



mechanisms  
for combating  
violence  
against women  
monitoring report

2013  
2022



KADIN DAYANISMA VAKFI  
THE FOUNDATION FOR WOMEN'S SOLIDARITY



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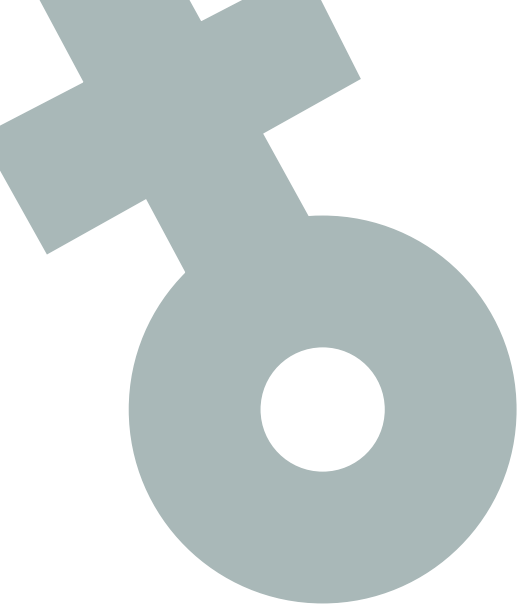
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prepared by  
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30. yıl  
2023

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# içindekiler

## introduction 6

## current situation 8

the legal framework and public policies for the elimination of male violence against women 8

## methodology 12

## monitoring findings 13

law enforcement mechanisms 14

judicial mechanisms 16

administrative mechanisms 18

healthcare units 19

refugee women and mechanisms for eliminating violence 19

access to mechanisms for eliminating violence in the mother tongue 20

## conclusion and recommendations 21

## list of figures and graphs 23

### abbreviation

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention)

The Group of Experts on Action Against Violence Against Women and Domestic Violence (GREVIO)

The Statutory Decrees (KHK)

The Nationwide State of Emergency (OHAL)

Violence Prevention and Monitoring Centres (ŞÖNİM)

The Presidency of Migration Management (GİB)

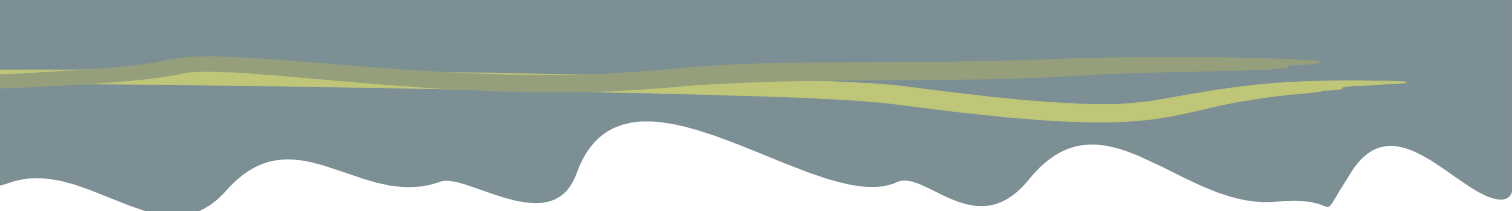


## introduction

Violence against women is a societal and political problem. Male violence against women functions as both the cause and the consequence of gender inequality. The violence is connected with the patriarchy and in order to eliminate the violence, it is necessary to realise public policies which have a holistic perspective. In this study, our aim is to make the faults and inadequacies in mechanisms for eliminating violence visible, using the experiences women shared with us in interviews at our Women's Counselling Centre between 2013-2022. We also aim to remind the public sector of the role it has to play to eliminate violence against women, as required by the national and the international legislation. Furthermore, we intend to share the rights violations faced by women in their experiences of combating violence in accordance with this legislation.

The Foundation for Women's Solidarity is a civil society organisation which has been working to eliminate violence against women since 1993. We try to engage in solidarity with women who have experienced or are at risk of experiencing violence at our Women's Counselling Centre. We provide free social, psychological and legal support to women, according to their needs.

Since 2014, we have regularly and publicly reported on the interviews we hold at the Women's Counselling Centre, which are based on feminist principles, and the lessons we learned, using what women conveyed as a starting point. We monitor the difficulties and faults experienced by women in their process to combat violence through applications to the Women's Counselling Centre and we continue our advocacy work based on these experiences. In this report, we have shared our experiences over the past 10 years and intend to present the urgently required measures for eliminating violence against women in

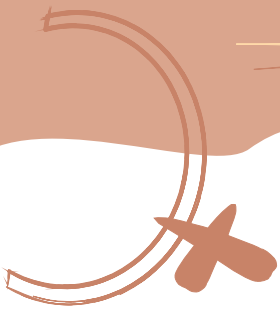


the light of women's experiences. Although the public sector is obliged to collect data and regularly share data with the public in the context of violence against women, it does not fulfil this obligation. In this report, we aim to share the data we have collected and thereby to contribute to the elimination of male violence against women.

We hope that this report will be of benefit to the work of civil society organisations as well as those wishing to obtain information on violence against women in Turkey. We aim to reach the relevant public decision making mechanisms and to render the experiences of women visible using experiences women have recounted themselves. We want to put forward our recommendations for improvements to mechanisms for eliminating violence against women based on the experiences of women.

Our framework for monitoring mechanisms for eliminating violence is based on the international conventions Turkey is party to and the national legislation. Women and LGBTI+ living in a world without violence that is equal and free concerns their rights to life, health, liberty, personal safety, equal protection within the family and to freedom from torture, cruel, inhuman or degrading treatment in connection to the issue of gender-based violence. The current outlook shows that as active and holistic policies to eliminate violence are not implemented, the fundamental rights of women and LGBTI+ are being violated.

The data in this report is based on the experiences of 2949 women we interviewed at the Women's Counselling Centre over the 10 years between 2013-2022; who wanted to receive support due to violence, shared the process regarding the violence they were exposed to and who requested information on mechanisms for eliminating violence.



