

PERMANENT MISSION OF TURKEY
TO THE UNITED NATIONS
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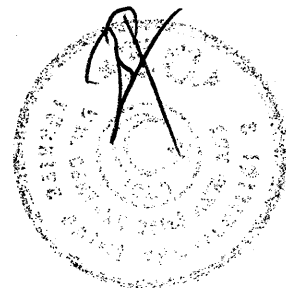
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The Permanent Mission of the Republic of Turkey to the United Nations Office at Geneva and other international organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and with reference to the Latter's Note dated 26 October 2016, concerning the State contributions to the report of the UN High Commissioner of Human Rights on addressing the impact of multiple and intersecting forms of discrimination and violence in the context of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of all human rights by women and girls, pursuant to resolution 32/17 of the Human Rights Council, has the honour to enclose herewith an information note compiled by relevant Turkish authorities.

The Permanent Mission of the Republic of Turkey avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 27 January 2017

Encl: As stated



Office of the High Commissioner for Human Rights
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OHCHR REGISTRY

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HUMAN RIGHTS COUNCIL RESOLUTION 32/L.25

ANSWERS TO THE QUESTIONNAIRE

1. Is there any data or research on the prevalence of violence and discrimination against women and girls belonging to national or ethnic, religious and linguistic minorities; women and girls migrants or asylum seekers; women and girls survivors of trafficking or sexual and gender based violence; indigenous women and girls of African descent or belonging to other groups facing racism, racial discrimination, xenophobia and related intolerance.

The Ministry of Family and Social Policy and other relevant institutions have conducted studies to assess the prevalence of violence against women in Turkey. The General Directorate on the Status of Women of the said Ministry conducted "The National Research on Domestic Violence against Women in Turkey", for the first time in 2008, in order to obtain large scale and inclusive data pertaining to violence against women. This research was repeated in 2014 and its results were made public on 30 December 2014. The research constitutes a detailed and informative document about the prevalence and outcomes of violence against girls and women, methods to combat violence against women and the institutional mechanisms of reference. And as a periodic research, it provides a means to observe the possible change in the phenomenon over years.

There are no specific research for foreigners conducted by Directorate General of Migration Management (DGMM), however; the reasons behind the application for international protection may be depicted from the statements given by the applicants during their interviews. For the victims of human trafficking, 108 victims were identified in 2015; 136 victims have been identified as of 17 November 2016.

2. Please provide information on promising practices and initiatives to address multiple and intersecting forms of discrimination and violence against women and girls, particularly with regard to the above-mentioned list?

a. Does your country have a national legislation, policy, strategy which addresses multiple and intersecting forms of discrimination against women and girls facing racism racial discrimination, xenophobia and related intolerance?

Article 10 of the **Turkish Constitution** titled "Equality before the law" reads as follows:

"Everyone is equal before the law without distinction as to language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such grounds.

Men and women have equal rights. The State has the obligation to ensure that this equality exists in practice. Measures taken for this purpose shall not be interpreted as contrary to the principle of equality.

Measures to be taken for children, the elderly, disabled people, widows and orphans of martyrs as well as for the invalid and veterans shall not be considered as violation of the principle of equality.

No privilege shall be granted to any individual, family, group or class.

State organs and administrative authorities are obliged to act in compliance with the principle of equality before the law in all their proceedings."

In this regard, positive discrimination has been deemed as a fundamental principle at the constitutional level, and the State has been obliged to carry this principle into effect.

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), which was signed on 8 March 2012, took effect on 1 August 2014 as the quorum indicated in the Convention was reached. Turkey has actively contributed to its preparation and became the first country to sign and to ratify the Convention.

On 1 June 2005 the **Turkish Criminal Code** (Law no. 5237) ("the Criminal Code") entered into force. This law introduced important amendments with regard to violence against women. In this context:

- a. Article 3 of the Law no. 5237 provides that no discrimination could be made between persons on the basis of their race, language, religion, sect, nationality, color, gender, political (or other) ideas and thought, philosophical beliefs, ethnic and social background, birth, economic and other social positions in the application of the Criminal Code.
- b. The offences of sexual assault, child molestation, forced pregnancy, forced prostitution have also been included in the offences against humanity under Article 77 of the Law no. 5237, for which aggravated life imprisonment is envisaged.

