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**Human Rights Council**

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Agenda item 3

**Promotion and protection of all human rights, civil,**

**political, economic, social and cultural rights,**

**including the right to development**

**Visit to Türkiy**e

Report of the Special Rapporteur on violence against women and girls, its causes and consequences[[1]](#footnote-1)\*, [[2]](#footnote-2)\*\*

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| *Summary* |
| The Special Rapporteur on violence against women and girls, its causes and consequences, Reem Alsalem, undertook an official country visit to Türkiye from 18 to 27 July 2023. In the report, she examines the gaps and challenges in fulfilling the obligations of the State to eliminate violence against women and girls, its causes and consequences, and recommends measures for preventing and combating violence against women and girls in the country. |

Annex

Report of the Special Rapporteur on violence against women and girls, its causes and consequences on her visit to Türkiye

I. Introduction

1. The Special Rapporteur on violence against women and girls, its causes and consequences, Reem Alsalem, conducted an official visit to Türkiye from 18 to 27 July 2022, at the invitation of the Government. The main objective of the visit was to assess the situation of gender-based violence against women and girls in the country, as well as the laws, policies and services to prevent and combat it, in order to provide recommendations to strengthen these efforts and fully implement Türkiye’s international obligations on violence against women and women’s human rights.
2. The Special Rapporteur extends her sincere appreciation to the Government of Türkiye for the invitation to visit the country and for its engagement and cooperation before, during and after the visit, as well as for the frank and constructive dialogue.
3. During her visit, the Special Rapporteur met with several high-ranking Government officials, including the Minister of Family and Social Services; the Minister of Internal Affairs; the Deputy Minister of Justice; along with representatives from the General Directorate on the Status of Women of the Ministry of Family and Social Services; the Directorate for EU Affairs of the Ministry of Foreign Affairs; and the Ministry of Education. She also met with the Chair of the Committee on Equal Opportunity for Men and Women of the Grand National Assembly, the Chief Ombudsman and the President of the Human Rights and Equality Institution. In addition, she met with the Governor of Istanbul; the Governor of Diyarbakir; the Deputy Secretary General of the Gaziantep Metropolitan Municipality; the Governor of Gaziantep; and the Deputy Governor of Izmir. The Special Rapporteur also visited ŞÖNİMs (Violence Prevention and Monitoring Centers) and ADEM’s in these provinces, along with the Family Academy in Gaziantep. She also visited the Gaziantep Removal Centre as organized by the Provincial Directorate of Migration Management. She regrets however that she was unable to meet with the Ministry of Health; nor was she granted permission to visit a shelter for women nor a women’s prison.
4. During the visit the Special Rapporteur also met with representatives from international organizations, including relevant agencies from the UN Country Team, civil society organizations, trade unions, bar associations, Turkish and foreign national women and girl victims of violence, and other relevant stakeholders.
5. The Special Rapporteur would like to express her gratitude to the Office of the United Nations Resident Coordinator, UN Women, UNFPA and UNDP for their extensive support in preparing and facilitating the visit, and to all representatives from international entities and civil society organizations for generously sharing their time and knowledge. In particular, she wishes to express her deepest appreciation to all the victims who agreed to relate their personal and often painful experiences of violence and gender-based discrimination, allowing her to gain an insight into some of the systematic problems they face and their right to live a life free from violence.
6. The visit of the Special Rapporteur followed the examination of the eighth periodic report of Türkiye by the CEDAW Committee in June 2022. She therefore hopes that the recommendations outlined in the present report will be implemented in conjunction with those provided by the Committee (see CEDAW/C/TUR/CO/8), as a means of developing a road map to assist the Government in its efforts to eliminate violence against women and girls and to uphold the rights of women in the public and private spheres, in line with the CEDAW Convention, the Declaration on the Elimination of Violence against Women[[3]](#footnote-3) and Goal 5 of the Sustainable Development Goals, in particular target 5.5.