## current situation

### the legal framework and public policies for the elimination of male violence against women

Although international and national legal mechanisms for eliminating violence against women are in force in Turkey, their provisions are not realised. One of the focus points of the feminist movement in Turkey is violence against women. Turkey signed the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1985, but despite the convention becoming effective, necessary regulations were not put in place. The regulations were only realised in 1986 following the demands and protests of the feminist movement. The aim of the Convention was to present the structural conditions of gender inequality and to make states responsible for eliminating the structural inequality. General Recommendation No. 19 on “Violence Against Women” that was ratified by the CEDAW Committee in 1992 describes gender based violence as “a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men”<sup>1</sup>. The document takes up male violence against women in its connection to the right to life; freedom from torture, cruel, inhuman or degrading treatment and punishment; equal protection in non-international or international armed conflicts according to humane norms; the right to personal security and freedom; equal protection before the law; equality within the family; physical and mental health, full and the right to full employment and decent work. Signatory states assume responsibilities in the framework of these human rights.

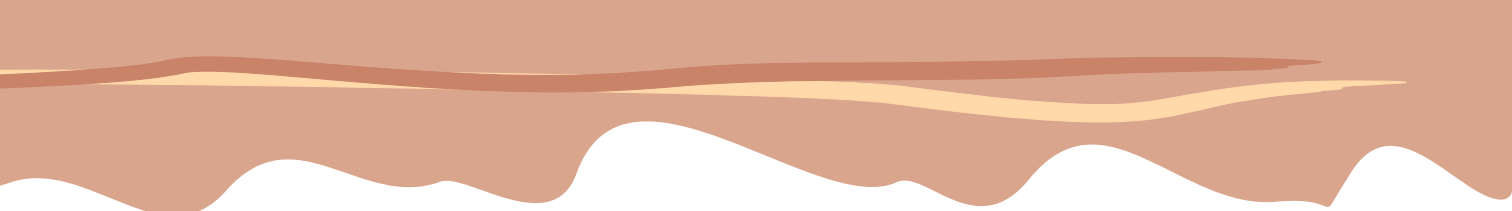
The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention)<sup>2</sup>, which is one of the landmark legal achievements of the feminist movement in combating violence against women, was signed by Turkey in 2011 and became effective in 2014. The Law 6284 on the Protection of the Family and the Prevention of Violence Against Women<sup>3</sup>, which is the domestic law counterpart to the Convention, entered into force in 2012. These pieces of legislation brought into being a legal mechanism in which the state was obliged to formulate holistic

<sup>1</sup>General Recommendation No. 19 on “Violence Against Women” of the CEDAW Committee: [https://kadinininsanhaklari.org/wpcontent/uploads/2018/08/cedaw\\_komitesinin\\_19\\_sayili\\_genel\\_tavsiye\\_karari.pdf](https://kadinininsanhaklari.org/wpcontent/uploads/2018/08/cedaw_komitesinin_19_sayili_genel_tavsiye_karari.pdf)

<sup>2</sup>Istanbul Convention: <https://rm.coe.int/168008482e>

<sup>3</sup>Law 6284: <https://www.mevzuat.gov.tr/mevzuatmetin/1.5.6284.pdf>





policies to eliminate violence against women and which gave detailed definitions related to violence against women and LGBTI+.

The Istanbul Convention, which contains the most comprehensive definitions ever formulated in the field of violence against women and gender-based discrimination, states that violence against women is “a manifestation of historically unequal power relations between women and men, which have led to domination over, and discrimination against, women by men and to the prevention of the full advancement of women”. The Convention defines violence against women as “a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that results in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”. The Convention obliges state parties to “take the necessary legislative and other measures to promote and protect the right for everyone, particularly women, to live free from violence in both the public and the private sphere”<sup>4</sup>. It also states that states should not discriminate based on “any ground such as sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, disability, marital status, migrant or refugee status, or other status” while fulfilling their obligations.

The Istanbul Convention obliges all state parties to prevent all forms of violence and domestic violence against women, to protect victims of violence, to prosecute perpetrators, to sanction offenders and to realise holistic policies in the field of elimination of violence against women. The Convention includes both preventive and protective measures against violence. Similar to CEDAW, the Istanbul Convention obliges state parties to abolish laws and practices which discriminate against women (art. 4). Furthermore, the Istanbul Convention obliges state parties to work in cooperation with civil society organisations and to encourage the work of civil society organisations (art. 9); establish coordinating bodies among public institutions (art. 10); to regularly collect data and carry out research (art. 11); promote changes to gender norms (art. 12); include gender equality in the education curriculum (art. 15); train professionals to be employed in the elimination of violence and to provide them with regular training (art. 15) in order to combat violence against women. The Istanbul Convention also makes it obligatory for states to provide appropriate, easily accessible shelters in sufficient numbers (art. 23); set up state-wide round-the clock, free of

<sup>4</sup>Istanbul Sözleşmesi, m.4.

charge telephone helplines (art. 24) and to set up appropriate, easily accessible rape crisis or sexual violence referral centres (art. 25).

State parties are also obliged to ensure that the offences are punishable by proportionate and dissuasive sanctions, including the deprivation of liberty if necessary. Repeated, systematic violence is considered an aggravating circumstance for sanctioning (art. 46). The Istanbul Convention obliges state parties to prohibit mediation and other alternative dispute resolution processes (art. 48); to provide immediate response (art. 50); to ensure that investigations into or prosecution of offences are not wholly dependent upon a report or complaint filed by a victim and that the proceedings may continue even if the victim withdraws her or his statement or complaint (art. 55) and to provide free legal aid for victims of violence (art. 57). State parties are also obliged to take necessary measures for refugees and to grant residence permits (art. 59). The Istanbul Convention also brings a due diligence obligation on state parties, meaning they must refrain from engaging in any act of violence against women and ensure that State institutions/officials act in conformity with this obligation (art. 5).

The Law 6284 is a legal document focused on the family, although it was formulated based on the Istanbul Convention. This mechanism, which brings very broad powers of legal and administrative sanctions without seeking the condition of an official marriage relationship covers all forms of violence and threats of violence against women. The law includes protective and preventive measures related to violence against women. These measures may be taken to the benefit of the party who is the victim of violence without seeking evidence. Law enforcement, administrative and judicial bodies are made responsible as mechanisms for eliminating violence. The Law foresees preventive work against violence against women, with obligations such as the broadcasting of public announcements.