The **Family Courts**, as specialized courts, were established by the Law no. 4787 dated 9 January 2003.

Furthermore, the Law no. 6284 on **Protection of Family and Prevention of Violence against Women**, which took effect on 20 March 2012, has granted power to administrative and judicial authorities in order that protective and preventive measures are taken in respect of violent offences against women.

On 18 January 2013 "the Implementing Regulation for the Law no. 6284 on Protection of Family and Prevention of Violence against Women" entered into force. By this Law, civilian authorities, and in cases where delay is considered to be risky, law enforcement chiefs have been granted power to take necessary measures. It has been envisaged that the protected persons will be provided with services such as accommodation, financial aid and psychological, professional, legal and social support. In addition, it has been indicated that when necessary, personal information and addresses belonging to the protected person and other family members will be kept confidential in all official records. It has also been stated that no evidence or document showing use of violence will be required for protective measures, and preventive measure will be ordered without any delay.

"Violence Prevention and Monitoring Centers", where support and monitoring services are provided for prevention of violence and implementation of protective measures, have been established.

Children are protected under **Juvenile Protection Law No: 5395** without any discrimination by sex, language, religion and race. General Directorate of Child Services of the Ministry of Family and Social Affairs is assigned for coordination and execution of measures given according to the said law. As child protection services require a multi sectoral and coordinated study, Strategy Paper on Coordination in Child Services (2014-2019) has been published and Provincial-District Coordination has been formed for an effective implementation of child protection system. Within this framework, representatives of stakeholder organizations conduct the studies with an understanding of institutional cooperation in provincial coordination.

Actions and procedures for foreigners under international protection are carried out in line with the provisions of the **Law No 6458 on Foreigners and International Protection** which is in compliance with 1951 Convention and Protocol Relating to the Status of Refugees, without any

discrimination. Within the scope of the Law, several rights and services are provided for the foreigners. There is no discrimination or racist activities in Turkey, however; if any case of attempting or committing a crime against these rights and services is observed, related Provisions of the Turkish Criminal Code shall be applied.

In the field of health services, the “**Patients' Rights Regulations**” determine procedures and principles related to the patient's rights and the enjoyment by all of these rights in compliance with human rights principles. According to Article 5 of the Regulation; “in provision of healthcare service, race, language, religion and sect, gender, political thought, philosophical belief and economic and social status of the patients and other differences cannot be taken into consideration”.

Furthermore, under the heading "Protection of Patient Rights" in the aforementioned Regulation, measures have been taken to prevent possible violations of rights and ensure non-discrimination. In this vein, health services are planned and arranged so as to be accessible for everyone.

b. Are there specific and/or multisectoral measures, policies or programs of action in place to prevent and address violence against women and girls facing racism, racial discrimination, xenophobia and related intolerance?

The General Directorate on the Status of Women of the Ministry of Family and Social Policy designed and implemented in the 2008-2013 period **The National Action Plan on Gender Equality**, so as to eliminate all forms of violence against women and act in cooperation and coordination with all the institutions and organizations active in this field, employing an integrative approach to mainstream equal opportunities for men and women in all the government policies.

