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**United Nations Special Rapporteur on Violence against women and girls, its causes and consequences, Reem Alsalem**

**Official visit to Türkiye**

**18 - 27 July 2022**

SUMMARY PRELIMINARY FINDINGS AND RECOMMENDATIONS

Ankara, 27 July 2022

*Good afternoon*,

I am addressing you today at the conclusion of my official visit to Türkiye, which I undertook at the invitation of the Government from 18 to 27 July 2022.

My objective during this visit has been to evaluate the situation of violence against women and girls in the country, and the following statement contains my preliminary findings. I will present my final report with a more detailed analysis of the manifestations, causes and consequences of violence against women and girls, along with action-orientated recommendations to the United Nations Human Rights Council in June 2023.

I would like to begin by extending my sincere appreciation to the Government of Türkiye for the invitation to visit the country and for its engagement and cooperation before and during my visit.

During my stay I met with the Minister of Family and Social Services; the Minister of Internal Affairs; the Deputy Minister of Justice; along with representatives from the General Directorate on the Status of Women at the Ministry of Family and Social Affairs; the Ministry of Foreign Affairs, Directorate for EU Affairs; and the Ministry of Education. I also met with the Chair of the Committee on Equal Opportunity for Men and Women of the Grand National Assembly, the Chief Ombudsman and the President of the Human Rights and Equality Institution, along with representatives from international organizations, civil society organizations, trade unions, bar associations, Turkish and foreign national women and girl victims of violence, and other relevant stakeholders. In addition, I met with the Governor of Istanbul; the Governor of Diyarbakir; the Deputy Secretary General of the Gaziantep Metropolitan Municipality; the Governor of Gaziantep; and the Deputy Governor of Izmir.

I also visited ŞÖNİMs (Violence Prevention and Monitoring Centers) and ADEM’s in these provinces, along with the Family Academy in Gaziantep. During my visit, I also went to the Gaziantep Removal Centre as organized by the Provincial Directorate of Migration Management. I regret however that I was unable to meet with the Ministry of Health; and that I was unable to visit a shelter for women or visit a women’s prison.

I am very grateful to the Office of the United Nations Resident Coordinator in Türkiye, as well as UN Women, UNDP, UNFPA and other UN agencies for their support both before and during the visit. I would like to offer my sincere gratitude to everyone who took the time to meet with me as their contributions have been vital. I am particularly grateful to all those women and girls who shared their personal, and often traumatic, experiences of violence and gender-based discrimination.

My visit coincides with the recent examination of the eighth periodic report of Türkiye to the UN Committee on the elimination of all forms of discrimination against women (CEDAW). It is therefore my hope that the recommendations provided by the CEDAW Committee, combined with those that I will outline in my report, will contribute to the Government’s efforts to eliminate violence against women and girls in the country, in line with Türkiye’s international and regional human rights obligations and commitments under the CEDAW Convention and other UN human rights treaties, to which it is party.

1. **International human rights obligations**

Article 10 of the Constitution of Türkiye specifically provides that everyone is equal before the law without distinction. The State has the obligation to ensure that this equality exists in practice and any measures taken for this purpose shall not be interpreted as contrary to the principle of equality. According to article 90 of the Constitution, international treaties ratified by Türkiye[[1]](#footnote-1) form an integral part of national law and any violation of the rights enshrined in the Convention may be challenged by citizens before the Constitutional Court.

* 1. *Withdrawal from the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)*

I profoundly regret Türkiye’s withdrawal from the Istanbul Convention – a withdrawal that was confirmed by the Council of State on the 19th of July 2022, which coincided with the second day of my official visit to the country.  The narrow-margin (3 to 2) decision was made against a background of strong and sustained support for the Convention particularly by women's rights groups in the country. In adopting this decision, the State Council does not appear to be in sync with the sentiments of the majority of Turkiye’s citizens. Indeed, a public opinion poll carried out in 32 provinces in 2020 demonstrated that only 7% of those surveyed believed Türkiye should leave the Istanbul Convention.