Another important legal document in eliminating violence against women is the General recommendation No. 35 on gender-based violence against women of the CEDAW Committee, which was issued in 2017. General Recommendation No. 35 details the structural conditions of violence against women in greater detail. The General Recommendation draws the connection between gender-based violence against women and the patriarchy by describing violence as “one of the fundamental social, political and economic means by which the subordinate position of women with respect to men and their stereotyped roles are perpetuated”. The General Recommendation includes policy recommendations for states, similar to the Istanbul Convention<sup>5</sup>.

The state of the Republic of Turkey failed to realise many of its obligations listed above while the Istanbul Convention was in force. The experiences recounted below, in the Findings section, present examples of cases where these obligations went unfulfilled. Women's and LGBTI+ organisations, including the Foundation for Women's Solidarity, have prepared shadow reports on findings indicating that the Convention was not being implemented and conveyed the reports to the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), which is the monitoring body for the Convention<sup>6</sup>.

<sup>5</sup>CEDAW Commission, “General recommendation No. 35 on gender-based violence against women”:<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N17/231/54/PDF/N1723154.pdf?OpenElement>

<sup>6</sup>2017 shadow report prepared by the Istanbul Convention Monitoring Group: <https://istanbulsozlesmesi.org/istanbul-sozlesmesi-turkiye-izleme-platformu/>

In addition to not implementing the legislation in force, policies in Turkey have gradually shifted away from the gender equality perspective. Politicians have often referenced *fitrat* (nature/creation) to argue that women and men cannot be equals and discrimination started to become the main axis of public policy. The 2016 report of the Parliamentary Investigation Commission known as the “Divorce Commission” listed recommendations stating a need for policies that focus on the family, that evidence should be sought to issue measures under the Law 6284; that legal mediation should apply; that the right to alimony should be limited; that family-focused civil society organisations should be supported, that family counselling centres should be established etc. With the statutory decrees (KHK) issued after the nationwide state of emergency (OHAL) declared on 21 July 2016, many women's organisations were shut down. During this period, in which the elimination of violence against women and the gender equality perspective were fully abandoned, discriminatory discourse against refugees increased and public authorities targeted the right to life of LGBTI+ individuals. Free sexual healthcare service provision was constrained and abortion in public hospitals was *de facto* banned. During the pandemic, women, LGBTI+ and refugees were not included in general health measures<sup>7</sup>.

One of the most important moments in this political approach was the decision to withdraw from the Istanbul Convention with an unlawful Presidential Decree in 2021. In the statement by the Presidency of Communications of the Office of the President, the reason for the decision to withdraw was stated to be “the manipulation [of the Convention] by a group that is trying to normalise homosexuality”. The decision to withdraw from the Convention was protested by feminists and LGBTI+ organisations in many provinces of Turkey. However, all vestiges of the Istanbul Convention were erased from the Fourth National Action Plan for Combating Violence Against Women that covers 2021-2025. This plan states that the specialisation model will be applied to mechanisms for eliminating violence, however, does not provide any framework for the direction in which specialisation will be implemented. Furthermore, specialisation has been observed to include practices where discrimination runs even deeper. Meanwhile, women's organisations have been excluded from the formulation of public policy<sup>8</sup>.

In 2022, state-backed civil society organisations held demonstrations in many provinces with the slogan “Your family is under attack”. The period between 2013-2022 has seen the targeting of the rights of women and LGBTI+ and more weight given to conservative, family-focused policies. With the decision to withdraw from the Istanbul Convention, we have observed mechanisms for eliminating violence against women become even less functional.

The proposed amendments to the Constitution, the debate on the rights to divorce and alimony in the civil code and discussion over amending the Law 6284 indicate that interventions on the rights of women and LGBTI+ will increase in the coming period. Women's and LGBTI+ organisations nevertheless continue their struggle in every filed of life against the policies of the state of the Republic of Turkey that are based on sexual discrimination and which directly target the right to life.

<sup>7</sup><https://www5.tbmm.gov.tr/sirasayi/donem26/yil01/ss399.pdf>

<sup>8</sup>Fourth National Action Plan for Combating Violence Against Women:<https://aile.gov.tr/media/82082/kadina-yonelik-siddetle-mucadele-iv-ulusal-eylem-plani-2021-2025>.



## methodology

Data presented in this study are based on the experiences conveyed by 2949 women who wanted to receive support due to experiencing violence and shared their experiences with violence in detail with us in interviews held over 10 years. The interviews were held with social workers and volunteers at our Women's Counselling Centre over the between 2013-2022 and were guided by feminist principles. Between 2013-2022, we held more than 12,000 face-to-face, phone or e-mail interviews with applying women. We were able to monitor what women went through during the process of combating violence and the faults and inadequacies in mechanisms for eliminating violence through their experiences.

We used interview forms to regularly collect the data presented in this report using interview forms based on what the women had related. The data we obtained in this way were primarily intended to understand the conditions of individual women and to provide suitable information and support. We were therefore able to obtain demographic data regarding their education, employment and relationship status which they shared with us. Which types of violence women experienced and the perpetrator of the violence were two of the main headings we monitored.

Another subject of monitoring was applications by women to mechanisms for eliminating violence before coming to our Women's Counselling Centre. We monitored their experiences of applying to law enforcement, administrative and judicial units based on the Istanbul Convention, the Law 6284 and feminist social work principles. We monitored whether the Istanbul Convention and the Law 6284 was being implemented in their applications to the mechanisms. Our main bases of reference were whether the services provided by the mechanisms met the legal standards, whether they provided clear information, whether personnel employed at the mechanisms had good awareness of violence against women and whether women were provided with the necessary support.

Since 2014, we have regularly and publicly reported on the interviews we hold at the Women's Counselling Centre, which are based on feminist principles, and the lessons we learned, using what women conveyed as a starting point<sup>9</sup>. The most recent official study on male violence against women in Turkey is from 2014<sup>10</sup>. Civil society organisations have to undertake the duty of monitoring violence against women and femicides and informing the public<sup>11</sup>.