II. Manifestations of gender-based violence against women

1. Violence against women in Türkiye is widespread and occurs both in the private and the public spheres. According to data received every four out of ten women has experienced physical violence by their husband or an intimate male partner.[[4]](#footnote-4) The persistence of entrenched patriarchal attitudes, and discriminatory stereotypes are compounded by official declarations made by some public and religious figures concerning the roles and responsibilities of women in the family and in society which overstate the traditional role they play as mothers and wives, undermining women’s social status, autonomy, educational opportunities and professional careers, and constitute an underlying cause of gender-based violence against women. Violence against women from minority groups is of particular concern. Online violence against women and girls is also an emerging issue in the country.
2. Türkiye, like other countries across the globe, was significantly impacted by the COVID-19 pandemic. To respond to these challenges, the ALO 183 Helpline was expanded to reduce response waiting times for victims seeking support, and 71 facilities in 49 provinces were used as shelters during the pandemic., Fewer police interventions and the limited access to courts and essential services for victims have emboldened perpetrators and aggravated risks faced by women and girls. The economic impact has also disproportionately affected women.
3. Femicide or gender-related killings of women
4. According to government sources, at least 3,175 femicides have been reported in Türkiye between 2010 and 2020 and more than 300 women were murdered in 2021, mostly by their intimate or former intimate partners or husbands or members of their families. The actual numbers are estimated to be much higher due to widespread underreporting.
5. The Special Rapporteur notes that in many cases of killings committed by former or current intimate partners, the victims had previously reported acts of violence to the police but had not been provided with adequate and effective protection. Many crimes against women and girls, including femicide are, committed in the name of so-called “honour”. Reports of suspicious deaths and forced suicides among women and girls is particularly concerning.[[5]](#footnote-5) In its judgement number 2010/111 of 11 May 2010, the General Assembly of the Court of Appeals attempted to resolve this ambiguity by introducing three standards: (1) the perpetrator acts with the ‘belief of having a duty’ in the crime of so-called ‘custom’, (2) ‘unjust provocation’ cannot be applied if the crime is committed in the name of ‘custom’, and (3) in case of provocation, the crime’s qualified form shall be changed to so-called ‘honour killing’. However, the Supreme Court of Appeals found it difficult to establish a standard for the determination of the content of murder in the name of ‘honor’since there was no standard for the application of ‘unjust provocation provisions in such conditions’ .[[6]](#footnote-6)
6. Domestic violence
7. Domestic violence continues to pervade society in Türkiye, with incidents recorded by the police over the past six years indicating a steady rise. In 2016 there were 162,110 recorded incidents and this had risen to 268,817 incidents in 2021.[[7]](#footnote-7)
8. Domestic violence is still considered mostly a private matter and not an issue of public concern in most parts of the country. Incidences of domestic violence are still underreported, owing in part to the lack of public awareness about this problem, fear of retaliation and stigmatization, the lack of trust in law enforcement agencies and the low quality of existing services and protection mechanisms for victims of violence.
9. The dissemination of a new circular in April 2022 by the Ministry of Interior outlining a range of measures to combat domestic violence is a welcome development. It includes establishing local risk management teams to monitor threats to victims of recurrent domestic violence and those at high risk, creating a system of instant notification to the police when convicted perpetrators of domestic violence are released from prison, increasing the use of electronic tags to be worn by perpetrators, providing more training for police officers, and increasing financial resources.[[8]](#footnote-8) In 2022, Violence Prevention and Monitoring Centres were accessed by 256.507 women and 16.230 children.
10. Sexual violence and sexual harassment (including in the workplace)
11. According to data received 12% of all married women in Türkiye stated that they experienced sexual violence at any time in their lifetime and 5% of them in 2014.[[9]](#footnote-9) Sexual violence within intimate partner relationships is still largely a taboo subject, with low levels of reporting. When intimate partner sexual abuse is reported, it is often less likely to result in prosecutions and convictions than assault by a stranger.
12. During her visit the Special Rapporteur was informed of the significant efforts being made to afford women and girls economic independence, in line with the 2018-2023 Strategic Paper and Action Plan on Women’s empowerment. Efforts being made in some provinces is laudable, and some women and girls are benefiting greatly from the programmes that have been established, including through cooperatives, which are providing them with the opportunity to earn a living independent of their spouse or partner, including for rural women. The Special Rapporteur was also encouraged by the Government’s commitment to recognize unpaid care work.
13. For those women and girls already included in the workforce, ratification of the International Labour Organisation Convention 190 on sexual harassment in the workplace would provide the necessary basis for legislation to protect women and girls from physical, psychological and sexual violence at work. While relevant laws protect women against sexual harassment, exploitation and abuse at the workplace, enforcement is still problematic. Trade unions, particularly the women’s groups within these unions, are however doing important work to raise awareness, advocacy and pursue concrete actions to address the issue of sexual harassment and abuse and the wider issue of gender-based violence in the workplace, including through their active engagement with the Committee to Combat Mobbing within the Ministry of Labour.
14. Although public awareness on violence against women has increased in recent years, there remain harmful stereotypes about sexual harassment often resulting in victims being blamed. While the Special Rapporteur welcomes the amendments to the Labour Law to prohibit harassment in the workplace much work is needed to implement them fully. Sexual harassment in public spaces is also not sufficiently addressed.
15. Violence against women in politics
16. According to statistics provided by the General Directorate on the Status of Women the number of women Members of Parliament in the general elections held on 7 June 2015 was 98, with the representation rate of 17.82 per cent. In the general elections held on 24 June 2018, the number of women MPs and the representation rate in the parliament were 104 and 17,45 per cent respectively. In the current Presidential System of Government that entered into force with the 24 June 2018 elections, one female minister (5,88 per cent) serve in the cabinet. Furthermore, there are three (5,08 per cent) Deputy Ministers in the Ministries.
17. One of the main barriers preventing women from participating in political and public life is the risk of being subjected to gendered violence or harassment. While there is lack of solid evidence base on its root causes, manifestations and consequences in Türkiye, testimonies by women in public positions reveal widespread online and offline violence cutting across party and other lines. Acts of such violence tend to be treated as isolated incidents rather than manifestations of widespread, structural discrimination against women in political and public life. [[10]](#footnote-10)
18. Child marriage
19. Harmful practices, such as forced and early marriage pose a barrier to the advancement of women in the country and increase the risk of violence against girls. The legal age of marriage is 18 under the Civil Code, however exceptions are allowed for marriages at the age of 17 (Articles 11 and 124 Turkish Civil Code) with approval of the parents or guardians and, in exceptional circumstances, at the age of 16 with the approval of a judge. Religious marriages conducted by sheikhs or imams are not recognized by the Turkish authorities, though they are tolerated.[[11]](#footnote-11)
20. A 2014 study commissioned by the Turkish Government demonstrated that more than 26% of women reported having been married before the age of 18 and almost 20% of those who were married as a child reported that they were compelled to do so and had not consented[[12]](#footnote-12). The practice is particularly widespread amongst Syrian refugees in Türkiye, in part as an economic coping mechanism.[[13]](#footnote-13)
21. The National Strategy and Action Plan on the Prevention of Early and Forced Marriage, drafted in 2018 and revised in 2020 has not yet been officially endorsed. However, in 2022 some 140 provincial staff received trainings on supporting implementation of provincial action plans on combating early and forced marriage.
22. Trafficking of women and girls
23. Türkiye acceded to the UN Convention against Transnational Organized Crime (Palermo Protocol) in 2003 with Article 80 of the Turkish Penal Code No. 5237 providing for the elements that constitute the crime of trafficking and to prohibit it. The 2016 Regulation on Combating Human Trafficking and Protection of Victims has improved the protection of victims in a more systematic manner. Since then, the capacity to identify victims, including of forced labour, has significantly increased. Psychosocial support has also been included as part of service provision towards victims of trafficking.
24. Despite this progress, the Special Rapporteur is particularly concerned about the difficulties for victims to secure access to protection services when formal criminal proceedings have not been initiated against their alleged traffickers, due to misinterpretations of the law.There is also no provision in Turkish legislation to protect child victims of trafficking, including for the purposes of sexual exploitation, nor from being prosecuted for their involvement in unlawful activities.