Stakeholders I met with, unequivocally recognize the value that Türkiye’s ratification of the Istanbul Convention has had on providing significant impetus for improving the national legislative and policy framework to prevent and respond to violence against women and girls. In many ways, the bearing that the Istanbul Convention has had on the human rights framework of the country cannot be overstated. For many, the Istanbul Convention is intrinsically linked to Turkiye’s identity, aspirations, as well as its intended role and standing regionally and beyond.

Unfortunately, the purpose and monumental influence that the Istanbul Convention has had on Türkiye’s national legislation has not been explained to the Turkish public, thus allowing some groups to deliberately misinterpret the objective and scope of the Convention. According to most interlocutors I have met with, Türkiye’s withdrawal from the Convention through Presidential Decree No. 3718 has not only hindered advancements but also created confusion as to the legality and continued applicability of key provisions in the Law to Protect Family and Prevent Violence against Woman (Law 6284) that were based on the Istanbul Convention.

Given the prevalence of violence against women and girls, I urge the Government of Türkiye to reconsider its decision to pull out of the Convention and re-join the 37 countries that have ratified it in recognition of its value and comprehensiveness.

I am also very concerned that despite the afore-mentioned provisions in the Constitution, I have received reports indicating that by succumbing to the demands of a small minority to withdraw from the Istanbul Convention the Government of Türkiye may have set the stage for calling into question the country’s adherence to other key international human rights treaties and obligations that govern the protection of women and children, most notably the Convention on the Elimination of Discrimination Against Women (CEDAW) and the Council of Europe’s Lanzarote Convention, under the same pretext that they promote values that are incompatible with Turkish society. I am further concerned about the removal of the term gender equality from national action plans, and all official and legislative policies.

For any country to meaningfully incorporate its international human rights obligations into national law, it must consistently raise awareness of these obligations for Türkiye among the wider society, particularly among those working within the judiciary and law enforcement, as well as public servants, and victims themselves.

In this regard, the Government, and other stakeholders, have stepped up awareness raising and training on the prevention of violence against women and children with the target audience including men and boys, as well as traditional and religious leaders. While targeting all of society is welcome, trainings and awareness raising sessions must not only include components on international human rights obligations but be guided by them.

1. **National legal framework on violence against women**

Türkiye has made considerable strides over the last 15 years in strengthening its legal framework to eliminate discrimination and combat violence against women and girls, including domestic violence. Law 6284 on the Protection of Family and Prevention of Violence against Women, adopted in 2012, establishes an important legal framework for the prevention and elimination of violence against women and girls in the country. The law recalls as its foundation international women’s human rights instruments adopted by Türkiye, including the Istanbul Convention. Some aspects of the Criminal Code are progressive, for example, the offence of sexual violence does not stipulate that there must have been use of force and marital rape is explicitly recognized as an offence under Article 102(2), although it is subject to prosecution only if the victim files a complaint.

The adoption of three consecutive National Action Plans to Combat Violence Against women since 2007, and the introduction of a Fourth National Action Plan for the Period of 2021-2025, are welcome developments, as are the Provincial Action Plans for Combating Violence against Women.

While recognizing the numerous new laws and policies that have been adopted to combat violence against women and girls over the last 15 years, considerable implementation gaps exist in almost all social policies related to women’s rights, ranging from sexual violence and domestic violence to trafficking and continue to pose a considerable challenge. For example, the Turkish Criminal Code does not define all types of violence against women as crimes, it does not specifically criminalize, forced marriage or psychological violence. The incompatibility and lack of harmonization of Türkiye’s national laws with its international human rights obligations is also of concern.

Similarly, while Türkiye has a robust legal framework for tackling the sexual exploitation of children, including girls, some of the most recent revisions to the Turkish legislation on sexual abuse of children in December 2016 are considered contrary to its international obligations.

1. **Implementation of the national legal Framework and policies**

The main challenge is to ensure that relevant laws and policies are fully implemented at the national, provincial and local level, while the response of police and judicial officials to women seeking protection and justice, which is further entrenching impunity for these crimes, must be addressed. Steps must therefore be taken to accelerate the effective implementation of the constitutional guarantees, legal provisions and programmes aimed at eliminating discriminatory provisions and laws, including through strengthened capacity of national, provincial, and local representatives and through the development of robust and effective monitoring mechanisms based on the commitments made.