<sup>9</sup>Foundation for Women's Solidarity, Women's Counselling Centre Activity Reports: <https://www.kadindayanismavakfi.org.tr/faaliyet-raporlari/>

<sup>10</sup>Domestic Violence Against Women in Turkey study undertaken by the Hacettepe University Population Studies Institute with the support of the Ministry for the Family and Social Policies in 2014.

<sup>11</sup>Some of these civil society organisations are Mor Çatı Kadın Sığınağı Vakfı, Bianet, Kadın Cinayetlerini Durduracağız Platformu.

## monitoring findings

2949 women applied to our Women's Counselling Centre between 2013-2022 with a request for support due to experiencing violence. However, we only analysed 2192 of these women for their means of application, as this has only been recorded since 2016. Of the women applying due to violence 71% (1548) applied over the phone, 15% (333) by e-mail and 14% (304) by personally visiting the counselling centre<sup>12</sup>. Of the women applying due to violence and who stated their province of residence, 58% (1279) were from Ankara. 30% (667) of applicant women were from a province outside Ankara. The majority of these provinces are those where a women's organisation or counselling centre is not present. 2% (34) applied from abroad. Some women living outside of Turkey contacted our Women's Counselling Centre to receive support regarding the violence they experienced.

Of the women who applying due to violence and stated their relationship, 54% (1421) were married, 21% (555) were single, 15% (400) were divorced and 5% (118) lived separately from their partners. The figures show that applications by single women due to violence is significantly high and that violence against women is experienced not just in marriage, but in all forms of partnership relations.

Of the women who applied due to violence and who shared their employment status with us 33% (690) said they stayed at home, 29% (612) were salaried employees, 15% (307) were unemployed, 12% (258) were students and 4% (85) were self-employed. For women who applied to our centre between 2013-2022, there is no statistically significant difference between women working in a salaried position and those who are not in terms of experiencing violence. Therefore, variables such as the financial conditions, employment and education status of women are not the sole determinant of whether women experience violence.

On the other hand, women not having their own source of income is a factor which makes it more difficult for them to get away from violent relationships. Adverse economic circumstances make it more difficult for women to leave the house where they experience violence with their children, if any; and to live in a house separate from the male perpetrator of violence. The temporary alimony and child support payments ordered on the condition that women demand them are not adequate to meet their basic needs and often even these small sums cannot be collected. Meanwhile, social aid is not sensitive to the needs of women experiencing violence and the urgency of their situation.

<sup>12</sup>For detailed information on applications received between 2013-2022, please see the 2013-2022 Women's Counselling Centre Report.

Of the women who shared their educational status, 38% (310) were university graduates, 36% (299) were high school graduates and 11% (94) were primary education graduates. Graduates of universities and high schools made up the majority of women who applied to our centre between 2013-2022 and shared their educational status with us.

86% of women (2525) said they had been subjected to **psychological violence**, 57% (1673) recounted **physical violence**, 42% (1230) recounted **economic violence**, 21% (622) recounted **sexual violence**, 7% recounted (200) **digital violence**, 4% recounted (109 women) **stalking** and 5% (141) said they had been subjected to early and forced marriage, mobbing, human trafficking and other forms of violence. Over the ten years the order of types of violence most frequently experienced by women has not changed and has always run from psychological violence (most common), physical violence, economic violence, to sexual violence (least common). Women often stated that they had been subjected to more than one type of violence systematically by the same person.

Of the 2949 women who applied due to violence, 51% (1516) stated that the perpetrator of the violence was the man they were married to, 12% (351) said it was their own family/relatives, 9% (268) said it was acquaintances/friends, 8% (232) said it was former spouses. In addition, 4% (123) of the women requested support due to suffering violence from their partner, 4% (128) due to violence from an unknown stranger and 4% (118) from their former partner.

35% (1038) of the women had applied to judicial units and 30% (877) had applied to law enforcement units before coming to our Women's Counselling Centre. These figures indicate that at least half of the women had applied to a public body/organisation over violence before applying to our Women's Counselling Centre. Because they had not been able to secure lasting solutions to the violence they had experienced, women continued to look for support and therefore reached us.

## law enforcement mechanisms

Among all mechanisms for eliminating violence, women have the most problems with law enforcement units, which are the initial application mechanisms. The problems they voiced in their applications to law enforcement units (the police, gendarmerie, KADES) are; applications not being taken seriously or being accepted; the complaint/statement not being officially recorded; judgmental/accusative treatment; non-implementation of measures under the Law 6248; being misinformed; lack of correct referrals; encouragement for reconciliation with the male perpetrator and misinformation/inadequate information being given especially about shelters. We have observed that law enforcement practices create discrimination in combating violence against women, they violate the right to a life free from violence and are in violation of the legislation in Turkey. We have observed that violence against women is tolerated at the institutional level and violence is encouraged through discriminatory passivity.

We have seen many examples of the state failing its obligation for due diligence in cases in which men perpetrating violence were law enforcement personnel (police officers, soldiers). Men who are members of law enforcement can use their professional status to continue inflicting violence on women. For example, a woman who was subjected to violence by her spouse who was a member of the military said that when she wanted to call the police, her spouse said **"I am a soldier/officer; who do you think they are going to believe"** and that the police officer who arrived did not process the complaint.

In the interviews we held at the Women's Counselling Centre, we have observed examples of a woman who was systematically exposed to male violence not being able to file a complaint after being told **"You have three children, everyone has problems like this, it will get better"** and another woman being prevented from filing an application by being told **"If you file a complaint, if you ask your protection, your children will be taken away"**.

A woman who had called the police after her spouse tried to suffocate her during a fight recounted the police officer normalising the violence by saying **"Never mind, stay at home. If you ask for divorce, it will take a long time. You're newly married. I once hit my wife on the head with my gun"**.

We have often encountered examples of women being expected to provide evidence, despite a statement being sufficient for a protection order, by being told e.g. **"Go and obtain an assault report, without it you can't file a complaint"**. A woman whose application was turned down and was told **"You should have come when you were first beaten up, you should have got an assault report"** recounted being referred to the 183 Hotline by police officers.

