

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	637
Land:	Tyrkiet
Kilde:	Immigration and Refugee Board of Canada
Titel:	Türkiye - Domestic violence including legislation, state protection, support services available to victims, including mental health services, the impact of COVID-19 (2020-November 2022)
Udgivet:	29. november 2022
Optaget på baggrundsmaterialet:	4. april 2023



Document #2084359

IRB – Immigration and Refugee Board of Canada (Author)

Türkiye: Domestic violence, including legislation; state protection; support services available to victims, including mental health services; the impact of COVID-19 (2020-November 2022) [TUR201257.E]

Research Directorate, Immigration and Refugee Board of Canada

1. Statistics on Domestic Violence

Human Rights Watch (HRW) notes that due to "[p]oor" data collection, authorities do not have a "solid grasp" of the scale and gaps in protection for domestic violence (26 May 2022, 4). Citing one of the founders of the We Will Stop Femicide Platform (Kadın Cinayetlerini Durduracağız Platformu), which aims to end women's rights violations in Türkiye (Kadın Cinayetlerini Durduracağız Platformu n.d.), the *Guardian* notes that authorities "undercount" femicide cases; they do not include girls under the age of 18 and they do not count "suspected murders" (*The Guardian* 1 July 2021). According to a report from the UN's Special Rapporteur on violence against women and girls, there were "at least" 3,175 femicides between 2010 and 2020 and "more than" 300 women murdered in 2021, "mostly" by husbands, families, partners, or former partners (UN 27 July 2022, 9). According to an article from *Daily Sabah*, a "pro-government" Turkish newspaper (AP 6 Dec. 2021), the Interior Minister stated that from January to July 2022, 158 women were killed in femicides (*Daily Sabah* 2 Aug. 2022). Citing a report from the Interior Ministry, *Daily Sabah* also stated that between January and July in 2020, 115 women were killed, with 117,000 cases of domestic violence reported in that same period (*Daily Sabah* 21 Dec. 2020). Referencing a May 2021 presentation from Türkiye's Minister of Family and Social Services to a Turkish parliamentary commission investigating the causes of and solutions to violence against women [1], Amnesty International states that gender-based violence

resulted in 95 women killed between January and April 2021, 267 killed in 2020 and 336 killed in 2019 (Amnesty International 14 Dec. 2021, 9). For the number of femicides and suspicious deaths of women from January to October 2022, the We Will Stop Femicide Platform provides the following numbers:

Month	Number of Femicides	Number of Suspicious Deaths of Women	Source
January	26	28	(Kadın Cinayetlerini Durduracağız Platformu 5 Feb. 2022)
February	23	21	(Kadın Cinayetlerini Durduracağız Platformu 6 Mar. 2022)
March	24	19	(Kadın Cinayetlerini Durduracağız Platformu 6 Apr. 2022)
April	24	16	(Kadın Cinayetlerini Durduracağız Platformu 6 May 2022)
May	35	16	(Kadın Cinayetlerini Durduracağız Platformu 6 June 2022)
June	31	22	(Kadın Cinayetlerini Durduracağız Platformu 7 July 2022)
July	24	20	(Kadın Cinayetlerini Durduracağız Platformu 4 Aug. 2022)
August	33	15	(Kadın Cinayetlerini Durduracağız Platformu 4 Sept. 2022)
September	26	19	(Kadın Cinayetlerini Durduracağız Platformu 5 Oct. 2022)
October	34	26	(Kadın Cinayetlerini Durduracağız Platformu 5 Nov. 2022)

The We Will Stop Femicide Platform notes that in 2021, there were 280 femicides and 217 "suspicious" deaths of women (Kadın Cinayetlerini Durduracağız Platformu 28 Jan. 2022). The report further identified that, of the 280 women killed in 2021,

- 124 were killed by their husband
- 37 were killed by "the man they were with"

- 24 were killed by "a man they knew"
- 21 were killed by an ex-husband
- 16 were killed by a family member
- 13 were killed by "the man they used to be with"
- 13 were killed by their father
- 11 were killed by their son
- 6 were killed by their brother
- 3 were killed by a stranger
- 1 was killed by a stalker who had been following her for a long time (Kadın Cinayetlerini Durduracağız Platformu 28 Jan. 2022, 4).

The same source notes that in 11 cases, the relationship between the victim and her killer was unknown (Kadın Cinayetlerini Durduracağız Platformu 28 Jan. 2022, 4).