International human rights instruments have long recognized that the family is a fundamental unit of society and point to a broad consensus regarding the potential contribution of families to the well-being and development of their members of society, as long as centrality of the human rights of individuals within family contexts is respected and upheld by the State and others.[[2]](#footnote-2)

 Therefore, placing the issue of violence against women and children under the broader umbrella of the “family” risks undermining the effective identification of the risks that women and children, including girls face as individuals, including within their own families, as well as their protection and assistance needs. Moreover, and while the Ministry of Family and Social Services is tasked with liaising and coordinating with other line Ministries in the implementation of the National Action Plan on violence against women and children, it has no formal mandate to lead such work, nor to hold itself and other Ministries or local governments accountable to the objectives set in the national action plans. More concerning however is that the national action plans that are approved are not accompanied by adequate budgets.

I would therefore strongly recommend that the national structures and mechanisms for addressing violence against women and girls be revamped with a view to having a robust empowered national mechanism that is centered on the protection and assistance needs of women and girls who are either victims of violence or at serious risk of it. Service providers and public officials in all relevant entities that have a mandate to prevent and respond to violence against women and girls should be trained on how to carry out their work from a gender perspective, in a rights based and victim centered manner. Law enforcement who are often the first port of call need to urgently hire more women officers.

There is also a need to strengthen monitoring and evaluation of the implementation of the national action plans, with the full and effective participation of civil society organizations, particularly women’s organizations, which had over the decades accumulated vast experience and expertise in gender equality and the prevention of violence. In this respect, I remain profoundly concerned about the shrinking space for civil society groups, particularly feminist organizations, and rights-based women’s groups and groups representing minority women, including those belonging to minority ethnic groups and women and girls of diverse sexual orientations and gender identities for participation in decision making on legislative reforms and policies related to violence against women and girls.

Additional restrictions since 2016 for their operation as well as on their funding have come with entering into force of Law No. 7262 for the Prevention of the Financing of the Proliferation of weapons of Mass Destructions in December 2020 as well as other anti-terrorism related amendments introduced to the Turkish Civil Code and other legislation with significant implications on the ability of associations to function. Particularly alarming is the infringement on the right of women and girls, including Lesbian Bisexual, Transgender and Intersex (LBTI), women human rights defenders and Turkish-Kurdish women to exercise their rights to freedom of expression, opinion, and assembly.

It should be mentioned that Syrian women under temporary protection; as well as refugees, migrants and other women and girls that are undocumented or that do not have a regular migratory status are particularly at risk of gender-based violence. Many of them have fled a situation of violence in their home countries. Türkiye has generously provided protection for many years to Syrians fleeing the conflict, which has saved the lives of millions of Syrian refugee women and girls. I am however alarmed at the relentless wave of violence and threats of violence that many face at the hands of multiple actors. The different policies that have been introduced to regulate the entrance and stay of Syrians into the country, further discouraged Syrian women and girls from reporting violence, or seeking protection and support.

 In addition to the above, other groups of women are not sufficiently included in the national programs and policies that are available to prevent and respond to violence. They can also face particularly serious obstacles in accessing relevant services and are confronted with higher levels of impunity for crimes committed against them. These include, but are not limited to women in rural areas, women and girls that are sex workers, women with disabilities, undocumented women; refugees and asylum seekers, women active in politics and women human rights defenders of diverse backgrounds including those of Turkish-Kurdish descent, and women deprived of liberty.

1. **Access to justice and essential services**

 The introduction of Judicial Interview Rooms in 75 courthouses as of 2017 is a positive step in protecting victims within the judicial process, preventing secondary victimization and strengthening their access to justice.

The 4th judiciary reform package that was passed by the Parliament and legislated in July 2021 includes an amendment to expand aggravated sentences in the cases of wilful murder, wilful injury, torture, and deprivation of liberty to ex-spouses, and is a positive development. However, the change made in the Criminal Procedure Code notes that in addition to “strong criminal suspicion”, “concrete evidence” will be sought for imposing pre-trial detention during trial in the catalogue of crimes including sexual assault and abuse. I was informed that men committing violence against women continue to successfully refer to “custom” as a mitigating factor in order to have their sentences reduced under Article 29 of the Criminal Code, which is contrary to international human rights law.