III. Groups of women and girls who are at particular risk of violence

1. During her visit, the Special Rapporteur paid special attention to the situation of women and girls who encounter multiple and intersecting forms of discrimination and violence and experience higher rates of all forms of violence against them.
2. Despite the fact that the principle of non-discrimination, including on the basis of sex, is enshrined in the Constitution intersecting forms of discrimination against disadvantaged and marginalized groups of women and girls persist, particularly those that are -Kurdish, refugees and asylum-seekers, those with disabilities, lesbian and bisexual transgender and intersex(LBTI) , as well as those living in remote rural areas and women human rights defenders.
3. The afore-mentioned disadvantaged and marginalized groups of women face multiple forms of discrimination, and as a result they often endure extreme forms of marginalization, exclusion and the denial of social and economic rights and their rights to political participation and representation are curtailed. Their vulnerable economic status, combined with the patriarchal values, exposes them to various forms of violence.
4. Women with Disabilities
5. In 2019, the Committee on the Rights of Persons with Disabilities expressed concerns about “the absence of a strategy to identify situations with a heightened risk of abuse and to address cases of gender-based violence against women and girls with disabilities, in particular in the family, residential facilities and schools;” (CRPD/C/TUR/CO/1, para. 34). The Special Rapporteur received reports that women with psychosocial disabilities faced significant obstacles to obtaining access to justice. The prevalent practice of restricting the exercise of legal capacity makes it impossible for such women to initiate or participate in legal proceedings on their own behalf, and public officials, because of their prejudices, tend to doubt the credibility of their testimonies. Women and girls with disabilities, particularly non-Turkish women, face additional obstacles to leaving situations of family violence. They often live in a circle of poverty, violence and homelessness. Service providers are also often slow to react to financial abuse by family members. Furthermore, the Special Rapporteur noted that there is a lack of culturally sensitive accessibility for disabled women.
6. Civil society actors and women human rights defenders
7. The Special Rapporteur is deeply concerned about the growing polarization of Turkish society around women’s rights and gender issues. Türkiye has traditionally had a vibrant and active civil society with rights-based women’s organizations, including those representing the rights of minority ethnic groups, women human rights defenders, journalists, migrant women and women and girls of diverse sexual orientation and gender identity. While civil society organizations and initiatives have remained active the space for advocacy, policy dialogue and participation in decision-making is shrinking, with reports suggesting that women’s organizations were not included in the preparation of the State’s report to the CEDAW Committee in June 2022.
8. The introduction of Law No.7262 for the Prevention of the Financing of the Proliferation of Weapons of Mass Destruction, which entered into force in December 2020, provides for additional restrictions and financial reporting obligations for civil society organizations, which is having significant implications on their ability to carry out legitimate and lawful activities and the right to association of their members. Of particular concern is the infringement on the right of women and girls, including LBTI women, women human rights defenders and Kurdish women, to exercise their rights to freedom of expression, opinion, and assembly.
9. The Special Rapporteur is especially concerned by reports of the violent dispersal and detention of women during rallies to celebrate the International Day on the Elimination of Violence against Women, on 25 November 2022. Similarly, numerous gatherings organized by women’s rights organizations to coincide with the 10th anniversary of the Istanbul Convention and the date Türkiye’s withdrawal came into effect in May and July 2021, were reportedly subjected to arbitrary restrictions and excessive use of force by police. A press statement outside of the Council of State building in Ankara by the Women’s Platform for Equality was prevented from going ahead by police on 24 June 2021. The annual LGBTI Pride march in Istanbul was also banned for the eighth successive year in 2022.
10. Women human rights defenders, particularly those working on gender justice, LGBTI rights and from ethnic minorities, have been targeted, criticized, threatened, intimidated, subjected to surveillance and harassment, including online, because of their gender and their work. The majority of documented incidents show that women human rights defenders, as well as their family members and intimate partners, face reprisals, death threats, verbal abuse and harassment by State and non-State actors to delegitimize their work.
11. Kurdish Women
12. The Special Rapporteur reiterates the concerns outlined by the CEDAW Committee in relation to the intersecting forms of discrimination faced by Kurdish women and girls based on their ethnic and linguistic identity, their marginalization in society and limited enjoyment of their human rights, along with the concerns about the high number of predominantly Kurdish civilians, including many women, who have reportedly been killed or have been subjected to violence, including sexual violence, by the Turkish security forces in the context of counter-terrorism operations against the Kurdish Workers Party (PKK), which is considered a terrorist organization by Türkiye and a number of other States. [[14]](#footnote-14) The Special Rapporteur is further concerned by reports suggesting that Kurdish women and girls in remote areas often live in poor economic and social conditions, and are routinely subjected to harassment and intimidation, with many facing arbitrary and prolonged detention, unfair trials with limited access to legal aid. They are also disproportionately represented among the number of victims of honor killings
13. LBTI women
14. There remain pervasive negative stereotypes about persons of diverse sexual orientation and gender identity, leading to the invisibility of violence against LBTI women. Transwomen, particularly foreign sex workers, are reportedly at higher risk of violence. The apparent tolerance of acts of intimidation and violence against LBTI women by the authorities has done little to prevent it. Insufficient data collection also makes it difficult to assess and address the violence against this group. LBTI women victims tend to mistrust available government provided services, often due to negative past experiences; civil society organizations and their services end up as the main or sole providers of shelters, psychosocial and health care support. There are also indications that LBTI women in detention are at heightened risk of discrimination.
15. Refugee and migrant women and girls
16. Türkiye is strategically located along the migration route, and serves as a country of origin, transit and destination. Türkiye continues to host the world’s largest number of refugees, with around 3.7 million from Syria granted temporary protection status, and over 400,000 from Afghanistan, Iraq, and other non-European countries. Türkiye’s accession to the 1951 Refugee Convention includes a geographical limitation whereby it only fully recognises as refugees people fleeing persecution in Europe. In 2013 however Türkiye adopted a comprehensive new Law on Foreigners and International Protection (LFIP), which establishes a dedicated legal framework for asylum and affirms Turkiye’s obligations towards all persons in need of international protection, regardless of country of origin, at the level of binding domestic law. The Directorate General of Migration Management (DGMM) is mandated to take charge of migration and asylum.[[15]](#footnote-15). In 2016, Türkiye reached an agreement with the EU whereby all new irregular migrants and asylum seekers arriving from Türkiye to the Greek islands and whose applications for asylum have been declared inadmissible should be returned to Türkiye, at an immeasurable cost to people seeking safety and protection.
17. Syrian women under temporary protection; as well as Syrian refugees, migrants and other women and girls that are undocumented or that do not have a regular migratory status are particularly at risk of gender-based violence. The Special Rapporteur is deeply concerned at the relentless wave of violence and threats of violence that many face at the hands of multiple actors. The increased xenophobia and racism that Syrian migrants are subjected to in different parts of the country, has also affected women and girls, including those with a disability. Racism has been particularly felt by Syrian children, including girls, in Turkish schools, making schools unsafe for them. The different policies that have been introduced to regulate the entrance and stay of Syrians in the country, rendering them more unstable, further discouraged Syrian women and girls from reporting violence or seeking protection for fear of retaliation and/or deportation.
18. Furthermore, available national attention and response services including shelters, special services for vulnerable groups do not generally attend to non-Turkish women and girls that would otherwise meet the eligibility criteria to benefit from the services. As a result, refugee and migrant women are reportedly unwilling to access ŞÖNİM centres due to concerns that they will not obtain appropriate or adequate support.
19. While commending the efforts of the Government to guarantee access to the territory for persons in need of international protection, in the context of the migrants and refugees who have arrived in Türkiye since 2018, the Special Rapporteur is concerned about the lack of a gender-based violence ) strategy and activities for the identification and prevention of, and response to, situations of all forms of violence affecting migrants and refugees, including measures aimed at facilitating the access of women to migration alternatives and/or simplified regularization procedures, particularly in the context of its response to migrants and refugees from Syria. She is further concerned by reports indicating that the principle of *non-refoulement*, which prohibits the return of refugees to places where their lives or freedom would be threatened, is often not upheld.[[16]](#footnote-16)
20. Women in detention
21. The Special Rapporteur regrets that she was unable to visit a women’s detention centre or prison as requested, however she was able to visit the Gaziantep Removal Centre where she met with some migrant women who are being detained pending a decision as to whether they have broken the law and may face removal. It is not uncommon for migrant women, including Syrian women to be separated from their family members and spouses and to be deported on their own. Based on information received, an estimated 8.43% of foreign nationals who entered the prison system in 2020 are women. They have problems being able to reach consulates and embassies. Due to the lack of translation services, they are unable to obtain adequate services including health and legal services. Furthermore, it may take 2-3 years to be transferred to another country, including their own, due to the lack of return arrangements and agreements with many countries. In addition, some female foreign national prisoners are at risk of being deported when released if they do not have international protection status.[[17]](#footnote-17)
22. According to information received many of the women and girls in detention centres in Türkiye have been victims of multiple and intersecting forms of violence, sexual assault, trauma and abuse. While there are provisions for mother and child programmes in some detention centres, the lack of adequate medical care for children and on-site paediatricians within some facilities is of considerable concern. Overcrowding, as well as lack of adequate facilities, and access to health care is also of concern.