1.1 Statistics on Violence Against Women

According to the European Commission, gender-based violence is "persistent" in Türkiye (EU 2021, 111). A country information report from the Australian Department of Foreign Affairs and Trade (DFAT) states that gender-based violence is "widespread" in both urban and rural areas (Australia 10 Sept. 2020, para. 3.77). The report also states that while "severe cases" of violence against women receive public or media attention, "most" people are accepting of "lower-level" violence, "such as a man slapping his wife in public" (Australia 10 Sept. 2020, para. 3.77). An article from the *Guardian* notes that government statistics on violence against women are "unreliable" and vary between departments (23 July 2020). Citing a study published by the Istanbul Commerce University that included interviews with 2,400 people from 26 provinces, an article from the Stockholm Center for Freedom (SCF) [2] states that "almost" 60 percent of respondents had witnessed violence against women in their "immediate environment": 46.5 percent had "occasionally witnessed a woman subjected to violence," and 10.7 percent said they were "frequent witnesses" (SCF 16 Nov. 2021). Amnesty International notes that certain populations of women have "less access" to protection from violence due to "intersecting layers of discrimination"; these populations include "[w]omen in rural areas, Kurdish women, Roma women, women sex workers, women with disabilities, those with an irregular migration status as well as refugees and asylum seekers and lesbian and transgender women" (14 Dec. 2021, 10).

2. Legislation

The European Commission notes that the Law to Protect the Family and Prevent Violence Against Women (Law No. 6284) aims to protect women who are "married, divorced, engaged or in a ... dating relationship" from

"all forms of violence" and that it applies to "physical, sexual, psychological or economic violence between members of the family or domestic unit" (EU 2021, 104). The same source notes that violence against women in "public" or "social" spaces is also covered under this law (EU 2021, 104). The UN states that Law No. 6284 "establishes an important legal framework for the prevention and elimination of violence against women and girls in the country" (UN 27 July 2022, 4). Law No. 6284 provides the following:

ARTICLE 1- (1) The aim of this law is to protect the women, the children, the family members and the victims of stalking, who have been subject to the violence or at the risk of violence, and to regulate procedures and principles with regard to the measures of preventing the violence against those people.

(2) The following fundamental principles are observed to enforce this law and provide necessary services:

a) The Constitution of Republic of Turkey, the international agreements to which Turkey is a party, especially the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, and other current regulations shall prevail.

b) A fair, effective and speedy method, which is based on basic human rights, sensitive to the equality of men and women, applicable to the social state principle, is maintained in providing support and services to the victims of violence.

c) The cautionary decisions taken for the victims and perpetrators of violence are implemented with respect to human dignity and honor.

ç) The special measures taken within the scope of this law to prevent the gender based violence against women and protect the women from the gender based violence cannot be interpreted as discrimination.

...

ARTICLE 3- (1) One of the following measures, several of them or similar measures deemed appropriate shall be decided by the civilian authority in regard to the persons who are protected within the scope of this Law.

a) To provide an appropriate shelter to the person and if necessary to the person's children in the vicinity or in some other location.

b) To provide financial aid to the person, without prejudice to other assistanc[e] provided within the scope of other laws.

c) To provide psychological, professional, legal and social guidance and

counseling services.

ç) To provide a temporary protection upon a request of the relevant person or ex officio if there is a life threatening danger for the person.

d) If deemed necessary; four months of day care, maximum two months for those who have a job, is provided to children of the protected persons to support the person's integration into worklife; the amount which cannot exceed the half of the net minimum wage paid to those older than 16 years of age with the condition of documenting is covered from the Ministry's related budget.

...

ARTICLE 4- (1) One of the following protective measures, several of them or similar measures deemed appropriate shall be decided by the judge in regard to the persons who are protected within the scope of this Law:

a) To change the work place.

b) To decide a house settlement different from the shared one if the person is married.

c) To put an annotation to the title deed as a family house if the conditions are applica[b]le as contained within the Turkish Civil Code no.4721 dated 22/11/2001 and upon the request of the protected person.

ç) To change the identification and other related information and documents based on the informed consent of the relevant person as per the provisions of the Witness Protection Law No. 5726 dated 27/12/2007 if it is determined that there is a life threatening danger for the protected person and the measures to prevent this danger are inadequate.

ARTICLE 5- (1) One of the following preventive measures, several of them or similar measures deemed appropriate shall be decided by the judge with regard to the perpetrators of violence:

a) Not to exhibit an attitude and behaviors including the threats of violence, insult and humiliation against the victim of violence.

b) To move from the shared dwelling or the vicinity immediately and to allocate the shared dwelling to the protected person.

c) Not to approach to the protected persons and their residences, schools and workplaces.

ç) If there is a previous decision to allow having a personal connection, to have a personal connection with the children together with a company and to restrict the personal connection or to revoke it completely.