“The National Action Plans on Combating Violence against Women” have been developed regularly for specific periods of time to reveal the basic priorities of policy-making for combating violence against women and set a roadmap in cooperation with the government institutions and organizations acting in this field as responsible authorities, universities, non-governmental organizations and the private sector. Lately, “The 2016-2020 National Action Plan on Combating Violence against Women” has been put into force. The Plan envisages that gender responsive and inclusive activities be carried out with contributions and cooperation of all the relevant stakeholders in the following fields:

- i. Legislative Work
- ii. Awareness-raising and Mental Transformation
- iii. Delivery of Preventive and Protective Services and Empowerment of Victims of Violence
- iv. Design and Delivery of Health Services
- v. Inter-institutional Cooperation and Policy-making

The Ministry frequently organizes training programs on promotion of gender equality in the country to facilitate exchange of information and experience about the relevant challenges, the reasons and results thereof as well as how to eliminate them and raise awareness on gender mainstreaming. Within this framework, trainings on violence against women and gender equality have so far been delivered to 71.000 police officers, 65.000 health care personnel, 47.566 religious officers, 3.300 public officers, 778 court clerks and chief clerks, 434 students from communication faculties and 198 local media professionals, 326 family court judges and prosecutors, 250 civil inspectors, 190 district governor candidates and 100 social workers employed at the provincial directorates of the MoFSP.

In scope of a cooperation protocol signed with the Ministry of National Defense, trainings on violence against women and gender equality were delivered to a total of 7605 trainers and those trainers provided trainings to 463.694 soldiers and non-commissioned officers. In addition, lectures were given to a total of 26.528 staff members and military cadets.

Moreover, trainings on violence against women and gender equality have so far been delivered to 47.566 religious officials.

In addition, capacity building activities have been carried out in 26 cities for the main institutions and organizations offering supportive services [First Step Stations, Women's Shelters, Violence Prevention and Monitoring Centers (VPMCs), Local Government and relevant NGOs] to combat violence against women. Under the technical support component of the project, situation analyses and training needs assessments were first conducted in 26 cities, sector-specific training materials were developed and trainers' trainings were held for a total of 1280 Health, Security, Justice and the Ministry of Family and Social Policies staff members. Based on the analysis and assessment results, 5-day trainers' trainings and 3-day trainings with such themes as "Women's Empowerment,

Trauma and Supervision” were delivered to 125 staff members from women’s shelters and VPMCs and 100 staff members from NGOs and local government.

Likewise, provincial action plans were developed for 26 cities, covering the issues of the activities needed to combat violence against women, the authorities to be actors of those activities, financial resources and calendar for them, and activities were carried out to support the efficient operation of Women Counselling Centers and Call Centers, at the 3-day workshops held in 26 cities in scope of the project. Efforts were undertaken to develop a Model of Monitoring and Supervision and ensure Standardization of the Operations and Forms, for promoting effectiveness of the campaign against violence targeting women.

Additionally, a campaign entitled “Say Here I am to Stop Violence against Women” was taken up in 2015 to promote public awareness and information meetings were held with the participation of over 3000 participants, local media professionals, family physicians, mukhtars, staff of the Social Security Institution, trainers and trainees from the ladies lounges, local government and students staying at the university dormitories.

Related to migration issues, within the scope of “**The Project on Support for Enhancing National Integration Policy of Turkey**” implemented by both Directorate General of Migration Management (DGMM) and IOM, attempts for enhancing “Integration Strategy Document and National Action Plan” have been carried out in collaboration with public agencies and institutions, local administrations as well as civil society organizations. The efforts contribute to depict the problems faced by women and girls and provide solutions accordingly.

“**Draft Strategy Paper and Action Plan on Combatting Violence Against Children**” was prepared by the Ministry of Family and Social Policy and relevant state institutions organizations and NGOs views are taken. Children were also included in the preparation phase. The Action Plan, whose approval process is ongoing, aims to raise public awareness on violence against children, while strengthening the legal base of the efforts to end violence against children and empowering children against violence and improving services for children who are victims of violence.

c. Does your country have comprehensive multisectoral programs involving relevant authorities and non-state actors in sectors such as justice, social services, education, health, including sexual and reproductive health, and child protection services? Is there a budget

allocated for this purpose and a specific governmental body assigned with this issue? How do those programmes take into account the specific situation and needs of women and girls belonging to the above mentioned groups or other groups facing racism, racial discrimination, xenophobia and related intolerance.