IV. State response and measures to address violence against women

1. Incorporation and implementation of the international legal framework on violence against women
2. Türkiye is party to eight of the nine principal human rights treaties, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified in 1985, together with the Optional Protocol thereto, which it ratified in 2002.
3. According to article 90 of the Constitution, international treaties ratified by Türkiye form an integral part of national law whereby “the provisions of international agreements shall prevail.” However, this does not always apply in practice, as the lack of full harmonization of the relevant laws with international human rights standards, combined with implementation gaps in almost all social policies related to women’s rights and the elimination of violence against women are hampering progress in this regard.
4. *Withdrawal from the* *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)*
5. Türkiye was the first country to both sign and ratify[[18]](#footnote-18) the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), and initially took well-placed pride in the fact that it was developed under its leadership. The Istanbul Convention is the only international treaty that is specifically designed to tackle systematic and widespread violence against women and girls, and that provides a comprehensive structure for combatting gender-based violence in all its forms through its four key principles of prevention, protection, criminal prosecution and policy co-ordination.
6. On 20 March 2021, Decree No. 3718[[19]](#footnote-19) of the President of the Republic announced Türkiye’s withdrawal from the Istanbul Convention[[20]](#footnote-20). On 28 April 2022, the Council of State of Türkiye deliberated ten cases filed against the decision to withdraw from the Istanbul Convention. In submitting it’s opinion, the Council of State Prosecutor's Office stated that withdrawing from the Istanbul Convention by a presidential decree was unlawful as it was initially ratified by the Parliament. As the Parliament had not annulled the law regarding the ratification of the Convention, nor had it passed a new law regarding its termination, it was thus concluded that the presidential decision was not legally recognized in accordance with the principle of parallelism of authority and proceedings. On 19 July 2022, a decision was taken by the 10th Chamber of the Council of State of Türkiye, by a vote of three to two, to reject a request to annul the Presidential Decree on withdrawal from the Istanbul Convention.
7. The Special Rapporteur regrets that Türkiye is the first and only country to withdraw from the Istanbul Convention, especially as the decision was taken without a parliamentary debate and reportedly without wider consultation with civil society, including women's groups, survivors of violence, and women human rights defenders. Of particular concern is the reasoning for its withdrawal, with an official statement issued by the Presidency Communications Directorate justifying the decision with misleading claims that the Istanbul Convention was “incompatible with Turkey’s social and family values…*”[[21]](#footnote-21)*
8. In response to this announcement the CEDAW committee characterized the withdrawal as “a deliberately retrogressive measure” that was “inconsistent with Turkey’s due diligence obligation under” CEDAW to prevent and protect women and girls from violence.[[22]](#footnote-22)
9. In August 2022, the Special Rapporteur, along with the UN Working Group on discrimination against women and girls, and the CEDAW Committee, sent an expert opinion letter to the Council of State of Türkiye expressing their concerns about the decision to withdraw from the Istanbul Convention.[[23]](#footnote-23) In the letter, the human rights experts noted that the Istanbul Convention, together with other key human rights treaties to which Türkiye is a signatory(including CEDAW and the European Convention on Human Rights) have been central to the development of Türkiye’s national laws and mechanisms to end discrimination against women and girls and to achieve gender equality. In withdrawing from the Istanbul Convention, the Government of Türkiye conveyed the message that its commitment towards ending discrimination against women and girls has been weakened.
10. The withdrawal of Türkiye from the Istanbul Convention played into the hands of public figures and regressive voices within Turkish society who had organized campaigns of misinformation particularly around the term “gender”. The Special Rapporteur regrets that the Government of Türkiye did not take more proactive steps to counteract these campaigns and clarify to the Turkish public that “gender” is mentioned in article 4 of the Istanbul Convention as one of the grounds on which discrimination is not allowed and that the relevant article does not promulgate or advocate for any particular gender ideology or sexual orientation. The duty not to discriminate on any grounds is a fundamental principle of human rights law and is enshrined in many of the treaties to which Türkiye is party.[[24]](#footnote-24)
11. Constitutional, legislative and policy framework
12. Article 10 of the Constitution of Türkiye specifically provides that everyone is equal before the law without distinction, including on the grounds of language, race, colour, sex, political opinion, philosophical belief and religion. Men and women have equal rights before the law, and the State is obliged to ensure that such equality exists in practice and any measures taken for this purpose shall not be interpreted as contrary to the principle of equality.

**(i) Legislative framework and policies on combating and preventing violence against**

**women**

1. Considerable strides have been made over the last 15 years to strengthen the country’s legal framework to eliminate discrimination and combat violence against women and girls, including through the adoption of Law No. 6284/2012 on the Protection of Family and Prevention of Violence against Women, and four consecutive National Action Plans to Combat Violence Against Women since 2007, with the most recent being its Fourth National Action Plan for the Period of 2021-2025. The inclusion of several important measures in the recently adopted National Human Rights Action Plan is also a welcome development. Although this progress is indeed important, considerable gaps remain with respect to both the scope and implementation of laws relating to the rights of women and girls, and as such continue to pose significant challenges particularly at the local level and in remote areas.
2. While the Special Rapporteur welcomes the adoption of a Parliamentary Inquiry Commission[[25]](#footnote-25) report in March 2022 by the Turkish Grand National Assembly, which examines the causes of violence against women in Türkiye, she notes that the report produced by the Commission provides only a limited analysis of the implementation of the country’s wide-ranging framework to combat domestic violence. The the report does acknowledge that gaps in protection exist and provides numerous recommendations to improve coordination between agencies, to increase awareness, capacity, monitoring and training, and to standardize data collection.

*(a) Law No. 6284/2012 on the Protection of Family and Prevention of Violence against Women*

1. Law No. 6284/2012 on the Protection of Family and Prevention of Violence against Women, and it’s Implementing Regulation represent an important step in advancing women’s rights. The law contains many progressive provisions, including comprehensive measures on prevention, protection and reparation. The law refers to many forms of violence against women and girls in all settings and provides for a national inter-sectorial system for its implementation. Law No.6284 also broadens the definition of gender-based violence to include physical, verbal, sexual, economic, and psychological violence and establishes measures to protect women, children, family members and victims of stalking, who have been subjected to violence or are at the risk of violence[[26]](#footnote-26). It also enables the prosecution and punishment of perpetrators. It recalls, as its foundation, the Constitution along with the international agreements to which Türkiye is a party, especially CEDAW and the Istanbul Convention, noting that they and other current regulations shall prevail.[[27]](#footnote-27)
2. Law No. 6284 extends existing protective measures to all women, regardless of their marital status, and proposes numerous protective measures[[28]](#footnote-28). While the Law protects survivors of all forms of violence against women it does not qualify acts of violence against women as misdemeanours or criminal offences. For example, psychological violence is recognized in Law No. 6284, but it is not explicitly criminalized in the Penal Code.[[29]](#footnote-29)
3. Law No. 6284 contains numerous promising initiatives however its implementation is limited due to its incomplete “operationalization”, along with the lack of proper coordination between the police, the judiciary, social services the health care system and other relevant actors.
4. Furthermore, many of the interlocutors with whom the Special Rapporteur met indicated that withdrawal from the Istanbul Convention has not only hindered advancement, but it has also created confusion as to the legality and continued applicability of key provisions in Law No. 6284, that were based on the Convention.