- d) Not to approach the friends or relatives and children of the protected person even though they haven't been subject to the violence, without prejudice to the decisions that allows personal connection with children
- e) Not to damage the personal belongings and household goods of the protected person.
- f) Not to cause distress to the protected person by means of communication instruments or alternative channels
- g) To hand over the officially permitted and authorized weapons to the law enforcement officials.
- ğ) To hand over the weapon to the employing institution, even if the person is in a profession of public service that requires carrying a weapon.
- h) Not to use alcohol, drugs or stimulants in places where the protected people are present or not to approach the protected people and whereabouts while under the influence of these substances and to ensure to have a medical examination and treatment including in-patient treatment in case of the addiction.
- ı) To apply to the health centre for examination or treatment and to ensure having a treatment.

...

ARTICLE 8- (1) The cautionary decision is taken either upon a request of the rel[e]vant person or law enforcement officers or public prosecutor. The cautionary decisions may be requested from the judge, administrative chief or law enforcement unit, whichever is in the nearest and easiest location.

(2) The cautionary decision is taken for the six months period at most initially. However, if it is determined that there is a continued risk of violence, the measures shall be extended, modified, abolished or kept ex officio or upon a request of the protected person or the officials of Ministry or law enforcement agencies,

(3) No evidence or report proving the violence is required in order to take cautionary decision. The preventive cautionary decision is taken without delay. This decision cannot be delayed as to endanger the realization of the aim of this Law.

(4) The cautionary decision is pronounced or notified to the protected person and perpetrator of violence. Regarding to the refusal of the request for a cautionary decision, only the protected person is notified. In cases where the delay is considered to be risky, the perpetrator of

violence is immediately notified with an official report on the cautionary decision taken by the related law enforcement unit.

(5), The legal warning stating that the person is subject to the preventive imprisonment in the case of acting contrary to [the] cautionary decision is issued when the cautionary decision is pronounced and notified.

(6), If deemed necessary, in addition to the cautionary decision, the identification information of the protected person or other family members or the information to reveal their identification, their addresses and the other information important for the efficiency of protection shall be kept confidential within records upon a request or ex officio. A different address is identified for the notifications to be sent. The person who illegally gives, reveals and discloses the information to somebody else is subject to the related provisions of Turkish Penal Code no. 5237 dated 26/9/2004

(7) If requested, the delivery of personal belongings and documents to the relevant persons is ensured through law enforcement. (Türkiye 2012)

Sources note that Türkiye is also bound to the European Convention on Human Rights (Amnesty International 14 Dec. 2021, 14; HRW 26 May 2022, 5), the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and is obligated to implement European Court of Human Rights judgments (HRW 26 May 2022, 5).

According to sources, in May 2022 a law amending the Turkish Penal Code and the Criminal Procedure Code was passed (Ersoy Bilgehan 24 June 2022; US [2022]). Sources note that these amendments bring harsher sentences for certain crimes, including threat, torture and deliberate injury, if they are committed against women (Ersoy Bilgehan 24 June 2022; *Daily Sabah* 2 Aug. 2022; US [2022]). Sources note that the new law also criminalizes "'insist[ent] pursuit'" (Ersoy Bilgehan 24 June 2022; US [2022]) or stalking (US [2022]).

3. Istanbul Convention

According to the International Commission of Jurists (ICJ), an NGO working to defend human rights and the rule of law worldwide (ICJ n.d.), the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention) provides, "comprehensive standards for prevention of violence against women, protection and support for survivors, and prosecution of perpetrators" and includes obligations for authorities to meet their treaty requirements (ICJ 1 July 2021). Similarly, Amnesty International notes that the key principles of the Istanbul Convention are "prevention, protection, criminal prosecution and policy co-ordination" to address gender-based violence (1 July 2021). In correspondence with the Research Directorate, a representative from the Mor Çatı Women's Shelter Foundation (Mor Çatı

Kadın Sığınağı Vakfı, Mor Çatı), a feminist organization working to combat violence against women (Mor Çatı n.d.), stated that the Istanbul Convention provided "an important legal baseline" for Mor Çatı to reference when "forcing ... institutions to take steps to combat violence against women" (Mor Çatı 7 Nov. 2022).