Police officers tried to dissuade a woman who wanted to file a complaint about the sexual violence she had experienced and told her **"He's a young guy, he didn't think better. We've warned him, he won't do it again. You should retract your complaint"**. A woman who was systematically exposed to violence by her spouse recounted being belittled with expressions such as **"Are you going to come here every day? How many files do we have to keep for you?"** Another woman who had applied over the sexual harassment she had experienced said she was told **"You're under the influence, wait for six hours and then give a statement"** and officers tried to dissuade her from complaining when she went to the police station the next day.

We have observed that women cannot receive support when protection orders are not implemented. For example, a woman who applied to a KADES police officer over a violation of the protection order was told **"What do you want me to do? A barking dog never bites"** and no further action was taken.

We have often observed women being forced into reconciliation. An applicant who had filed a complaint about her spouse who inflicted violence on her said that she had been forced to reconcile by the mediator and she felt forced to reconcile because her spouse owned a gun.

We have often observed cases of public bodies/institutions suspending combating violence against women under extraordinary circumstances such as the state of emergency, the pandemic and earthquakes of 6 February 2023. One applicant recounted that soon after the attempted coup of 15 July 2016, upon calling the 155 Police Emergency line after the perpetrator arrived at her home with a shotgun, the officers who arrived on the scene sent the perpetrator away in a taxi, saying **"There has been a coup, the police have things to do"** and took no further action.

That applications to shelters were received through police stations during the pandemic made women's access to shelters more difficult. Women who applied to the Counselling Centre said they did not want to apply at the police station due to their previous negative experiences and asked whether there was another means of accessing shelters. For example, a woman who recounted police officers treating her badly and not wanting to take her to a health check said that she did not want to go to a police station for accessing the shelter. Another applicant said she was told **"We wouldn't recommend the shelter to you"** at the police station. We have observed cases in which law enforcement tried to dissuade

women from applying to shelters, saying e.g. **“It's very crowded there, it's no good, your home would be safer”** and prevented applications, saying e.g. **“There is a lockdown, we cannot obtain a protection order within 24 hours”**.

Following the earthquakes of 6 February 2023, the ŞÖNİMs and shelters in affected provinces and many other necessary mechanisms for eliminating violence in many provinces were not functional even after a month had passed<sup>13</sup>.

There are no special units for sexual violence among mechanisms for eliminating violence. Discriminatory and sexist practices at law enforcement, as the initial application mechanisms, make it more difficult for women to combat sexual violence. For example, a woman who went to the police station immediately after suffering sexual violence was made to wait without giving a statement for 12 hours, was forced to recount the incident several times to many police officers and the first police officers who interviewed the woman asked her whether she was a virgin or not and said **“If you're not a virgin, it's not considered rape”**.

We often encounter a family-focused form of specialisation in law enforcement practices which discriminates among women. In Ankara, the Police Domestic Violence Departments only accept applications for violence from married women, while violence experienced in other forms of partnership can be filed with any police station.

Problems which already occurred while the Istanbul Convention was in force have become exacerbated since the withdrawal from the Convention. We observe that such practices encourage discrimination against women and violate women's rights to life, freedom, personal security and equality, equal protection within the family and freedom from torture, cruel, inhuman and degrading treatment.

## **judicial mechanisms**

In our interviews with women at the Women's Counselling Centre, we found that women applied to judicial mechanisms such as prosecutor's officers, bar associations, judicial aid officers of bar associations and courts to file divorce/penal/custody cases, submit an application under the Law 6284 and to see a lawyer to obtain legal information etc. In these cases, we observed women experienced problems such as being unable to access judicial aid; the attorney appointed for judicial aid not providing the necessary information and support; bad and judgemental treatment by employees at judicial units; being misinformed/inadequately informed; courts ruling without taking into account the specific circumstances of women and violation of the privacy of address of residence. These faults experienced at judicial mechanisms violate women's right to access justice, encourage discrimination against women and violate the right to life, freedom and personal security of women. Court rulings encourage violence against women by not sanctioning male violence against women proportionately or effectively and deepen the discrimination women are exposed to.

Despite the Law 6284 containing many preventive and protective measures, we have observed that rulings of family courts for the physical separation of women and perpetrators almost never include economic and psychological empowerment mechanisms that will support women to get over the effects of the systematic violence they have faced

<sup>13</sup>Kadın Foundation for Women's Solidarity, 6 Şubat Depremleri Sonrasında Kadına Yönelik Şiddetle Mücadele Mekanizmalarında Son Durum: <https://www.kadindayanismavakfi.org.tr/yayinlar/6-subat-depremleri-sonrasinda-kadina-yonelik-siddetle-mucadele-mekanizmalarinda-son-durum-2/>



and become economically and psychologically stronger during the time they are separated from the perpetrator.

There are very few examples of family courts issuing preventive detention orders for men, despite them violating restraining orders. On the contrary, we have observed cases in which women have been placed under preventive detention for their actions in self-defence while they were experiencing violence.

As one of the measures that can be demanded under the Law 6284, restraining orders are intended to prevent the man who has or may inflict violence from entering the shared residence. While the legislation allows for restraining orders of up to six months, we have observed that the duration of restraining orders has become gradually shorter over the recent years. When women request restraining orders, they are often issued for short durations of one month or 15 days. These decisions do not take into account the systematicity and dimensions of the violence women experience. Women are therefore forced to repeatedly apply to judicial mechanisms. We have observed that family courts seldom apply preventive/protective measures listed under the Law 6284, other than restraining orders, even when the former are required in their circumstances and are requested by the women. The short duration of measures necessitates women to apply to these mechanisms many times. In cases when women are unable to obtain judicial aid, it becomes difficult for them to follow-up the duration of measures and to re-apply. This situation makes women exposed to violence.

Another problem women encounter in combating violence is their request for a lawyer through judicial aid mechanisms not being met. Women have recounted their rights being violated due to not receiving adequate legal support even when they benefited from judicial aid. Lawyers who are assigned to women for their requests for measures under the Law 6284 do not adequately inform the women. Women who have been in this situation recounted the lawyer not answering their calls, being talked down to, being referred to a fee charging lawyer by the assigned lawyer and demands for additional pay.