*(b) Penal Code and other criminal legislation*

1. A new Penal Code was adopted in 2004 with a view to harmonizing Türkiye’s criminal law with EU and international norms. Article 3 of the Penal Code states that no discrimination shall be made between persons on a number of grounds, including on the basis of sex.
2. The new Penal Code introduced a number of positive amendments, including the prohibition of virginity tests; and provision for longer prison terms for polygamy... The Code also outlines the conditions under which honour killings are considered by the Courts and introduced life sentences for those convicted of honour crimes. The offence of sexual violence does not stipulate that there must have been use of force and marital rape is explicitly recognized as an offence under Article 102(2), although it is subject to prosecution only if the victim files a complaint.
3. The Law on Amending the Criminal Procedure Code and Certain Laws, commonly known as the "4th Judicial Package," was adopted by Parliament and published in the Official Gazette No. 31541 of 14 July 2021. The new law was passed by Parliament in May 2022 and is aimed at increasing penalties for perpetrators of domestic violence. The new law introduces the crime of stalking, with a prison sentence of six months to two years (article 123 of the Turkish Penal Code). The law also punishes the intentional killing of a woman with a prison sentence of aggravated life imprisonment. Intentional injury of a woman is now considered a “catalogue” offense enabling perpetrators to be placed in pretrial detention.[[30]](#footnote-30)
4. The amendments made to the Criminal Procedure Code provide that in addition to “strong criminal suspicion”, “concrete evidence” will be sought for imposing pre-trial detention during trial in the catalogue of crimes including sexual assault and abuse. Despite these positive clauses, the Special Rapporteur was informed that some men committing violence against women have successfully referred to “custom” in order to have their sentences reduced under Article 29 of the Criminal Code.
5. While some of the afore-mentioned amendments represent important steps in strengthening the legislation, the Special Rapporteur is concerned that the lack of genuine political will, combined with gender bias by the judiciary and law enforcement, often upholds perpetrator impunity. The limited capacity to guarantee full and effective investigation of cases, along with limited allocation of resources does little to discourage perpetrators and remains a serious problem in preventing cases of violence against women and girls.

*(c) National Action Plan*

1. Türkiye has had a national plan in place since 2007 to eradicate violence against women. The 4th National Action Plan (NAP) for Combating Violence against Women (2022-2025was introduced in 2021, while a Coordination Plan on Combating Violence against Women (2020–2021) was developed jointly between several key Ministries and the Presidency of Religious Affairs.[[31]](#footnote-31) Provincial Action Plans for Combating Violence against Women are also in place in all provinces.
2. The 4th National Action Plan (2022-2025) proposes a wide range of measures including aimed at improving risk assessment. The plan also includes the positive recommendations that “stalking” and “forced marriage” should be separately named as crimes in the Turkish Criminal Code, which could provide additional protections from domestic violence.
3. While welcoming the aforementioned initiatives, the Special Rapporteur notes that the previous strategies lacked a holistic and human rights-based approach to violence against women, as they did not sufficiently address the need for adequate crisis services, shelters or safe houses for women and children. She is also concerned about reports suggesting that the most recent 2021-2025 action plan to combat violence against women was adopted after only one meeting with relevant stakeholders and as such does not include specific recommendations made by civil society and women’s rights organisation.
4. The plan also fails to mention the Istanbul Convention, GREVIO’s 2018 baseline report on Türkiye, or the CEDAW Committee’s specific recommendations to Türkiye in 2016. It also anticipates a more significant role for religious counsellors in psycho-social services that will be provided to women in shelters and their spouses during the course of divorce proceedings. The plan does not outline the outcome of the previous five-year plans, while the data and evidence base informing the plan is outdated, as it relies on the country’s most recent research findings last conducted in 2014. [[32]](#footnote-32)
5. The Special Rapporteur is encouraged however by the adoption of local Gender Equality Action Plans at the municipal and district level, with dedicated action points and task forces focusing on violence against women and urges their operationalization.[[33]](#footnote-33)

*d) National Action Plan on Women Peace and Security*

1. n line with CEDAW’s concluding observations of 2022[[34]](#footnote-34), the Special Rapporteur urges the Government to establish a clear time frame for the finalization and adoption of the draft national action plan for the implementation of Security Council resolution 1325 (2000), in cooperation with representatives of women’s organizations, and ensure that it takes into consideration the full spectrum of the Human Rights Council’s agenda on women peace and security and implement it without delay.

