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Mor Çatı Women's Shelter Foundation

Shadow Report to be submitted to the UN Human Right Committee 142nd Session - October 2024

Second Periodic Review of Turkey

About Mor Çatı Women's Shelter Foundation

Mor Çatı Women's Shelter Foundation was established in 1990 to combat violence against women. The experiences of women who applied to Mor Çatı demonstrate their needs and the barriers they face as they try to distance themselves from violence. To combat violence against women and ensure gender equality, Mor Çatı, based on the information obtained from women, monitors and reports on the implementation of laws, regulations, and international conventions, including the Istanbul Convention and CEDAW, providing policy recommendations to decision makers such as the Ministry of Labour, Family and Social Services, the Ministry of Justice, and the Ministry of Interior.

Mor Çatı Women's Shelter Foundation welcomes the opportunity to provide information to the UN Human Right Committee with respect to the implementation of the International Covenant on Civil and Political Rights during its 142nd session. This submission focuses on the experiences of women who experience violence against women at the protection and support mechanisms in Turkey.

Femicides and honor-based killing

According to the Turkish Penal Code, the penalty for honor-based killing is aggravated life imprisonment. For this reason, the Turkish state responds by asserting that there is no issue of honor killings in Turkey. Honor killings involve the murder of women under the guise of honor. Although honor killings are punished with aggravated penalties in Turkey, there is no specific definition for femicide in the penal code. According to media reports, since the Committee's recommendation to Turkey in year 2012, at least 3361¹ women murdered between 2012-2023. It is known that perpetrators frequently claim that the victims cheated on them or were not chaste in order to receive a reduction for provocation. For instance, a recent media report on a femicide case revealed that the perpetrator had searched online for ways to reduce his sentence before committing the murder and claimed that the victim had cheated on him.² The frequent

¹ These figures were obtained from the online news outlet Bianet, which compiles data on femicides reported in the media: <https://bianet.org/proje/erkek-siddeti-cetelesi-285345>

² <https://www.evrensel.net/haber/526732/katil-arastirmis-barodan-avukat-nasil-bulunur>



granting of reduced sentences by courts in response to claims of infidelity suggests that in Turkey, murder committed in the name of honor often results in legal reductions in penalties, and that the Turkish state has not intervened to prevent this.

Protective measures

Following Turkey's withdrawal from the Istanbul Convention, the only remaining legal framework for combating violence against women is Law No. 6284. This law outlines measures to protect women from violence, including the provision of shelters, restraining orders, and confidentiality orders. It mandates that these measures be implemented by law enforcement officers, prosecutors, and Family Courts based on women's statements and the principle of non-discrimination. However, experiences reported by women seeking assistance from Mor Çatı, as well as insights from experts in the field, highlight significant issues in the implementation of these measures. The primary problems include the deterrent and sexist behavior of officials, poor quality of services provided at ŞÖNİMs and shelters, the short duration of protective measures, and the impunity granted to perpetrators.

The cautionary orders issued under Law No. 6284 are often so brief that they fail to provide women sufficient time to distance themselves from violence. This reflects either a lack of proper risk analysis or the failure to consider such analysis when issuing these orders. As a result, women must frequently reapply for cautionary orders, sometimes facing dangerous gaps between them. The process has become routine, with copy-paste decisions that fail to address women's specific risks or needs.

This issue has been highlighted in the media, where reports have surfaced about women who were murdered despite having active cautionary orders. For example, in January 2023, Aslı Yılmaz³ was murdered by her husband just one month after his restraining order expired. The Antalya 9th Family Court had refused to extend the order, citing insufficient evidence of an imminent threat. In 2023, media reports indicated that 333 women were murdered, 46 of whom had active cautionary orders against the perpetrator.⁴ A recurring pattern in these cases is the failure to detain perpetrators despite multiple prior complaints

The systemic failure to grant women restraining and confidentiality orders for their children, or temporary custody, poses a severe security risk. Women with restraining orders are often forced to meet the perpetrator for child visitation due to Family Court rulings that prioritize the father-child relationship over safety. This issue is especially concerning for non-Turkish women, who fear being unable to access justice in Turkey or losing their children if they do not return to the perpetrator. For example, D.K., supported by Mor Çatı, obtained protection and confidentiality orders due to the violence she endured. However, the Family Court granted the father visitation

³ <https://www.hurriyet.com.tr/gundem/asli-yilmazi-canice-katletmisti-yeni-detaylar-ortaya-cikti-42208889>

⁴ <https://bianet.org/haber/men-killed-at-least-333-women-in-2023-290848>



rights despite the confidentiality order. Feeling unsafe and helpless, D.K. left the shelter and returned to the perpetrator.

Access to justice is a major concern specifically for migrant and refugee women considering that discrimination and prejudices are common among the practitioners in the support mechanisms (including police officers, workers at Violence Prevention and Monitoring Centers, prosecutors); migrant and refugee women can't access to services and information in their native languages and most of the institutions serving women experiencing violence do not provide interpreters. Especially the uncertainty of the judicial processes and the difficulties experienced by women in accessing pro bono attorney services (because the Bar Associations provide this service for short terms in the frame of various projects) prevent women from taking steps to get away from violence.

The earthquakes of February 6, 2023, which affected 10 provinces, worsened existing issues in anti-VAW mechanisms. The notification and enforcement of cautionary orders for women in tents or containers were severely disrupted, with no urgent action plan in place. The damage to ŞÖNİM (Violence Prevention and Monitoring Centres) buildings and staff further hindered their ability to protect women and children from violence.

