KASAD-D), Foundation for Women's Education and Culture (HEKVA), Hazar Education, Culture and Solidarity Association, Meridyen Association and Women's Rights Organization against Discrimination (AKDER).

'It has been a great gain for Turkey that civil society organizations spearheaded by women got their share from the remarkable NGO development of the last decade. During this period, the AK Party government's policies have changed Turkey's political and economic scene paving the way for increased participation of women in politics as well as economic and social life. These types of NGOs in Turkey are extremely well-positioned to fulfill their function not only in terms of female issues, but the wider problems in society as well.

'Female NGOs engage in activities for fighting discrimination; gender inequality; unequal representation; women's issues and religious, cultural, social and family-related values improving the abilities of women in rural areas, women's involvement in management, equal opportunity in education along with others. Female NGOs in Turkey particularly assumed an important responsibility to overcome the barriers put before women who wear headscarves who were previously deprived of certain rights.'<sup>66</sup>

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## 8.2 Shelters and other institutional assistance

8.2.1 The OECD Development Centre's 2014 Social Institutions and Gender Index (SIGI) stated: 'The Turkish Government provides a 24-hour hotline for women and children with the aim of providing those victimized by violence with information services in psychological, legal, and economic areas. The Government also conducts outreach and awareness raising campaigns to combat domestic violence, and it funds shelters for women.

'HRW found at least 166 cities with more than 50,000 inhabitants with no shelters. It also noted inadequate resources and capacity in existing shelters, and that they are generally unable to accommodate women with physical or mental disabilities. Also, Government-funded shelters turn away women without official papers indicating legal status in Turkey. A representative of Amnesty International asserted in 2011 that the group has lobbied Turkey for years to improve its standard on shelters to "little avail."

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<http://www.dailysabah.com/opinion/2015/01/07/ngo-power-to-new-turkey-turkish-women-in-action>

Date accessed: 18 November 2015

<sup>66</sup> Daily Sabah. 'NGO Power to New Turkey: Turkish Women in Action,' dated 7 January 2015.

<http://www.dailysabah.com/opinion/2015/01/07/ngo-power-to-new-turkey-turkish-women-in-action>

Date accessed: 19 November 2015.



The 2010 NGO Shadow Report to the CEDAW noted that while the number of shelters for victims of domestic violence has increased, Turkey is failing to meet its own regulations on the number required. Similarly, the CEDAW committee noted in its 2010 concluding remarks on Turkey, the limited number of shelters, and it expressed its concerns about the lack of proper facilities and resources for the existing ones.<sup>67</sup>

8.2.2 In its 2014 Progress Report on Turkey (which covers the period from October 2013 to September 2014), the European Commission reported that:

‘Under current legislation, each metropolitan municipality and each municipality with a population of over 100 000 must have a shelter for women victims of domestic violence. There were a total of 123 shelters for women, with a capacity of 2 190 places; 90 shelters were operated by the government, 32 by municipalities and 1 by an NGO. Women’s NGOs interested in opening such shelters stated that they did not do so due to lack of financial support. There were no clear follow-up mechanisms for municipalities who failed to establish shelters for women who were victims of domestic violence.’<sup>68</sup>

8.2.3 In its Submission to the Human Rights Council at the 21st Session of the Universal Periodic Review : Turkey, 2015, the Equal Rights Trust reported that:

‘Article 14 of the Law on Municipalities requires municipalities with a population of over 50,000 to establish a shelter for women. While a total of 197 municipalities have such a population, there are only 86 women’s shelters throughout the country: 55 run by central government, 28 by local government and 3 by NGOs. CEDAW has raised concerns over “the limited number of shelters (...) and (...) that such shelters may lack proper facilities and resources”. ERT suggests that states repeat recommendations that Turkey take measures to combat gender-based violence.’<sup>69</sup>

8.2.4 The 2014 US State Department Human Rights report for Turkey published in June 2015 stated that: ‘The law covers all women, regardless of marital status, and provides for police and local authorities to grant various levels of protection and support services to victims of violence or to those at risk of violence. It also requires government services, such as shelter and temporary financial support, for victims and provides for family courts to impose sanctions on perpetrators.

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<sup>67</sup> OECD Development Centre. ‘Social Institutions and Gender Index (SIGI);’ Turkey undated. <http://genderindex.org/country/turkey> Date accessed 14 August 2015

<sup>68</sup> European Commission. ‘2014 Progress Report on Turkey (covering the period October 2013 to September 2014),’ dated 8 October 2014 (2.1. Democracy and the rule of law, page 56). [http://ec.europa.eu/enlargement/pdf/key\\_documents/2014/20141008-turkey-progress-report\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf) Date accessed: 14 August 2015.

<sup>69</sup> Equal Rights Trust. ‘The Equal Rights Trust - Submission to the Human Rights Council at the 21st Session of the Universal Periodic Review: Turkey, 2015.’ <http://www.refworld.org/docid/54c10b264.html> Date accessed: 3 September 2015.