We have observed that similar to the situation with law enforcement units, personnel employed at judicial mechanisms have not received necessary training on violence against women; prosecutors, judges and attorneys who are assigned to legal requests and court cases on violence against women are not lawyers who have received training on gender and have gender awareness, who have received training on violence and trauma and who have a command of the national and international mechanisms.

We have observed that secrecy orders issued under the Law 6284 can be violated due to the carelessness of courts and the police and thereby put women in mortal danger. Experiences have shown that the needs of women are not assessed according to tangible events in their applications to courts or law enforcement, the necessary risk analysis is not undertaken and the systematicity of violence is overlooked.

Women who applied to the Counselling Centre have recounted their statements regarding violence being questioned or judged. For example, an applicant who wanted to file a complaint against her spouse who had systematically inflicted violence on her for years and had sexually harassed her daughter said that the prosecutor's office had demanded evidence from her. She said that when she insisted she needed protection and that she was afraid, only a restraining order had been issued and that the prosecutor had expressed scepticism of her statement, saying **“Women who want to get a divorce use their children, they teach their children to say they've suffered violence”**.

These experiences show that the judicial mechanisms, which are one of the fundamental pillars of combating violence are in practice structures that are far removed from human rights norms, are discriminatory and violate women's right to access justice.

## administrative mechanisms

5% (151) of interviewed women had applied to institutions and organisations such as Violence Prevention and Monitoring Centres (ŞÖNİM), Provincial Directorates of the Ministry of Family, Work and Social Services, social services centres and the Alo 183 hotline before applying to our Women's Counselling Centre. According to what applicants who had previously applied to social services mechanisms have recounted, the problems are misinformation/inadequate information and more generally the lack of a holistic and empowering social work perspective. We have observed that the ŞÖNİMs, which are one of the mechanisms for eliminating violence, are inadequate in fulfilling their coordination function under the Law 6284. Furthermore, no data about ŞÖNİMs' work is made public. Practices we have encountered in applications to administrative mechanisms encourage discrimination against women and violate women's rights to life, equal protection within the family and freedom from torture, cruel, inhuman and degrading treatment.

Shelters associated with the Ministry of Family and Social Services and municipalities are insufficient in number. We have observed that the functioning of shelters does not provide women with enough support to become independent and to get over the effects of the violence they suffered and that their functioning is not human rights-based, in keeping with human dignity, sensitive of gender equality and in line with the principle of the welfare state<sup>14</sup>. The exclusion of boys over the age of 12 and transgender women from shelters results in rights violations.

In interviews, women said that their basic needs were not met in shelters, shelter personnel treated them judgmentally and negatively and their private lives were regulated by shelter personnel. We have observed that many women refrain from re-applying for shelters, despite being in need of the services they offer, due to their previous negative experiences. In interviews, we encountered many cases of women returning to the home where they experienced, saying e.g. **“I would be beaten up, but at least the conditions at home were better”**. Some women stated that they did not receive adequate social support in the period after their stay at the shelter.

Many women contacted our centre to obtain information about how shelters function. They stated they did not want to stay in shelters due to misinformation they were given by law enforcement and social media. Women's employment status affects their shelter applications. Those who are currently employed or are looking for work do not want to apply to shelters under the impression that they will not be able to go to work during their stay in a shelter.

There is no dedicated support phone line for combating violence against women. Violence against women is seen as a part of social services also offered to children, persons with disabilities and older persons through the Alo 183 and 112 phone lines. This makes it difficult for women to receive prioritised and high quality social support. During the pandemic, the Alo 183 hotline crashed due to the high number of incoming calls and could not provide services. The lack of a dedicated 24/7 phone line for combating violence against

<sup>14</sup>Regulation on the Establishment and Management of Women's Shelters art .4:  
<https://www.mevzuat.gov.tr/File/GeneratePdf?mevzuatNo=17002&mevzuatTur=KurumVeKurulusYonetmeligi&mevzuatTertip=5>

women, non-specialist personnel being employed in existing phone lines result in women being given false information and attempts to dissuade them from applying to mechanisms for eliminating violence. One woman who called the Alo 183 hotline was told **“You cannot stay at a shelter if you do not have an assault report”**.

Although the Law 6284 states that women should be financially supported, women are not provided with sufficient public aid or employment opportunities. That social aid mechanisms are focuses on the family and children results in women being unable to obtain aid. During divorce proceedings, which can take a long time, women's applications for social aid may be turned down on the grounds of **“integrity of the family”**.

## healthcare units

18% (518) of women had applied to healthcare units. Women apply to healthcare units such as public/private/university hospitals, the 112 Emergency Hotline, psychiatry clinics at hospitals, the Forensic Medicine Institution etc. to obtain treatment and/or an assault report after suffering violence. We have observed that the main problems at these units are the lack of adequate knowledge and awareness of healthcare personnel of violence against women; insufficient reporting of physical findings that could be presented evidence especially in cases of physical and/or sexual violence due to carelessness and consequent rights violations in ensuing court cases; violations of privacy and the failure to fulfil the obligation for reporting cases of violence against women to judicial authorities.

We have often encountered cases of women being misinformed at healthcare organisations to which they applied. A woman who had gone to the hospital to obtain an assault report was refused and told **“You need to bring a letter from the police station if you want to obtain an assault report, otherwise we cannot give you one”**. In addition to misinformation/inadequate information, we have observed cases of healthcare workers failing to fulfil their obligation of reporting cases of violence against women. For example, a woman who contacted our Counselling Centre due to suffering violence from her spouse said that she had not applied to any organisation out of fear of her spouse, that she had gone to the hospital with her spouse's mother where the doctor noticed the bruises on her waist, but she could not tell the doctor that the bruises were due to violence because of the presence of her spouse's mothers and that the doctor took no further action.

We have observed cases in which healthcare personnel shared the addresses of women with male perpetrators of violence. A general practitioner who claimed to have been following the pregnancy of a woman over the healthcare system and phoned our Women's Counselling Centre to ask for the address of her shelter said that he was with the woman's spouse and the e-health system showed the woman's most recent address to be in Ankara.