Barriers to accessing to justice

In Turkey, investigations into violence against women typically begin only after a complaint is filed, notifying authorities of the crime. However, the majority of women seeking help from Mor Çatı have not filed complaints, and those who do usually go to police stations rather than the prosecutor's office.

Women are often hesitant to file complaints against their husbands and perpetrators within the family (e.g. father, brothers) due to distrust in the system, fear of escalating violence, concerns about prolonging divorce proceedings, the potential loss of alimony, family pressures and lack of adequate services to support young women when they need to leave the family's house to escape from violence. Additional barriers include lack of information about the complaint process, the lengthy legal proceedings, inadequate protective services during the investigation, and the financial burden of legal action.

One woman explained her reluctance: "When I went to the police station to complain, I was kept waiting for hours with my children, without food or water. They didn't listen to me as you did. They refused to record my husband's insults, breaking my hope. This showed my husband that the state wouldn't intervene, and he became more encouraged. I never wanted to complain again." Another woman recounted calling the police about her husband violating a restraining order. The police did not intervene, and her husband's violence escalated, leading her to avoid further complaints.



There are various instances of police not fully informing women of their rights, such as omitting aspects of Law No. 6284, incorrectly stating that they must be separated from their children to access shelters, refusing shelter admission at night, or not referring them to hospitals for medical reports. One woman reported that after being beaten by her husband, the police refused to act because he was drunk, did not help her get a medical report, and suggested shelter without explaining how to access it.

Women who do file complaints may withdraw them due to intimidation, challenges in the process, or escalating violence. Violence Prevention and Monitoring Centers should be empowered to handle complaints and provide comprehensive legal, psychological, and other support. The Ministry of Justice and bar associations must enhance efforts to inform women of their rights and expand access to free legal support.

Increasing sentences has not corresponded to a greater deterrent effect. In May 2022, symbolic penalties were raised in the Penal Code for certain crimes against women. However, when prosecutors propose harsher sentences, judges often demand stronger evidence and are more likely to order acquittals. As a result, increasing punishments can inadvertently lead to impunity.

Sentences are typically imposed at the lower limit, with discretionary mitigation (for good conduct) frequently applied. Mitigated sentences for offences like bodily harm, threats, and insults are often converted to fines, followed by the deferment of the verdict, which effectively means the fine is not paid.

Crimes carrying severe sentences are often accompanied by lesser offences, which courts tend to overlook. For instance, courts may fail to punish offences like insult and threat when they occur alongside attempted murder or intentional bodily harm.

Court decisions are also influenced by the perpetrator's appearance and socioeconomic status. Well-dressed, articulate, or influential perpetrators are more likely to receive impunity, while those with an unkempt appearance and difficulty expressing themselves tend to be sentenced. Acquittals often cite the "defendant's persistent denial of charges," using the presumption of innocence as a legal cover for impunity.

As a result, women face significant challenges in filing complaints for crimes related to violence against women. They are often left unsupported during the trial process, lacking the social, psychological, and legal assistance needed to pursue justice. The absence of adequate information, institutional cooperation, and necessary support leads to secondary victimization. Women attempting to escape male violence suffer further psychological, social, and economic harm, and crimes often go unrecorded despite repeated violence, ultimately enabling perpetrators to escalate their abuse.

Violence towards women's rights activists

In Turkey, street protests face significant restrictions, and arbitrary detentions of activists are common. Protests are often met with heavy police presence, vehicular and pedestrian traffic



obstructions, and encirclement, with activists sometimes detained immediately without being allowed to assemble. Beyond on-site detentions, activists are also arrested from their homes, often in the early morning hours, as another form of mistreatment.

Detainees in Turkey undergo medical examinations before and after giving statements to the police, but violations such as the presence of law enforcement officers during exams and the failure to properly document signs of assault have been reported. Detentions during protests, sometimes lasting up to 12 hours, have become standard practice. Even though these detentions often lead to acquittals at the first hearing, as the right to freedom of assembly is constitutionally protected, their systematic nature suggests that detention is being used as a form of torture.

The November 25th International Day for the Elimination of Violence Against Women and the March 8th International Women's Day protests are also held under these conditions. During the November 25th, 2022 protest, approximately 216 women and LGBTI+ individuals (three of whom were children and two were foreign nationals) were arrested. The exact number was not even disclosed to lawyers by law enforcement officers. Additionally, the police used severe violence against some women. In 2023, although the police did not use physical violence, they violated the right to assembly and protest by restricting access, blocking roads with barricades, and preventing women from reaching the protest site. Furthermore, they threatened to intervene at the protest site.

Recommendations

We request the Committee to request the following from the State Party to:

As an indicator of the resolution to eliminate domestic violence and violence against women, cancel the decision to withdraw from the İstanbul Convention and to sign and ratify the Istanbul Convention;

Criminalize violence against women;

Abolish unjust provocation reductions in femicide cases;

Ensure that all cases of violence against women are thoroughly investigated, that perpetrators are prosecuted and that victims obtain redress, including fair and adequate compensation;

Provide better protection and appropriate care for women and their children who seek the assistance of authorities in protecting them from violence, including ensuring that women who apply for protective orders receive meaningful protection in practice, ensuring that protection orders are enforced effectively and that officials who deny such women effective protection are disciplined;

Ensure that all women victims of violence are able to access shelters without any discrimination; and ensure that at shelters women are provided with adequate support and ensure that alternative accommodation is provided where women can stay with their children when shelters are at maximum occupancy.



Set up a 24/7 public emergency line specifically for women subjected to violence.

Ensure the protection of the right to assemble and stop using arbitrary detention as a form of violence. Additionally, it should investigate law enforcement officers who inflict violence and mistreat activists, such as using reverse handcuffing.