*e) Data collection and analysis*

1. The last national prevalence survey in Türkiye was conducted in 2014[[35]](#footnote-35), and it indicates that 38% of women (45% in certain regions) had been physically or sexually abused by their husband or partner at least once during their lifetime, while 44% had been subjected to emotional violence, and 30% to economic violence from their husbands, male partners or ex-partners. The lack of emphasis on data collection in the country prevents authorities and the public from having a solid grasp on the scale of violence against women or the gaps in implementing protection which contribute to ongoing risks for victims. There are discrepancies in the data on the number of protective and preventive orders issued over the past five years but the available data shows that the number of orders being issued is increasing. The National Action Plan (2022 -2025) includes a specific goal relating to the collection of data and statistics, which is much needed, and the Special Rapporteur welcomes the proposed follow up national prevalence survey for 2024.
2. Non-governmental organizations, particularly women’s organizations, have been working to complement national statistics with data gathering, documentation and analysis at the local level of violence against women and girls, including femicide. One of the country’s largest women’s rights networks, We Will Stop Femicide (WWSF), has been providing legal support to survivors of domestic violence, and collating information and data on gender-based violence and associated injuries and femicide over many years. It is therefore very concerning that WWFS was shut down by the Prosecutors Office in April 2022 for allegedly acting with immorality by “disintegrating the family structure by ignoring the concept of the family under the guise of defending women’s rights”.
3. National machinery for the advancement of women and girls and independent human rights institutions
4. In accordance with Decree Law No. 633 on Organization and Duties of the Ministry of Family and Social Policies, the General Directorate on the Status of Women was restructured in 2018 and is designated as the body responsible for ensuring the full application and fulfilment of the relevant rights enshrined in the Constitution and in international human rights instruments, and for gender-mainstreaming across all public policies related to the rights of women. The adoption of a Strategy Paper and Action Plan on Women’s Empowerment (2018–2023) prepared by the General Directorate is a welcome development.
5. The Special Rapporteur notes that while the General Directorate on the Status of Women has a mandate to lead and coordinate the design and implementation of gender equality policies within the respective entities at the national and local levels, the percentage of the official budget allocated for the implementation of gender equality policies is insufficient. Furthermore, coordination between the Directorate and other line Ministries in the implementation of the National Action Plan on violence against women and children should be strengthened.
6. While the Special Rapporteur welcomes the establishment of the Human Rights and Equality Institution of Türkiye (HREIT) she reiterates the concerns outlined by the CEDAW Committee[[36]](#footnote-36) with regards to the current status of HREIT, particularly with regards to the impartiality in the appointment of its members and of adequate human and financial resources allocated to it. She is also concerned at reports she received during her visit suggesting that the HREIT has openly called for change or the repealing of domestic law and international treaties which are deemed to have a detrimental effect on traditional family values, namely the Istanbul Convention and Law No. 6284.
7. Access to essential services
8. Service providers and other interlocutors with whom the Special Rapporteur met, all pointed to the dire shortage of adequate shelters across the country offering a safe house for women and girls who have been victims of violence, particularly within migrant and Kurdish communities, and in rural and remote areas.
9. Municipal Law No. 5393 requires that every municipality with a population over 100.000 establish a guesthouse/shelter. Currently there are 149 shelters operating with a total capacity of 3624[[37]](#footnote-37) which is insufficient to cover the needs. There are only 33 women shelters which belong to a municipality, and several municipalities have not yet opened shelters. Violence Prevention and Monitoring Centers (ŞÖNİMs) are in service in all 81 Provinces. These Centers do not operate on a 24/7 basis, and they also lack adequate human and financial resources, including translation capacity. Women’s counselling centers are also deficient nationwide, as are outreach services to the most vulnerable groups, particularly for migrant and refugee women, women from ethnic minorities and women and girls in remote areas. According to Government figures as of 2023, women's shelters across the country are operating at an 80 per cent occupancy rate.
10. The limited support provided to those shelters that are in place, as well as a lack of coordinated, gender-friendly and comprehensive essential services for the survivors of violence is of considerable concern. The lack of safe refuge, as well as awareness of their rights in such cases only seeks to contribute to the high level of impunity of perpetrators.
11. Whilst the introduction of a general social support helpline 24/7 (Alo 183) is a step in the right direction, there are concerns that it is not specialized and not offered in all relevant languages. In addition, there is no specialized hotline that provides services for victims of sexual violence.
12. The mobile application KADES (Women’s Emergency Support Application), launched in 2018, is a progressive electronic monitoring system, which monitors the geographic activities of the perpetrators and their proximity to the victims. It is an essential tool for increasing women's access to emergency support services and speeding up response times, In 2022 it was translated into several additional languages, while a promotional SMS was sent to approximately 46 million women resulting in 604,477 women reportedly using it. Currently, however the application can only be activated through a Turkish identity number, which excludes unregistered migrant and refugee women as well as women of diverse gender identities.
13. Access to Justice
14. In terms of access to justice, the Special Rapporteur notes that considerable efforts have been made to introduce various mechanisms and policies to protect victims of violence, including through the establishment of Judicial Support and Victim Services’ Directorates (ADMs), which are currently in place in 99 courthouses across the country;[[38]](#footnote-38) the implementation of hospital-based Child Monitoring Centers (ÇİM), primarily for victims of sexual or other violence; as well as an increase in the numbers of well-equipped child-friendly interview rooms in courthouses.[[39]](#footnote-39)
15. While the afore-mentioned developments are indeed positive, the Special Rapporteur is concerned that many women who she interacted with are unaware of their rights to access justice or are otherwise discouraged to report abuse based on the interactions they have with the law enforcement officers. More generally, the ineffective prosecution of perpetrators also discourages reporting and only seeks to embolden the culprits. The limited scope of legal aid, both economically and substantively, resulting in non-eligibility for legal aid of women earning the minimum wage, the cumbersome procedure to prove eligibility, and language barriers faced by women seeking justice, including Turkish women of different ethnic backgrounds, and women who are refugees, migrant or under temporary protection or no regular status is of considerable concern.
16. It is also problematic that many cases of domestic violence appear to be referred to mandatory mediation by the police. For example, in the case of Aysa Tuba Arslan who died on 11 October, 2019 of injuries inflicted by her former husband had been referred to mediation despite the fact that she had lodged 23 complaints with the police and the prosecutor’s office against her former husband between 2018 and 2019, obtaining four preventive orders which he breached repeatedly without consequences. [[40]](#footnote-40)
17. Furthermore, the adoption of the 2017 constitutional amendments has had a detrimental impact on the judiciary, further undermining its ability to independently discharge its mandate, with approximately 20 percent of active judges and prosecutors, including women, dismissed during the state of emergency on grounds of “association with terrorism”. Many women judges have yet to be reinstated, despite their acquittal of criminal charges. The current climate of fear of reprisals for actual or perceived political opinion, does little to encourage women judges from returning to their previous positions, while those who have replaced them are often inexperienced facing an already heavy caseload, thus emboldening perpetrators and increasing impunity[[41]](#footnote-41).
18. Protection orders
19. Under Law No. 6284, victims of domestic violence can apply to the police, the district governor’s office or the courts for protection orders (articles 3 and 4) which can include a range of measures aimed at compelling perpetrators of domestic violence to stop all forms of harassment and abuse, including by barring them from approaching and contacting the victim.[[42]](#footnote-42)
20. Courts often issue preventive orders for short periods, in some cases just weeks or a month, irrespective of the persistent risk and threat of violence. When courts convict perpetrators of domestic violence for crimes such as intentional injury, threats and insults, which happens rarely, the penalties are often issued late and are too little to constitute an effective deterrent to prevent further abuse. In December 2019 the Ministry of Justice issued a circular outlining steps to overcome problems during the implementation of preventive and protective orders, which includes the introduction of specialist prosecutors to deal with domestic violence and violence against women; and provides detailed guidance on: applying protective orders, dealing with the police; referral to social services and SONIMs; among others. The General Directorate of Security introduced its own measures in January 2020 to rearrange and increase the number of police units assigned to dealing with domestic violence, with an emphasis on recruiting more female officers.
21. While there are provisions in law to address femicide, data shows a lack of effective enforcement of protective and preventive orders. The Interior Ministry’s figures presented to a parliamentary commission on violence against women demonstrate that in around 8.5 percent of cases of women killed between 2016 and 2021, the woman had been granted an ongoing protective or preventive order at the time of her death
22. The view that violence against women is a private matter remains prevalent among law enforcement officers, leading to interventions being delayed, signs of domestic violence being ignored, and claims being dismissed. Victims are often discouraged from reporting offences and investigations into reports of violence against women are often less than diligent.
23. Access to sexual and reproductive rights
24. Access to sexual and reproductive health services, including modern contraceptives, is very limited, especially for women belonging to ethnic minorities and rural women, resulting in a significant number of early and unwanted pregnancies. The Special Rapporteur is concerned that the ability of women to exercise their legal right to abortion within 10 weeks of pregnancy is not effectively possible in practice given that a large number of public hospitals refuse to perform abortions, which compels many women to resort to expensive private clinics or to unsafe abortion. Migrant and refugee women find it particularly difficult to realize their sexual and reproductive rights, as do women with disabilities.
25. The Special Rapporteur therefore urges the Government to ensure that these fundamental rights are restored, by ensuring that all women and girls have access to quality and free contraceptives, and family planning services as well as safe and legal abortions, in line with relevant international standards. The requirement for parental or spousal agreement for abortions to proceed should be removed from legislation.
26. Disaster risk management and response
27. The devastating earthquake that struck south-eastern Türkiye in the early hours of the morning on 6th February 2023 happened several months after the Special Rapporteur’s visit. It is estimated that as many as 4 million people have left the earthquake affected area, and at the time of writing, 3,41,156 people lost their lives and 108,068 people were injured.[[43]](#footnote-43) While recognising the enormous human and financial challenges the country now faces in rebuilding the cities and lives that have been destroyed, the Special Rapporteur is concerned about the differentiated and gendered impact that the disaster has had on women and girls who may be exposed to an even higher risk of gender-based violence, including sexual violence, particularly as access to shelters, or safe spaces are limited. An increase of women’s engagement in unpaid work, such as carrying a particularly high care burden being in charge of finding resources to sustain their family, is also likely. She is also concerned about reports received suggesting that in some cases unaccompanied children, including girls, have been handed over to adults claiming to be their relatives, without any appropriate supervision or adequate monitoring leading to possible abductions and trafficking of children, including girls.