See also answers 2.b

As part of “No Lost Generation” Project funded by EU-MADAD, “Social Cohesion Program” has been formed for social integration of Syrian children living outside the camps and for mutual dialog and information exchange between Syrian and Turkish children with the help of our Committees on Child Rights and with cooperation of UNICEF.

The purposes of this program are minimizing the social cohesion problems of Syrian children, raising awareness on current risks and resources and also developing mutual understanding and tolerance between two cultures.

The program is conducted for Turkish and Syrian children who are registered to Committees on Child Rights by peer education technique. In the Social Cohesion Education Module that is prepared with an empowerment approach; education is given in Turkish and Arabic on below subjects.

- Convention on the Rights of the Child,
- Community,
- Security, Violence-Abuse, Discrimination, Child Labor and Early Marriage concepts and prevention of these
- Culture-Tolerance-Cooperation
- Understanding others
- Chief Institutions that render services for refugees.

Within the scope of project **“Supporting the National Institutions in Turkey to Mitigate the Impact of the Syrian Refugee Crisis”** carried out in collaboration with UNDP;

- Activities on preventing violence based on sex and gender and strengthening responses to violence will be conducted. Activities for raising awareness on preventing and identifying violence based on sex and gender will be organized.

- Cooperation among relevant institutions will be enhanced to strengthen national mechanism for child protection and to provide access to services and solutions without any discrimination by taking into consideration of best benefit of child.
- Supporting child protection programs through child-friendly areas.
- Awareness will be raised on preventing child labour, child marriages and rights of refugee children.
- Works on Identification of Best Benefit for Unaccompanied Children will be conducted.
- Scholarship will be provided for Syrian students to participate in preparation programs for university.
- Informing Syrian women in order for Syrians to enhance their access to reproductive services
- Women health centres will be operated.
- Reproductive health kits will be distributed.

d. Please share information on programs and initiatives implemented by governmental bodies, civil society organizations, women's groups and networks, community based organizations, private sector, media to address harmful attitudes and stereotypes that perpetuate multiple and interesting forms of gender discrimination, racism, racial xenophobia and related intolerance, and related violence against women and girls?

“National Strategy Paper and Action Plan on Child Rights” (2013-2017) was prepared with contribution of all stakeholders and enacted on 12 December 2013. This Strategy Paper has 92 goals and one is defined as “Developing Education Policies and Programs as part of a Child Rights Approach” and sub goal is “to ensure that especially girls take part in the education system and take measures to identify and monitor girls who are out of education system and ensure the realization of their right to education.”

11 October is accepted as “International Day of Girl Child” after initiatives of Turkey, Canada and Peru for participation of girl child to decision making mechanisms, empowerment of them and

break the cycle of discrimination and violence and in order to ensure their full and effective enjoyment of rights.

3. What are the mechanisms in place to ensure the meaningful participation of women and girls belonging to groups facing racism, racial discrimination, xenophobia and related intolerance in decision making at all levels?

The Law No 6458 has regulated in detail the foreigners' right of legal application, who are staying in Turkey, regardless of their gender. Moreover, the Article 67 of this Law has specified the persons with special needs. Those, who are regarded as persons with special needs in any phase of international protection procedures, are given priority and support, where necessary, in all activities and actions, and their situations are recorded. Furthermore, Provincial Directorates of Migration Management issue identity documents and complete the necessary actions of those women who are identified as the victim of violence and are settled to the relevant centres of the Ministry of Family and Social Policy. The actions related to the applications of international protection of the foreigners staying in the centres of the Ministry of Family and Social Policy are still being carried out by the Provincial Directorates of Migration Management.

4. Please provide information on measures adopted to empower, inform, develop knowledge, skills and abilities of women and girls facing racism, racial discrimination, xenophobia and related intolerance, particularly the list mentioned above, to prevent, and to mitigate the impact of discrimination and violence on the full enjoyment of all their rights.

See also answers to the questions 2, 5 and 6.