3.1 Withdrawal from the Istanbul Convention

Sources state that on the 20 March 2021, Türkiye withdrew from the Istanbul Convention (Türkiye 22 Mar. 2021; EU 2021, 103). According to the statement from the government of Türkiye regarding the withdrawal, "fighting domestic violence with the principle of zero tolerance will remain on top of the government's agenda" and the decision to withdraw was due to the fact that "[t]he Istanbul Convention, originally intended to promote women's rights, was hijacked by a group of people attempting to normalize homosexuality – which is incompatible with Türkiye's social and family values" (Türkiye 22 Mar. 2021). The European Commission notes that the process to withdraw was completed on 1 July 2021 (EU 2021, 103). According to sources, various bar associations and organizations challenged the decision before the Council of State [the Supreme Court for Türkiye's administrative judiciary (Türkiye 2013, 40)] (Duvar English 27 Mar. 2021; Amnesty International 14 Dec. 2021, 8). Sources further note that the Council of State rejected the request (Turkish Minute 30 June 2021; ICJ 1 July 2021). In its 2021 report on Türkiye, the European Parliament, a legislative body of the EU (EU n.d.), voiced "strong condemnation and regret" regarding the withdrawal and referred to the decision as "incomprehensible" (EU 18 May 2022, para. 11).

According to sources referencing a 2020 public opinion poll [across 32 provinces (UN 27 July 2022, 2)], "only" 7 percent of respondents felt that Türkiye should withdraw from the Istanbul Convention (UN 27 July 2022, 2; Gümüştas 2021). An article from Ahval, an independent news source based in Türkiye (Ahval n.d.), referencing a survey from the Ankara-based polling company Metropoll, notes that 63.6 percent of people surveyed stated that they are opposed to leaving the Istanbul Convention, and 17 percent of respondents supported the idea (Ahval 25 July 2020). The same survey found that among supporters of the ruling Justice and Development Party (Adalet ve Kalkınma Partisi, AKP), 25.2 percent favoured leaving the Convention and 49.7 percent were opposed (Ahval 25 July 2020).

According to an article from the Associated Press (AP), "hundreds" of women gathered at protests across Türkiye following the government's announcement of its decision to leave the Istanbul Convention (20 Mar. 2021). Similarly, Özlem Altan-Olcay [3] and Bertil Emrah Oder [4] note, in an opinion article published by openDemocracy [5], that despite the risk of COVID-19 and potential police violence, "people poured onto the streets to protest" (Altan-Olcay & Oder 2 June 2021). Amnesty International noted that there was "blanket condemnation from around

the world" and "nationwide" protests (1 July 2021). The US Department of State's *Country Reports on Human Rights Practices for 2021* states that at a demonstration in Istanbul for which a permit was issued from the governor's office, there were "thousands" of protestors and the police used tear gas and rubber bullets to disperse individuals attempting to breach a second row of barricades; no detentions or serious injuries were reported (US 12 Apr. 2022, 44). Agence France-Presse (AFP) reported that tear gas was fired by police in Istanbul at "hundreds" of women protesting against male violence (26 Nov. 2021). According to Amnesty International, "[a] number of people" detained at protests or for social media posts faced criminal investigations and prosecutions (14 Dec. 2021, 7). The same source further noted that "scores" of assemblies put together by women's rights organizations faced "arbitrary restrictions" and "excessive use of force" by police, with participants being detained and some reporting they experienced ill-treatment and were threatened with rape (Amnesty International 14 Dec. 2021, 7).

The representative from Mor Çatı noted that the withdrawal "reflects the total disregard for international human rights frameworks, decades of regression and attacks against the rule of law, women's rights and gender equality in Turkey" (Mor Çatı 7 Nov. 2022). US Country Reports 2021 notes that since Türkiye left the convention, survivors of gender-based violence have reported to women's groups that they are "less likely" to go to the authorities as they view the withdrawal as a sign that the government is less committed to assisting survivors (US 12 Apr. 2022, 69). Similarly, an AFP article, citing a representative of a women's solidarity organization, notes that since Türkiye's withdrawal the delay to implement protective orders for women has risen from "within 24 hours" to "a full two days"; furthermore, according to the representative, a medical report proving injuries is now required to begin procedures for women "threatened by male violence" (24 Nov. 2021). In an interview with the Research Directorate, a professor of political science at the Middle East Technical University (METU) who focuses on women's rights, stated that since the withdrawal from the Istanbul Convention, women's groups are reporting that the attitude of the authorities has changed and the implementation of the laws to protect women from violence "suffers" as a result (7 Nov. 2022).

4. State Protection

4.1 Treatment by Authorities

According to sources, the Minister of Family and Social Services stated that the number of domestic violence cases during COVID-19 was "tolerable" (Turkish Minute 24 May 2021; Duvar English 24 May 2021). The SCF reports that a deputy from the AKP stated on a local television program that women "bear some guilt for male violence," and, on another occasion, that the media had "blown domestic violence and femicide cases out of proportion" (1 Apr. 2021). Other senior officials, including

President Recep Tayyip Erdoğan, "regularly make public statements that are degrading to women," according to the *Guardian* (23 July 2020).