IV. Conclusion and recommendations

1. **On the basis of the above findings and in a spirit of cooperation and dialogue, the Special Rapporteur offers the following recommendations, which should be considered in conjunction with the relevant recommendations made by the Committee on the Elimination of Discrimination against Women in June 2022 (see CEDAW/TUR/C/CO/8).**

**(**a**) The Government should reverse its decision to withdraw from the Istanbul Convention and re-join the 37 countries that have ratified it in recognition of its value and comprehensiveness;**

(b) **Ensure that the CEDAW Convention, its Optional Protocol, general recommendation No. 35 of the** **Committee and the Committee’s jurisprudence are included as an integral part of the professional training of judges, prosecutors, lawyers, police officers and civil servants in order to ensure their direct application in line with the Constitution of Türkiye.**

1. **Constitutional, legislative, judicial and institutional framework on combating and preventing violence against women**

(a) **Ensure a robust inter-institutional coordination mechanism, as well as increased budget allocation for the implementation of Law No. 6284 and the 4th National Action Plan on ending gender-based violence and guarantee the systematic participation of women's organizations in its implementation and other decision-making processes concerning the protection of women's rights at the national and local level; convene the Committee on Monitoring Violence against Women more frequently beyond once a year;**

(b) **Update the National Action Plan on violence against women to ensure that it incorporates: a robust inter-institutional mechanism for its implementation; clear roles and responsibilities for relevant line ministries; adequate financial and human resources; and a timeline and measurable targets requiring authorities at the federal, provincial and local levels to implement relevant laws to prevent and eliminate all forms of de facto discrimination against women.**

(c) **Strengthen the specialized judicial units on violence against women and expand their outreach, including to remote and rural areas, and provide adequate resources and funding for their full implementation;**

(d) **Ensure sustainable funding for a sufficient number of safe shelters throughout the country, offering culturally sensitive accessibility for women with disabilities, and other groups of women with particular vulnerabilities, in line with the mandate’s report on a human rights-based approach to integrated services and protection measures on violence against women, with a focus on shelters and protection orders (A/HRC/35/30). Due consideration should be given to enabling women to empower themselves economically, so they are not forced to remain with their abusers;**

(e) **Establish an Observatory on violence against women and include in its mandate a femicide prevention watch that should include the collection of administrative data by police and other relevant stakeholders on: 1) all intimate partner gender related killings of women and girls based on the determined relationship between the victim and the perpetrator2) family-related gender based killings of women and girls based on the determined family relationship between the victim and the perpetrator, or family related femicide and 3 ) other gender-related killings or femicide.**

(f) **Ensure effective implementation of protection orders for all forms of violence against women and domestic violence. The orders must be easily available 24/7 and enforced to protect the well-being and safety of those under their protection, including children;**

(g) **Increase access of of non-Turkish women to prevention, assistance and response mechanisms, including through the provision of translation services, as well as through enlisting social workers from the communities of these women themselves.**

(h) **Strengthen the mandate of the Directorate on the Status of Women within the Ministry of Family and Social Affairs, and consolidate efforts aimed at ensuring systematic and institutionalized coordination between it and other relevant line ministries;**

(i) **Expand the activities of the Ombudsman, particularly in relation to receiving complaints from women who have been victims of gender-based violence including rape and sexual violence**

(j) **Encourage women to report incidents of gender-based violence, including domestic violence by tackling the rampant impunity for cases of violence against women, particularly femicide and domestic violence, and ensure that all such cases are effectively investigated and that perpetrators are prosecuted and adequately punished;**

(k) **Reinstate without delay all judges, including women, dismissed following the attempted coup against the Government and acquitted from criminal charges, and provide them with appropriate reparation;**

(l) **Ensure mandatory relevant training to all members of the judiciary, including members of judicial committees, and law enforcement officers on the rights of women and on gender-sensitive investigation and interrogation procedures in cases of gender-based violence against women;**

(m) **Shift the police services delivery model towards more intervention and prevention and continue to work towards changing the underlying attitudes and behaviour of law enforcement, and introduce a risk assessment of cases of violence against women;**

(n) **Ensure that the Ministry of Justice coordinates the creation of an effective system for recording all breaches of protective and preventive orders (via the UYAP online judicial data system), categorizing the form of breach and the response to the breach, and publish full data regarding the breaches;**

(o) **Guarantee the access of women and girls to sexual and reproductive health services, including safe abortion**

(p) **Ensure the inclusion of age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health as a compulsory curriculum component for adolescents, including information on early pregnancy prevention and access to abortion, and monitor its implementation.**

(q) **Amend the Turkish Labour Law and the Penal Code to explicitly criminalize sexual harassment in the workplace and ensure that victims of sexual harassment in the workplace have access to effective, independent and confidential complaint procedure and that all complaints are effectively investigated, perpetrators are prosecuted and adequately punished, and victims are protected from retaliation;**

(r) **Work more effectively to eradicate child marriage, including the de facto tolerance of religious marriages, through explicitly outlawing child marriage in the penal code, and strengthen awareness-raising efforts regarding the harmful effects of child marriage on the health and development of girls, in line with Joint general recommendation/general comment No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices.**

**(s) The Government should** **take measures to eradicate discriminatory and sexist portrayals of women in the media; ensure that the activities and freedom of expression of representatives of non-governmental organizations working on the rights of women are not restricted; and develop legislation to criminalize new forms of online violence against women and girls**

1. **Women with disabilities**
2. **Strengthen implementation of legislation and provide for accessible monitoring and reporting mechanisms to detect, prevent and combat all forms of violence, including sexual violence, against women and girls with disabilities in line with recommendations made by the Committee on the Rights of Persons with Disabilities.[[44]](#footnote-44) Modalities for including and assisting non-Turkish women and girls with disabilities should be particularly strengthened.**
3. **Women human rights defenders**

(a) **Ensure that women human rights defenders, and women representatives from non-governmental organizations can freely carry out their legitimate activities and create an enabling environment for them to advocate for women’s human rights; investigate, prosecute and punish all abuses against them, including by public officials; ensure that they are protected from all forms of intimidation, violence and reprisal, in line with international law and the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms; amend provisions that restrict the civic space and funding for civil society organizations, for allegedly “acting against the law and against morality”; refrain from applying article 7 of the Anti-Terror Law relating to leaders and members of armed organisations to convict women human rights defenders and sentence them to lengthy prison sentences.**

**92. Kurdish women**

(a) **Investigate, prosecute and adequately punish all acts of sexual and gender-based violence, including against -Kurdish women and girls, perpetrated by the Turkish security and defence forces, as well as by any other armed group, and ensure respect for article 3 of the Geneva Conventions irrespective of its positions on the status of the conflict in the Turkish-Kurdish regions and the PKK**

(b) **Establish an independent and impartial investigation mechanism for this purpose, with international assistance, to conducted effective, impartial and transparent inquiries into such violations;**

1. **LBTI women**
2. **Address the stigma and discrimination, as well as the lack of effective protection measures in place LBTI women, including by raising public awareness of their rights, in cooperation with civil society;**
3. **Migrant and refugee women**

(a) **Strengthen efforts to combat discrimination against migrant, asylum-seeking and refugee women and girls, and ensure that they have full and equal access to asylum procedures and/or migratory alternatives, in line with general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women of the Committee** **on the Elimination of Discrimination against Women;**

(b) **Strengthen the investigative capacity of the police, to ensure that victims of trafficking are properly identified, protected and assisted, including through the establishment of specialized shelters and that those who may be in need of international protection have accessto asylum procedures**

(c) **Women and girls in need of international protection in Türkiye should be protected against push-back, refoulement, particularly at the Turkish-EU border.**