Meetings are held to inform all the groups of migrants staying in Turkey about their rights and how to enjoy them (In 2015, meetings were held in 61 provinces). Information brochures are issued and distributed. In addition to those, persons who call the Communication Centre for Foreigners (YIMER) are informed about their rights. The group in question may also participate in language, vocational and skill courses which are open to all foreigners in Turkey and also to local people for free. Protecting the Victims of Human Trafficking Project was implemented in July 2014 – October 2016. Within the project, the activities for capacity building and coordination with shareholder institutions on identifying and protecting the victims were carried out and also among others trainings were provided, workshops and consultation meetings were held on human trafficking for

judges and public prosecutors, labour inspectors, law enforcement units, personnel of the Ministry of Family and Social Policy and DGMM (the personnel in charge of human trafficking in the Provincial Directorates of Migration Management) taxi drivers, tour operators and also to the personnel working in many other sectors.

5. What measures are in place to ensure redress and promote recovery, rehabilitation and social reintegration of women and girls who have suffered discrimination and violence, particularly women and girls belonging to national or ethnic, religious and linguistic minorities; women and girls migrant or asylum seeker; women and girls survivors of trafficking or sexual and gender based violence; indigenous women and girls; women and girls of African descent or belonging to other groups facing racism, racial discrimination, xenophobia and related intolerance?

The objective of the *Law Nr.6284 on the Protection of Family and Prevention of Violence against Women* is set in the 1st Article thereof as “govern the principles and procedures as to the measures to be adopted to protect women, children, family members and victims of stalking who suffer from violence or are under risk of violence and prevent violence against them” and it is stated that the term ‘victims of violence’ covers “the person who is either directly or indirectly subjected or under risk of exposure to the attitudes and behaviors defined as violence hereunder and the people affected from or under risk of violence”.

Women’s Shelters of the Ministry of Family and Social Policy run their activities in line with the Regulation on Opening and Operation of Women’s Shelters. Thus, the Article 3/1-(i) of the Regulation defines women’s shelters as “the boarding public utilities that are or will be opened under the names of guest houses, shelters, women’s shelters, women houses, affection houses and similar others, where women who are exposed to physical, emotional, sexual, economic and verbal abuse or violence are protected from violence, their psychosocial and economic problems are solved, they are strengthened, and their requirements are met, and where they can stay for a temporary period of time together with their children, if any” and no sort of discrimination or criterion are applicable in service delivery, except for being a victim of violence.

In this scope, services are provided at women’s shelters, which constitute an institutional service unit of the Ministry, for women victims of physical, sexual, psychological or economic violence

without discrimination and based solely on statements of the women concerned. Women with a history of violence and their children are accepted in and procedures and operations are applied as necessary.

As of November 2016, 101 women's shelters are in service with a capacity of 2657 beds under the roof of the Ministry, 32 shelters with 741 beds affiliated with the local government, 4 shelters run by the NGOs with 45 beds; which corresponds in total to 137 shelters with 3443 bed-capacity.

"The Law on Protection of Family and Prevention of Violence against Women" was adopted on 8th March 2012 to combat violence against women in Turkey. The Law designed taking the Istanbul Convention (The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence) into account allows for the civilian authorities to rule protective injunction orders about accommodation, temporary financial assistance; psychological, vocational, legal and social support services and protection for women and crèche services for the children in their company; or the relevant law enforcements chiefs in case of risky delays –without any evidence or documentation. Built on protection and empowerment of the victims of violence in many aspects, the Law provides for several measures to be implemented for promoting their rehabilitation and social integration. From this aspect, the Law sets forth that "The Violence Prevention and Monitoring Centers" (VPMCs) be set up for prevention of violence and efficient implementation of preventive and protective injunction orders as well as elaborating on the services to be delivered at these centers.

The Violence Prevention and Monitoring Centers run their services in line with the provisions contained in the Article 14 of the Law Nr.6284; and the opening, services and activities of the centers are stipulated in the law concerned.

VPMCs are the centers of reference that employ the necessary specialized personnel, preferably women, to provide support and monitoring services for prevention of violence and effective implementation of preventive and protective injunction orders, run their activities round the clock seven days a week on a one-step basis, deliver services in a decent, efficient and rapid manner focusing on the economic, psychological, legal and social empowerment of women.