'The law provides for the establishment of prevention-of-violence and monitoring centers to offer economic, psychological, legal, and social assistance. The Ministry of Family and Social Policies operated 93 women's shelters with a capacity of 2,527 persons, while municipalities operated 33 women's shelters with a capacity of 761 persons. An NGO operated one women's shelter. The Purple Roof Association reported there were 14 intake centers operated by the ministry, called SONIMs, which refer women to shelters. Purple Roof alleged that the SONIMs and shelters were insufficient in terms of both number and the quality of services they provided.

'Regulations call for a state-funded women's shelter for every 100,000 persons, but there were no sanctions for noncompliance. Observers noted an inadequate number of shelters--or no shelters at all--in many cities with populations above 100,000. For example, there were only three shelters in Adana, a city with a population of two million. The government operated a nationwide domestic violence hotline, but women's rights NGOs criticized the government for changing the hotline's focus from violence against women to broader violence issues, renaming it the "Family, Women, Children, Disabled, Families of Martyrs and Veterans Hotline." NGOs reported that the quality of the services provided during the calls was inadequate for victims of domestic violence. Through August 25, the hotline received 69,774 calls regarding violence, negligence, or exploitation. In a press release April 6, the Ankara Bar Association president stated that since 2011 the Poppy Center, which provides legal support to women facing domestic violence, received approximately 25,000 requests for assistance from women and children. There were 2,923 individual applications, and the bar association appointed lawyers in 2,418 cases. The association president estimated that only 10 percent of victims facing domestic violence actually applied for institutional assistance.'

8.2.5 In its response of October 2014 to the UN Committee against Torture, the Turkish government stated that:

'There are 135 social service centres in 80 provinces in Turkey as of 10 April 2014 and they are responsible for the implementation of social services and follow-up by identifying the people in need, providing children, young people, women, men, the handicapped, the elderly and families with protective, preventive, supportive and improvement services as well as guidance and consultancy services together and in the most easily accessible manner and in cooperation with, when necessary, public institutions and organisations, local governments, universities, non-governmental organisations, and volunteers. The social service centres are also responsible for the coordination of the above-stated services. The following activities are carried out in these social service centres: evaluation of the situation of women who applied to the organisation, claiming that they were subjected to violence

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<sup>70</sup> United States Department of State. 'Country Reports on Human Rights Practices for 2014;' Turkey, dated 25 June 2015 (Section 6. Discrimination, Societal Abuses, and Trafficking in Persons). <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236586> Date accessed: 14 August 2015.

and/or women who were identified during field searches who were subjected to violence, implementation of Law No. 6284 on the Protection of Family and Prevention of Violence Against Women and providing women with guidance and orientation services for taking the necessary precautions in order to create an environment in which women benefit from the services they need, organisation of educational and social events and artistic activities to increase their participation to social life, as well as to raise the knowledge and awareness of individuals and families. Within the scope of the events organized on “8 March International Women’s Day” the violence against women and abuse of girls are being condemned, and the public is informed via the media.’<sup>71</sup>

8.2.6 The same response by the Turkish government stated that:

‘Women Guest House services in Turkey are operated by the Ministry of Family and Social Policies and non-governmental organisations and local administrations. At present, 125 women guest houses with 3,323-person capacity provide services in Turkey. 90 of these guest houses with 2,508-person capacity are affiliated to the Ministry of Family and Social Policies, 32 of them with 779-person capacity are affiliated to local administrations, and 3 with 36-person capacity are affiliated to non-governmental organisations. Apart from these women guest houses, 2 guest houses with 30 people capacity for men subjected to violence have been put into service, and are affiliated to the Ministry of Family and Social Policies. Works are under way to open new guest houses.

‘In June 2011, there were only 48 women guest houses with 1,014 person capacity affiliated to the Ministry of Family and Social Policies, whereas as of April 2014 the number of women guest houses have been increased to 90 with 2,508 person capacity.

‘The 183 Women, Family, Children, Handicapped, and Social Service Advisory Hotline provides services within the capacity of the Ministry of Family and Social Policies. The 183 Hotline has been receiving calls 24/7 since 2007.

‘Incoming calls with respect to women, children, handicapped, martyrs’ relatives, and veterans are received by means of the 183 Hotline, and guidance and counselling services are accordingly provided. Cases of negligence, abuse and violence or advice calls asking for necessary precautions to be taken to prevent a particular case of “honour killing” are reported to persons in charge of emergency response teams and/or to law enforcement officers in provinces where such cases occurred. The Emergency response teams ensure coordination with security and gendarmerie units, so that they immediately intervene in the case.

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<sup>71</sup> UN Committee against Torture. Replies of the Government of Turkey to the list of issues prepared by the Committee against Torture (CAT/C/TUR/Q/4), dated 22 October 2014 (paragraph 143). [http://www.ecoi.net/file\\_upload/4232\\_1422523472\\_g1501025.pdf](http://www.ecoi.net/file_upload/4232_1422523472_g1501025.pdf) Date accessed: 14 August 2015.

'In 2011, 12 officials serving at the 183 Hotline received 51,046 phone calls. In 2012, the number of 183 Hotline personnel had been increased to 33, and 123,824 calls were recorded.