4.2 Legal System

According to the UN report, there are "numerous" laws and policies to combat violence against women but there are "considerable" gaps in implementation in "almost all social policies" (UN 27 July 2022, 4). US Country Reports 2021 states that the law requires police and authorities to offer "various levels of protection and support services" and mandates government social services, including shelter and financial support, for survivors or those at risk of domestic violence (US 12 Apr. 2022, 68). The European Commission notes that domestic violence is a "hidden phenomenon" and that woman "may experience difficulties" accessing judicial institutions due to poverty, lack of education and institutional barriers such as "male-dominated" judicial proceedings (EU 2021, 114). The UN report notes that courts "often" issue preventive orders for a "short period"—at times "just weeks or a month"—"irrespective" of the risk of continued violence and "often" issue convictions too late to prevent further violence (27 July 2022, 7). The same source further states that there are laws to address femicide but that "data" indicates a lack of "effective" enforcement (27 July 2022, 7). According to the Australian DFAT report, women's rights advocates indicate that protection orders are "insufficiently monitored and rarely enforced" (Australia 10 Sept. 2020, para. 3.77). The representative from Mor Çatı noted that it is not possible for women to receive protection from law enforcement "right away," that there is a "long and difficult" bureaucratic process, and that even with a protection order, "many" women do not feel safe due to issues with implementation (Mor Çatı 7 Nov. 2022). According to an article by Burcu Karakaş, an independent investigative journalist based in Istanbul and non-resident scholar at the Middle East Institute (MEI), a "non-partisan think tank" based in Washington which studies the Middle East (MEI n.d.), the "insufficient" implementation of laws is putting women's lives at risk (Karakaş 15 June 2020).

Referencing the presentation from the Minister of Family and Social Services to the Parliamentary Commission on violence against women, Amnesty International notes that during 2020, 83,047 protection orders and 289,389 preventive orders were issued (Amnesty International 14 Dec. 2021, 20). Amnesty International states women are still killed with protection and preventive orders in place, a fact that exposes "gaps in the system"; 22 of the 336 "officially recognized" victims of femicide in 2019 had protection or preventive orders and the same statistic was 32 of 267 in 2020 (Dec. 2021, 20). The We Will Stop Femicide Platform states that of the 280 victims of femicide in 2021, 33 had filed a complaint with the police or had a restraining order (Kadın Cinayetlerini Durduracağız Platformu 28 Jan. 2022, 2). HRW states that of the 307 victims in 2021, 38 were under protection, which was the highest number over the last five years for which there was data (26 May 2022, 3). A case from the

European Court of Human Rights notes that a woman was killed by her husband after lodging four complaints and receiving three protection orders (Council of Europe July 2022, 17). Sources note that one woman had filed 23 complaints before being murdered by her partner (US 11 Mar. 2020, 54; SCF 1 Apr. 2021; Bianet 14 July 2021).

4.3 4th National Action Plan on Combating Violence Against Women (4th NAP)

Sources note that on 1 July 2021, the day the country withdrew from the Istanbul Convention, Türkiye announced their 4th NAP (Mor Çatı 6 Sept. 2021; WWHR-New Ways 13 Sept. 2021). Sources state that the 4th NAP does not mention the Istanbul Convention or the term gender equality (Mor Çatı 6 Sept. 2021; WWHR-New Ways 13 Sept. 2021; Amnesty International 14 Dec. 2021, 5). According to Women for Women's Human Rights – New Ways (WWHR-New Ways), a Turkish NGO advocating for women's rights (WWHR-New Ways n.d.), the 3rd NAP ended in late 2020, and the 4th NAP was not available until July 2021 and did not include views from women's organizations (WWHR-New Ways 13 Sept. 2021). Mor Çatı notes that the objectives of the plan are to present the approach from the state to fighting violence against women for the next five years and this plan, compared to the previous plans, is "a bit more inclusive and more specific" with targets, a strategy for actions and supports and how they will be provided, instead of "broad objectives" (6 Sept. 2021). However, the same source also notes that among the "main" problems of the 4th NAP are those that concern "data collection, monitoring and evaluation," with the newest research referenced in the plan having been conducted in 2014; moreover, the 4th NAP includes no assessment or recommendations to address the "conditions" in women's shelters or the "deficiencies" in the support provided there (Mor Çatı 6 Sept. 2021). US Country Reports 2021 states that women's groups "largely dismissed" the 4th NAP as a "tactical effort" to decrease criticism following withdrawal from the Istanbul Convention, noting that previous plans "did little" to address gender-based violence (US 12 Apr. 2022, 69). Amnesty International quotes a "legal expert" whom they interviewed as stating that the plan addresses violence against women as a "technical problem" with the preservation of the family as the main objective (14 Dec. 2021, 5).