We have observed that access to sexual health, reproductive health and abortion services in the public healthcare system is becoming gradually impossible. Women's right to abortion is being *de facto* prevented with no legal basis whatsoever. The removal of access to contraceptives and abortion from the field of public healthcare forces women to rely on private medical centres to control the fertility of their own bodies, which makes them dependent on financial support.

## refugee women and mechanisms for eliminating violence

In cases of violence against refugee women, we have observed that public bodies/organisations do not provide the necessary support and effective policies for

combating violence against refugee women as per the Istanbul Convention and other legislation are not implemented<sup>15</sup>. Discrimination against refugee women in public institutions and organisations is becoming more deeply entrenched. Refugee women are exposed to both discrimination and hate speech against refugees and male violence against women.

Refugee women are threatened by male perpetrators of violence with the usurpation of their fundamental rights. For example, an applicant who recounted her spouse threatening her with not prolonging her residence permit said that he had told her **“I will sell you off to others, they like Arab women very much in Turkey”** to prevent her from applying to mechanisms for eliminating violence.

We have observed many cases of applications by refugee women to law enforcement not being accepted and authorities requesting evidence to provide the measures arising from the Law 6284. Such practices become even graver violations of rights in cases in which law enforcement units threaten refugee women with deportation to dissuade them from their applications. For example, a woman who said that she had applied to the police station after experiencing violence from her spouse by religious marriage said that the police officers did not accept her application and told her **“You’re not officially married, nothing will come of it even if you file a complaint. If you come to the police station again with this, we’ll deport you.”**

In cases of violence against refugee women, we have observed the Presidency of Migration Management (GİB) to employ practices violating the Istanbul Convention and the Law 6284. There are many cases in which violence against women and protection measures were overlooked in administrative business as well as decisions to issue residence permits and assign residences. For example, the GİB has forced a Syrian national woman, who had been exposed to systematic violence by her former spouse and therefore obtained a protection order and changed her city of residence to travel to the city where her former spouse lived to renew the ID for her child. When we contacted the GİB to state that the woman was a beneficiary of the Law 6284, that travelling to the city where her former spouse lived would place the woman in mortal danger and that she did not have the financial circumstances to travel to the city, officials at the GİB said **“What could happen on a short trip? Would her husband waiting be outside Migration Management”** and forced the woman to travel to that city.

## access to mechanisms for eliminating violence in the mother tongue

During the state of emergency process, Kurdish language support and counselling centre services provided by municipalities in locations with concentrations of Kurdish women were either ended or rendered dysfunctional. Kurdish language support on the KADES application was only added after the Diyarbakır Bar Association filed a court case in 2020. The 112 Emergency Hotline still does not provide support in Kurdish. Women whose mother language is Kurdish are having difficulty accessing mechanisms for eliminating violence, because they do not provide support in Kurdish.

Refugee women are in a similar situation. Although the emergency hotlines and KADES provide support in Arabic, they do not provide support in other languages. Interpreter support at law enforcement, judicial and administrative mechanisms is inadequate.

<sup>15</sup>Foundation for Women's Solidarity, Suriyeli Kadınlarla Çalışma Deneyimi, 2020: <https://www.kadindayanismavakfi.org.tr/yayinlar/suriyeli-kadinlarla-calisma-deneyimi-kdm-faaliyet-raporu-2020-turkce>



## conclusion and recommendations

Women are mostly exposed to violence by men in their family or partnership relationships. They express that they are systematically exposed to more than one type of violence. Despite the violence they face, the mechanisms for eliminating violence they apply to, especially law enforcement units, do not function in line with the legal framework and administrative and judicial units ignore the specific circumstances of the women. Mechanisms for eliminating violence do not act according to the holistic perspective outlined by the Istanbul Convention and the Law 6284. Practices at these mechanisms deepen the discrimination faced by women and violate women's right to life. As male violence against women is not effectively prosecuted, it is encouraged by the state. Concerning gender inequality based violence, said public policies include and reproduce many forms of discrimination based on sexual orientation, sex, gender, race, language, ethnicity, age, marital status, asylum seeker and refugee status.

The right of women to a life free of violence is violated in many ways. Public policy for eliminating violence against women is increasingly turning away from preventive activities to those which support and naturalise gender inequality. This trend in public policy is becoming systematic with activities targeting the education system and the cultural field. No work is undertaken to reveal the extent of violence against women and to inform the public. Instead, action is taken through policies to protect the unity of the family and prioritise its perpetuity.

With national and international norms not being followed in eliminating violence against women, rights violations ensue. The debates over the Law 6284, the right to alimony and the new draft constitution indicate that there will be further rights losses for women and LGBTI+.

Eliminating violence against women is only possible through holistic policies. Under the prevailing perspective on combating violence as consisting only of emergency response, women suffer many rights violations. The recommendations listed below prioritise the realisation of women's rights in the framework of international human rights norms:

- Norms in CEDAW, the Istanbul Convention and the Law 6284 should be effectively implemented;
- Public institutions concerned with violence against women should regularly collect data and make the data available to the public;
- Durations of protective measures should be set with attention to the systematicity of the violence and the needs of women;
- A budget should be allocated for the access of women to judicial aid;
- Every member of staff of mechanisms for eliminating violence should receive regular/continuous training on gender and violence against women;
- Public institutions and organisations should implement preventive activities for eliminating violence;
- ŞÖNİMs should function with a holistic perspective and cooperate with other public bodies/organisations;
- Shelters should be made widespread, conditions at shelters should be improved;
- Necessary social support for transitioning to a violence-free life should be provided;
- Free-of-charge daycare and employment support should be provided to women who are victims of violence;
- Women should not be discriminated against based on sexual orientation, sex, gender, race, language, ethnicity, age, marital status, migrant or refugee status during the combating violence process and their differences should be taken into account;
- Women's organisations should be included in all public activities for the elimination of violence against women.