'In 2013, 107,716 calls were answered by the 183 Hotline. Throughout 2013, 10,286 cases of violence were transferred to provincial emergency response teams. 5,084 of these calls were related to violence against women, 3,925 of them were related to violence against children, 761 of them concerned violence against the handicapped, and 516 of them were on violence against elderly people.

'In addition, women, children and family members who were exposed to violence or at risk of being exposed to violence, and persons who are victims of persistent pursuit, can register all their complaints through the 156 Gendarmerie Emergency Hotline providing services on a 24/7 basis.

'With a new arrangement brought by Law No. 6284, treatment and health care expenses of victims of violence are covered by the State in certain conditions. Furthermore, if it is decided that the person who resorted to violence should be treated or rehabilitated, the expenses other than those covered by general health insurance are also covered by the State. The services provided for the victim of violence are free of charge. Financial support can also be provided in line with the needs of the victim.'<sup>72</sup>

8.2.7 The UN Human Rights Council's Special Rapporteur noted in a report in May 2015 that:

'The Women's Shelter Project for Combating Domestic Violence (2014–2016) is aimed at strengthening and reinforcing activities to combat violence against women in 26 provinces, through the improvement of support services to women victims of violence. It is a capacity-building, training and cooperation project that addresses coordination and quality of shelter service provision, among others. Enhanced collaboration by central and local government bodies and local NGOs and strengthening capacity to combat violence against women are some of the expected results. The United Nations in Turkey has also supported training for judges, prosecutors, the police, armed forces and gendarmerie on gender equality, gender-based violence, international conventions and implementation of preventive and protective legislation.'<sup>73</sup>

8.2.8 The European Commission's 2014 Progress Report on Turkey noted that 'Violence Prevention Centres were established in 2 additional pilot cities, 14

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<sup>72</sup> UN Committee against Torture. Replies of the Government of Turkey to the list of issues prepared by the Committee against Torture (CAT/C/TUR/Q/4), dated 22 October 2014 (paragraphs.150 – 157). [http://www.ecoi.net/file\\_upload/4232\\_1422523472\\_g1501025.pdf](http://www.ecoi.net/file_upload/4232_1422523472_g1501025.pdf). Date accessed: 14 August 2015.

<sup>73</sup> UN Human Rights Council. Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Addendum Follow-up to country recommendations: Turkey, dated 6 May 2015, A/HRC/29/37/Add.4, Deaths resulting from violence against women (paragraphs 41). [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session29/Documents/A\\_HRC\\_29\\_37\\_Add\\_4\\_en.doc](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session29/Documents/A_HRC_29_37_Add_4_en.doc) Date accessed: 14 August 2015.

in total. A regulation on their operation had to be issued, staff appointments were not completed and appointed staff not trained.<sup>74</sup>

8.2.9 In its December 2014 report to the UN Committee on the Elimination of Discrimination Against Women (CEDAW), the Turkish government stated:

‘Turkey increased the number of referral mechanisms which function to protect women’s human rights. With an amendment made to the Constitution in 2010, the provision that “each person shall be able to resort to Constitutional Court if she/he claims that any of the constitutionally guaranteed rights and freedoms covered by the European Convention on Human Rights is violated by the public authority” was re-regulated. In parallel with the abovementioned amendment, another regulation was introduced in 2011 to make the individual applications more tangible and practicable. With the recent amendments, the person who has been subjected to gender-based discrimination shall also be able to make an individual application to the Constitutional Court.

‘Ombudsman, affiliated to the TBMM [the Grand National Assembly of Turkey], was established in 2012 with a public entity and a special budget. The Ombudsman works to supervise and screen out all acts, deeds and approaches of administration in terms of law and equity and to research and provide recommendations by a human rights-based justice understanding. The institution has a woman Ombudsperson specially charged with the issues of “women’s and children’s rights”. The institution started accepting application of complaints as of March, 2013. Both real and legal persons whose interest has been violated can apply to the Ombudsman. No violation of interest is sought in the event that the complaint is about the violation of human rights, fundamental rights and freedoms, public issues, child rights and women’s rights and on-site examinations and investigation are carried out. Likewise, in cases of withdrawal of the complaint, fulfilment of the demand by the administration, death of the complainant or termination of the legal personality, the examination and investigation can still continue.’<sup>75</sup>

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<sup>74</sup> European Commission. ‘2014 Progress Report on Turkey (covering the period October 2013 to September 2014),’ dated 8 October 2014 (2.1. Democracy and the rule of law, page 56).  
[http://ec.europa.eu/enlargement/pdf/key\\_documents/2014/20141008-turkey-progress-report\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf)  
Date accessed: 14 August 2015.

<sup>75</sup> UN Committee on the Elimination of Discrimination Against Women. Author: KSGM - General Directorate on the Status of Women Turkey; ASPB - Ministry of family and Social Policies Turkey. State report on implementation of the Convention on the Elimination of All Forms of Discrimination against Women, dated 9 December 2014 (paragraphs 19 – 20).  
[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fTUR%2f7&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fTUR%2f7&Lang=en) Date accessed: 14 August 2015.

# Version Control and Contacts

## Contacts

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If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email [the Guidance, Rules and Forms Team](#).

## Clearance

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