4.4 Law Enforcement Officials

According to HRW, social media is "often" used in cases of domestic violence to prompt action by the authorities (26 May 2022). Amnesty International notes that police in cities and the gendarmerie in rural areas are responsible for responding to reports of violence and are authorized to issue protective and preventive measures in domestic violence cases (14 Dec. 2021, 18). The representative for Mor Çatı noted that women encounter "violations and bad practices" when seeking support, with the most common being the following:

- a "lack of coordination" between institutions

- "problems" with the "monitoring and enforcement of confidentiality orders"
- the "short duration" of barring/restraining orders (two weeks, "in some cases"), which requires women to apply repeatedly
- "forced confinement" not being enforced when barring/restraining orders are breached
- misinformation and discouraging women to get away from the perpetrator with sexist motives and impunity for the bad practices of the law enforcement officials and judicial personnel (Mor Çatı 7 Nov. 2022).

US Country Reports 2021 notes that while courts "regularly" issue restraining orders, police "rarely" enforce them; furthermore, women's associations indicate that the government counsellors and police "sometimes" encourage women to remain in abusive relationships to avoid breaking up families (US 12 Apr. 2022, 69-70). Amnesty International notes a "prevalent" view among law enforcement officers that violence against women is a private matter, adding that this results in interventions being delayed, signs being ignored, claims being dismissed, survivors being discouraged from reporting offences, and investigations "often" being "less than diligent" (14 Dec. 2021, 19). Amnesty International also states that in an interview, WWHR-New Ways noted that "authorities are unwilling to carry out thorough investigations [into suspicious deaths and suicides of women and girls] despite valid suspicions that these deaths may have been killings disguised to appear as accidents or suicides" (Amnesty International 14 Dec. 2021, 10).

The information in the following paragraph was provided by HRW:

There is "ongoing failure" by authorities to protect women who lodge complaints of violence, to the degree that "dangerous protection gaps" are left or that preventive and protective orders are rendered "meaningless." Cautionary orders are issued for "far too brief" periods of time and authorities fail to monitor their effectiveness. Perpetrators breach orders either without penalty or with "too little" a penalty to be a deterrent, leaving survivors at continued risk. According to judges and prosecutors interviewed by HRW in Istanbul, protective and preventive orders are "rarely refused." However, judges estimated that between 5 and 40 percent of abusers violate the orders. One judge interviewed by HRW estimated that "only" 10 percent of those who violate such orders face punishment by being held custody for a "short period." Police officers interviewed by HRW indicated that the effectiveness of preventive orders depends on whether the perpetrator "had anything to lose in terms of social status." "[S]ome" police units have a "lack of resources" for addressing domestic violence, such as private spaces for interviews with victims. An "experienced retired judge" expressed a "concern" to HRW that the government and courts are "seeking to deflect criticism by

presenting the sheer volume of protective and preventive orders being issued as success" without the impact being measured (HRW 26 May 2022, 53, 3, 56, 58, 60, 62–64).

The representative from Mor Çatı stated that women face obstacles in rural areas: in "many cases" the perpetrator has "close relations" to public officials and public officials "tend to persuade" women to return home (Mor Çatı 7 Nov. 2022). The same source added that the implementation of "barring/restraining" or confidentiality orders is "practically impossible" in small communities (Mor Çatı 7 Nov. 2022).

5. Support Services

Sources note that municipalities with a population over 100,000 must open women's shelters (EU 2021, 106; Professor 10 Nov. 2022). Mor Çatı noted that Law No. 6284 established Violence Prevention and Monitoring Centres (VPMCs), which run shelters and assist women in finding employment, attending vocational courses, coordinating support services and accessing psychological support (7 Nov. 2022). US Country Reports 2021 states that there is one VPMC in every province, for "economic, psychological, legal, and social assistance" (US 12 Apr. 2022, 68). HRW states that VPMC are a "central pillar" for combating domestic violence, noting that they "are responsible for tracking the implementation of protective and preventive orders, coordinating between the courts, the police and social services, and for placing victims in shelters, assessing risk and following up on steps to ensure their protection" (26 May 2022, 21).