The Articles 15 and 16 of the Law Nr.6284 set forth three main categories of VPMC services for the individuals under protection and perpetrators of violence:

1. The services for prevention of violence and follow-up of injunction orders,
2. The services for the victims of violence,
3. The services for the actual and potential perpetrators of violence.

As of November 2016, 49 VPMCs are in service in Turkey and the rehabilitation and empowerment of women and girl victims of gender violence is considered essential at these centers.

Furthermore, a victims support program is provided for women and girls, who are identified as the victims of human trafficking and about whom there is a doubt that they are exposed to the crime of human trafficking which can be evaluated under sexual and gender crime, so that they can get over their bad experiences and re-integrate to society.

The program includes; informing the victims of human trafficking during their consideration period by paying regard to their security, health and special condition and giving shelter based on their consent, benefiting from health services, giving education-training services, psycho-social support, legal and social services as well as giving access to labour market, moral and material support, translation and suchlike services and the support program given in coordination with the Ministry of Justice during judgement process.

6. **Are there measures to building the capacity of key actors and professionals from the health, social, education, judicial, law-enforcement, migration, refugee and asylum, employment sectors in responding to the specific needs of women and girls at risk or affected by multiple and intersecting discrimination and violence?**

In scope of the training component of “**The Project on Women’s Shelters for Combating Domestic Violence**”, trainings were delivered to 124 staff members from VPMCs and Women’s Shelters, on the subjects of trauma, burnout syndrome, women’s empowerment and supervision as well as the trainings offered to the support personnel (See also answers to the questions 2 and 5.)

Of foreigners with special needs defined in the **Law No. 6458 on Foreigners and International Protection**, priority is given to the ones under the international protection to carry out the actions and procedures. Regular trainings are being organized by DGMM for the provincial personnel on interview procedures of these foreigners.

Additionally, within the Supporting the National Institutions in Turkey to Mitigate the Impact of the Syrian Refugee Crisis;

- Informing materials for Syrians on the access to the livelihoods and self-reliance will be developed and distributed.
- Vocational training programs will be organized for adults.
- Entrepreneurship training programs are prepared for adults.
- Turkish language courses are provided.

7. What are the challenges in addressing the needs of girls and women facing racism, racial discrimination, xenophobia and related intolerance, particularly the above mentioned list, in the design, implementation and monitoring of public policies?

Firstly it should be mentioned that, there is no systematic hostility against foreigners in Turkey except the individual cases. The most important evidence of this is the Syrians, approximately 3 million, coming to Turkey in mass since 2011 and living without any racism, intolerance and hostility towards them. They are provided access to education, health care, labour market and all the fundamental rights, particularly social rights, without any discrimination.

8. What is the actual or potential contribution of the Universal Periodic Review in tackling the issue?

Within the framework of the recommendations numbered 11, 12, 15, 19, 83, 84, 85, 90, 91, 92, 93 and 94 received during the second cycle of the Universal Periodic Review of Turkey in January 2015 and which mention prevention of human trafficking and protection of the victims;

- Department of the Protection of Victims of Human Trafficking has been established under the Directorate General of Migration Management in order to carry out the actions and procedures related to human trafficking.
- Identifying the victims of human trafficking and guiding them to the support services to be provided for them are carried out by the experts of Provincial Directorates of Migration Managements.

- Regulation on the Combat against Human Trafficking and Protection of the Victims prepared in accordance with the EU Directives and Council of Europe Convention on Action against Trafficking in Human Beings entered into force on 17.03.2016.

- “Training for Trainers” has been organized for the judges and prosecutors in charge of combatting human trafficking with the aim of raising awareness on human trafficking.

- “Training for Trainers” has been organized for Law Enforcement Units (General Command of Gendarmerie, Turkish National Police, Command of Coast Guard) on human trafficking and investigation techniques for this type of crime.