95.**Women in detention**

(a) **Improve prison conditions for women and their children, ensuring that there are adequate health-care facilities, including facilities for obstetric and gynaecological care, and adopt a gendered approach to the incarceration of women and girls, in line with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).**

1. \* The summary of the report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in the language of submission only. [↑](#footnote-ref-1)
2. \*\* The present report was submitted after the deadline in order to reflect the most recent information. [↑](#footnote-ref-2)
3. General Assembly resolution 48/104. [↑](#footnote-ref-3)
4. 2022 Survey Hacettepe University Institute of Population Studies and the General Directorate of Women’s Status: https://fs.hacettepe.edu.tr/hips/dosyalar/Ara%C5%9Ft%C4%B1rmalar%20-%20raporlar/Aile%20i%C3%A7i%20%C5%9Eiddet%20Ara%C5%9Ft%C4%B1rmalar%C4%B1/2008-TDVAW\_Summary\_Report.pdf. [↑](#footnote-ref-4)
5. Human Rights Association 2020 Report - 178 incidents of suspicious deaths; 41 suspicious suicides or attempted suicides. [↑](#footnote-ref-5)
6. The General Assembly of the Supreme Court of Appeals, Decision no. 2010/111, File no.

   2009/1–56 [↑](#footnote-ref-6)
7. Security General Directorate and Gendarmerie General Command common crimes department data reported to the Parliamentary Enquiry Commission Investigating all aspects of the reasons for violence against women.

   March 6, 2022: see <https://www5.tbmm.gov.tr//sirasayi/donem27/yil01/ss315.pdf> p.426. [↑](#footnote-ref-7)
8. Interior Ministry website, Combatting Violence against Women action plan circular sent to 81 provincial governorates, 1 April 2022. [↑](#footnote-ref-8)
9. The General Directorate on the Status of Women (2014), “The Research on Domestic Violence against Women in Turkey” http://kadininstatusu.aile.gov.tr/data/542950d5369dc32358ee2bba/Ana%20Rapor.pdf (Accessed on 05.09.2015). [↑](#footnote-ref-9)
10. https://www2.unwomen.org/-/media/field%20office%20eca/attachments/publications/2020/07/wpp\_brochure\_eng-min.pdf?la=en&vs=3539. [↑](#footnote-ref-10)
11. Hurriyet Daily News, Top Court Ruling on Religious Marriages Sparks Debate in Turkey, May 2011 [↑](#footnote-ref-11)
12. Family and Social Policies Ministry and Hacettepe University, ‘Research on Domestic Violence against Women in Turkey, 2015, http://www.openaccess.hacettepe.edu.tr:8080/xmlui/handle/11655/23338 page 14. [↑](#footnote-ref-12)
13. 2018 Turkish Demographic and Health Survey on the prevalence of child, early and forced marriage among Turkey’s Syrian migrant population. [↑](#footnote-ref-13)
14. CEDAW/C/TUR/CO/8. [↑](#footnote-ref-14)
15. Grevio, 2018 report - https://rm.coe.int/eng-grevio-report-turquie/16808e5283. [↑](#footnote-ref-15)
16. https://www.hrw.org/news/2022/11/17/why-eu-cant-count-turkey-protect-asylum-seekers. [↑](#footnote-ref-16)
17. . [↑](#footnote-ref-17)
18. 11 and 14 May 2012, respectively. [↑](#footnote-ref-18)
19. The Decision issued by the President was based on the authority granted by Presidential Decree No. 9 to ratify, implement, cease implementation, and terminate international treaties. [↑](#footnote-ref-19)
20. <https://www.coe.int/en/web/istanbul-convention/about-the-convention>. [↑](#footnote-ref-20)
21. [The Republic of Türkiye Directorate of Communications (iletisim.gov.tr)](https://www.iletisim.gov.tr/english/haberler/detay/statement-regarding-turkeys-withdrawal-from-the-istanbul-convention). [↑](#footnote-ref-21)
22. CEDAW/C/TUR/CO/8. [↑](#footnote-ref-22)
23. https://www.ohchr.org/en/documents/open-letters/expert-opinion-council-state-turkiye-withdrawal-istanbul-convention. [↑](#footnote-ref-23)
24. <https://www.ohchr.org/sites/default/files/2022-08/ExpertopiniontotheCouncilofStateofTurkiyeonthewithdrafwalfromtheIstanbulConventionEnglishOriginal.pdf>. [↑](#footnote-ref-24)
25. Parliamentary Inquiry Commission Report: Causes of Violence Against Women in All Aspects and Determine the Measures to be Taken (March 2021) [↑](#footnote-ref-25)
26. Article 1(1). [↑](#footnote-ref-26)
27. Article 1 (2) (a). [↑](#footnote-ref-27)
28. Nicole Pope, ‘Good on Paper, Poor in Practice: Combating Gender Violence in Turkey’ (2014) 4 Turkish Review 600–604. [↑](#footnote-ref-28)
29. In judicial practice it is mostly dealt with under the offences of threat, blackmail, coercion, defamation and ill-treatment. GREVIO Report, 75. [↑](#footnote-ref-29)
30. Human Rights Watch, https://www.hrw.org/news/2022/05/26/turkey-fails-domestic-violence-victims. [↑](#footnote-ref-30)
31. Including Ministry of Family and Social Services; Ministry of Interior; Ministry of Justice; Ministry of National Education; Ministry of Health. [↑](#footnote-ref-31)
32. Ministry of Family and Social Services “Research on Domestic Violence Against Women in Turkey” conducted in 2008 and 2014 to analyze categories and frequency of violence, and demographics. [↑](#footnote-ref-32)
33. Association for Humane Living and Democratic Society (İYADER), “The First Digital Monitoring Meeting for Municipalities’ Local Gender Equality Action Plans Has Been Conducted”, (24 November 2022) http://iyader.org.tr/2021/11/24/izlemecalismasi/. [↑](#footnote-ref-33)
34. CEDAW/C/TUR/CO/8. [↑](#footnote-ref-34)
35. Hacettepe University Institute of Population Studies. (2014). National Research on Domestic Violence against Women in Turkey. [↑](#footnote-ref-35)
36. CEDAW/C/TUR/CO/8. [↑](#footnote-ref-36)
37. 112 under the Ministry of Family and Social Services; 33 run by Municipalities; and 3 run by the Directorate General of Migration Management. [↑](#footnote-ref-37)
38. CEDAW/C/TUR/8 [↑](#footnote-ref-38)
39. Ibid. [↑](#footnote-ref-39)
40. Human Rights Watch, <https://www.hrw.org/report/2022/05/26/combatting-domestic-violence-turkey/deadly-impact-failure-protect>. [↑](#footnote-ref-40)
41. CEDAW/C/TUR/CO/8. [↑](#footnote-ref-41)
42. Human Rights Watch, <https://www.hrw.org/report/2022/05/26/combatting-domestic-violence-turkey/deadly-impact-failure-protect>. [↑](#footnote-ref-42)
43. Turkey-Earthquake: Emergency Situation Report (17.02.2023): https://reliefweb.int/report/turkiye/turkey-earthquake-emergency-situation-report-17022023. [↑](#footnote-ref-43)
44. CRPD/C/TUR/CO/1, para. 34. [↑](#footnote-ref-44)