US Country Reports 2021 notes that women's right activists report that the number of shelters does not meet the need and the assistance they provide is "[in]adequate," with the "lack of services more acute" for the elderly, LGBTQI+ women and women with older children (US 12 Apr. 2022, 68). The Professor stated that there are 145 shelters in the country with a capacity of 3,500 individuals in each shelter, which is "inadequate" for the population (Professor 10 Nov. 2022). The DFAT report notes many cities with populations over 100,000 have no shelters and that Ankara has five million people and "only" three shelters (Australia 10 Sept. 2020, para. 3.78). Similarly, the Mor Çatı representative stated that the number and conditions of VPMCs are "far from" meeting the service needs, noting for example that in Istanbul, which has a population of over 15 million, there is one VPMC (Mor Çatı 7 Nov. 2022). The UN report notes a "dire shortage of adequate shelters" and a lack of essential services for survivors that is of "considerable concern" (UN 27 July 2022, 6). According to interviews conducted by Amnesty International with representatives of women's rights NGOs based in Türkiye, VPMCs are leaving survivors with "inadequate" support and protection (14 Dec. 2021, 22). Amnesty International notes that Türkiye's Regulation on the Establishment and Management of Women's Shelters excludes "certain categories of women" from access the shelters, including women over 60 years old,

those with disabilities, those with children who have disabilities and those with sons over 12 years old (14 Dec. 2021, 24). The Mor Çatı representative noted that access for women with disabilities is "highly restricted" and refugee and immigrant women face "discrimination in shelter admittance, lack of socio-economic supports and language barrier[s]" (7 Nov. 2022). The Professor stated that the services are "all" in urban areas and can be "impossible" for women from rural areas to access, while "low or middle" class women based in urban areas have a "better chance" of accessing them (7 Nov. 2022). The same source added that due to socio-economic, cultural and social factors, women with "high socio-economic standing" do not apply to these services (Professor 7 Nov. 2022). The source further stated that there are no specific mental health services available for survivors of domestic violence and individuals would be referred to the general health service (Professor 7 Nov. 2022).

According to the European Commission, the Ministry of Family and Social Services established a 24-hour hotline which "directs the callers to the nearest services providing legal aid and socio-psychological assistance, support centres, shelters" and VPMC (EU 2021, 115). Sources note that the hotline is not specialized (Amnesty International 14 Dec. 2021, 25; UN 27 July 2022, 7) and not offered in all "relevant" languages (UN 27 July 2022, 7). Amnesty International states that "some" responders are not "adequately" trained to handle calls regarding violence against women (14 Dec. 2021, 25). The DFAT report notes that NGOs state the quality of service is "inadequate" for individuals experiencing domestic violence (Australia 10 Sept. 2020, para. 3.78).

Sources note that there is an emergency notification application for women (Kadın Destek Uygulaması, KADES), but it is not accessible to women who do not have a smart phone (Amnesty International 14 Dec. 2021, 25; UN 27 July 2022, 7). The UN also notes that it can only be activated with a Turkish identity number, which excludes unregistered migrants, refugees and transgender women who are not registered as women (27 July 2022, 7).

According to the European Parliament, the Intellectual and Industrial Crimes Bureau of the Istanbul Chief Public Prosecutor's Office filed an indictment to close the We Will Stop Femicides Platform, stating it is "contravening public morality" (EU 18 May 2022, para. 11). An article in Al-Monitor, a news website focusing on the Middle East and North Africa region (Al-Monitor n.d.), states that the We Will Stop Femicide Platform faced "half a dozen charges" including "'undermining the family'" and "'insulting the president'" (Al-Monitor 31 May 2022).

6. The Impact of COVID-19

The information in the following paragraph was provided in a assessment report published by the UN Entity for Gender Equality and the Empowerment of Women (UN Women) based on an April 2020 "nationally

representative" telephone survey with 1,500 participants over the age of 15 which inquired into issues from COVID-19, including domestic violence:

Among survey participants, 71.8 percent of women and 72.5 percent of men knew how to access help for domestic violence. Of the women who did not know how to access help or refused to answer, 27.4 percent lived in Southeast Anatolia and 15.6 percent lived in West Marmara. When asked if they had "either felt or heard about" an increase in domestic violence since the onset of the COVID-19 pandemic, 14 percent of respondents answered yes. Based on responses to this question, the report found a "significant increase" in domestic violence in the regions of Central East Anatolia, West Anatolia, Central Anatolia and Aegean (Kalaylıoğlu, et al. 2020, 6, 34, 35).