# list of figures and graphs

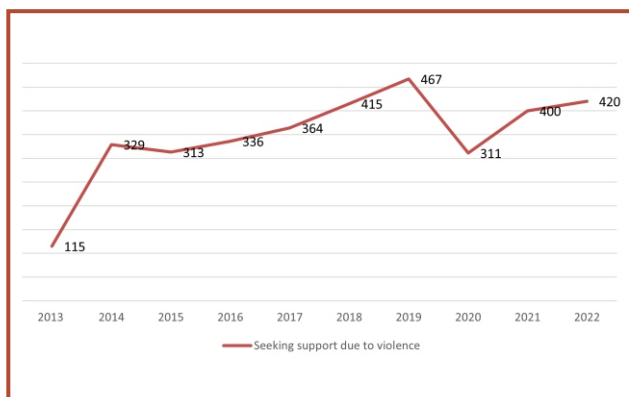


figure 1: change across years in applications due to violence

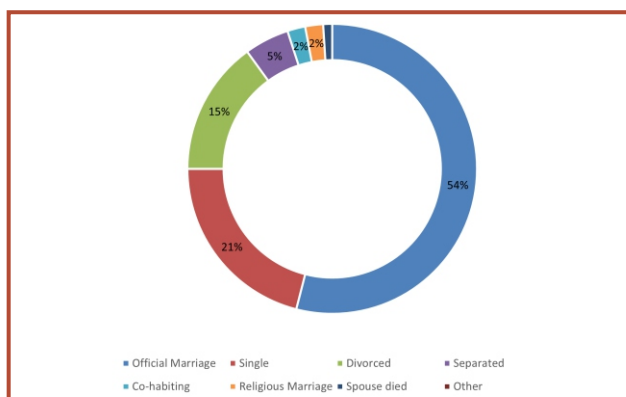


figure 2: relationship status

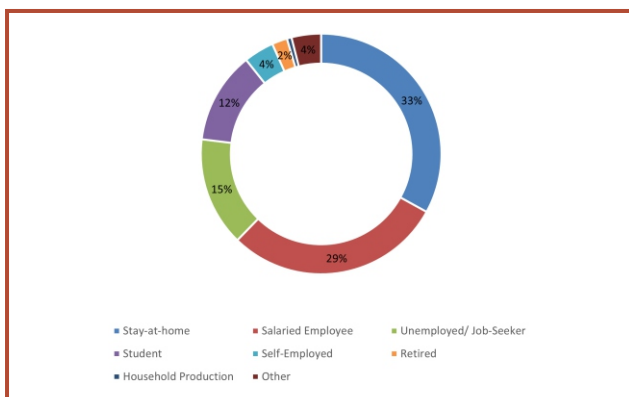


figure 3: employment status

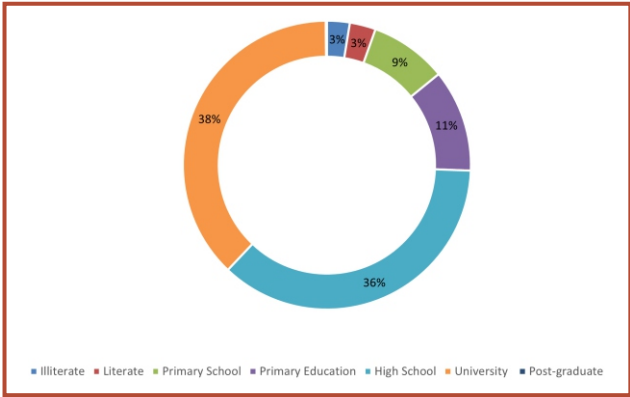


figure 4: educational status

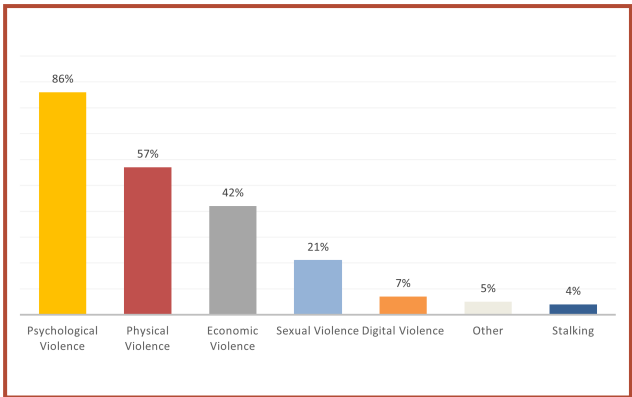


figure 5: types of violence

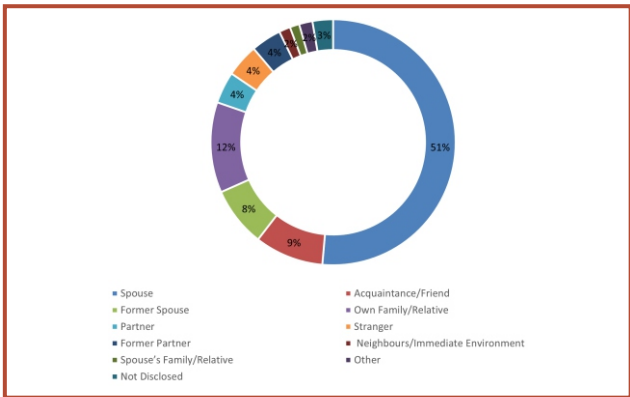


figure 6: perpetrators of violence

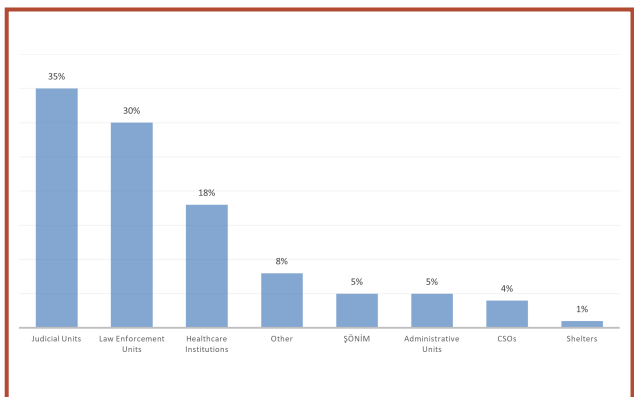


figure 7: previous applications