The UN Special Rapporteur report noted that COVID-19 led to "[f]ewer" police interventions and the closure of courts, shelters and essential services for victims (UN 27 July 2022, 8). According to WWHR-New Ways, the head of the Directorate General of the Status of Women, a branch of Türkiye's Ministry of Family, Labour and Social Services (Türkiye Jan. 2021), stated that calls to the 24-hour helpline increased after the outbreak of the pandemic and that the Directorate had "prioritized" domestic violence calls (WWHR-New Ways Oct. 2020, 5). According to an article from Deutsche Welle (DW), Germany's public international broadcaster, the Director of the We Will Stop Femicide Platform stated that they were receiving "significantly more" calls and women's rights activists reported that the government had not adopted measures to counter domestic violence or to protect the survivors (DW 10 Apr. 2020). According to US Country Reports 2021, NGOs reported "higher rates" of domestic violence during COVID-19 lockdowns (US 12 Apr. 2022, 68). WWHR-New Ways conducted a study by interviewing 1,245 women in a representative sample across the country from May to June 2020 with the results as follows:

97 percent of the women who had a spouse/partner reported having experienced at least one type of violence in the year prior to the outbreak of the pandemic, and 96 percent reported having experienced at least one type of violence from their spouses/partners in the first two and-a-half months following the outbreak. (WWHR-New Ways Oct. 2020, 10, 16).

The study from WWHR-New Ways further states that the systemic violence against women combined with problems resulting from the pandemic, such as "increased burden" of household work, economic strain, decreased social support mechanisms and less socialization opportunities will have "dire consequences" (Oct. 2020, 17). The Mor Çatı representative stated that women had "limited" support mechanisms for escaping violence during COVID-19; the pandemic also increased "existing implementation problems" for measures to prevent violence (Mor Çatı 7 Nov. 2022). Women were turned away from shelters due to a lack of

capacity and the police using the pandemic "as an excuse," providing misinformation to prevent women from applying to shelters and encouraging them to remain at home, while not enforcing the article which allows women to remove the perpetrator of violence from the house (Mor Çatı 7 Nov. 2022).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] According to a press release from the UN Committee on the Elimination of Discrimination Against Women, in 2021 the Turkish parliament established a commission "to determine the reasons behind violence against women"; the commission's report was discussed in parliament (UN 15 June 2022).

[2] The Stockholm Center for Freedom (SCF) is a non-profit organization with a focus on Türkiye that advocates for the rule of law, democracy and human rights (SCF n.d.).

[3] Özlem Altan-Olcay is an associate professor of political science at Koç University in Istanbul (openDemocracy n.d.a).

[4] Bertil Emrah Oder is the Dean and also a professor of constitutional law at Koç University Law School (openDemocracy n.d.b).

[5] openDemocracy is an "independent international media platform" (openDemocracy n.d.c).

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Internet sites, including: The Advocates for Human Rights; Anadolu Agency; Austrian Red Cross – ecoi.net; BBC; Belgium – Commissariat général aux réfugiés et aux apatrides; Council of Europe – Committee of Ministers, Group of Experts on Action Against Violence Against Women and Domestic Violence; Cumhuriyet; Eşitlik İçin Kadın Platformu; EU – EU Agency for Asylum; France 24; Human Rights Foundation of Turkey; İstanbul Sözleşmesi Türkiye İzleme Platformu; İstanbul Ticaret Üniversitesi; Kadın Zamanı Derneği; Kadir Has Üniversitesi – Gender and Women's Studies Research Center; Konda; Metropoll; National Public Radio; Politico; Thomson Reuters Practical Law; TRT Haber; Türkiye – Büyük Millet Meclisi, İçişleri Bakanlığı, İstatistik Kurumu, Resmî Gazete; Türkiye Hukuk; UK – Home Office; UN – UNHCR, UN Population Fund; US – US Commission on International Religious Freedom; The Washington Institute for Near East Policy; Wilson Center; Women Against Violence Europe; Women's Solidarity Foundation; Voice of America Türkçe.

Associated documents

Document ID 2084359 Translation / language version

Türkiye

Query response on Türkiye: Domestic violence (2020 - November 2022)

Turquie : information sur la violence conjugale, y compris les lois; la protection offerte par l'État; les services de soutien à la disposition des victimes, y compris les services de santé mentale; les répercussions de la COVID-19 (2020-novembre 2022) [TUR201257.EF] (Response, French)

fr

ID 2084360

ecoi.net description:

Query response on Türkiye: Domestic violence (2020 - November 2022)

Country:

Türkiye

Source:

IRB – Immigration and Refugee Board of Canada (Author)

Original link:

<https://irb-cisr.gc.ca/en/country-information/rir/Pages/index.aspx?doc=458727&pls=1>

Document type:

Response

Language:

English

Published:

29 November 2022

Available on ecoi.net since:

22 December 2022

Document ID:

2084359

Austrian Red Cross
Austrian Centre for
Country of Origin and
Asylum Research and
Documentation
(ACCORD)

Wiedner Hauptstraße
32, 1041 Wien
T +43 1 589 00 583
F +43 1 589 00 589
info@ecoi.net

Contact
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