Despite recent amendments to the Criminal Code, gaps in implementation relating to the prosecution or punishment of perpetrators, only seeks to embolden the culprits, and creates a significant barrier for women in reporting their abuser. The limited scope of legal aid, both economically and substantively, resulting in non-eligibility for legal aid of women earning the minimum wage, the cumbersome procedure to prove eligibility, and language barriers faced by women seeking justice, particularly women belonging to ethnic minorities, including Turkish-Kurdish women, and women that are refugees, migrant or under temporary protection is of considerable concern. Gender stereotyping and the lack of female judges is also problematic.

In this respect, it would be important to instate a clear process for investigating and holding to account, public authority figures that have not upheld standards of due diligence in the cases of violence that they have managed. The important role played by bar associations and other to provide free legal aid to groups that are particularly at risk should be protected and strengthened.

1. ***Provision of shelters and access to essential services***

Service providers and other interlocutors that I met, all pointed to the dire shortage of adequate shelters across the country offering a safe house for women and girls who have been victims of violence, particularly within rural and remote areas. The limited support provided to those shelters that are in place, as well as a lack of coordinated, gender-friendly and comprehensive essential services for the survivors of violence is of considerable concern. The lack of safe refuge, as well as awareness of their rights in such cases only seeks to contribute to the high level of impunity of perpetrators, particularly in cases of domestic violence.

Refugee and migrant women as well as women and girls with disabilities encounter significant barriers in accessing shelters. Violence against Women Centres (*SONIM*) should be evaluated and strengthened and in order to make them sustainable and equipped to provide integrated services for survivors of gender-based violence.

Whilst the introduction of a general social support helpline 24/7 (Alo 183) is a step in the right direction, there are concerns that it is not specialized and not offered in all relevant languages. Furthermore, it would be important that the KADES app (Women’s Emergency Support Application) can be fully leveraged. Currently, the application can only be activated through a Turkish identity number, which excludes unregistered migrant and refugee women as well as transgender women who are not registered with the authorities as women. The application is also not accessible to women who do not have a smart phone.

1. ***Protection orders***

Preventive or restraining orders can be issued to perpetrators of violence against women and domestic violence under the Law 6284. These cover a wide range of prevention measures and are normally issued by the courts but in some case of imminent danger law enforcement chiefs and administrative chiefs can also issue some of them.

Courts often issue preventive (restraining) orders for short periods, in some cases just weeks or a month, irrespective of the persistent risk and threat of violence. In particular, there is no indication that orders are routinely issued to protect women for the pre-trial period, when the alleged abuser is being prosecuted. When courts convict perpetrators of domestic violence for crimes such as intentional injury, threats and insults, the penalties are often issued late and are too little to constitute an effective deterrent to prevent further abuse.

It is evident that while there are provisions in law to address femicide, data shows a lack of effective enforcement of protective and preventive orders. The Interior Ministry’s figures presented to a parliamentary commission on violence against women demonstrate that in around 8.5 percent of cases of women killed between 2016 and 2021, the woman had been granted an ongoing protective or preventive order at the time of her death.[[3]](#footnote-3)

The view that violence against women is a private matter remains prevalent among law enforcement officers, leading to interventions being delayed, signs of domestic violence being ignored and claims being dismissed. Victims often discouraged from reporting offences and investigations into reports of violence against women are often less than diligent.

The Government needs to ensure that despite withdrawal from the Istanbul Convention, police units, prosecutors, and courts across Turkey strengthen their commitment to applying protective and preventive orders under Law No. 6284 in response to reports of domestic violence and violence against all women and girls without discrimination on any ground; and that the orders are applied and served promptly, are commensurate with the level of risk carefully assessed and are tailored to the needs of the victim.

1. **Economic empowerment, sexual harassment and mobbing in the workplace**

Türkiye, like other countries across the globe, was significantly impacted by the COVID-19 pandemic. Fewer police interventions and the closure of courts, shelters and essential services for victims have emboldened perpetrators and aggravated risks faced by women and girls. The economic impact has also disproportionately affected women.

However, during my visit I was informed of the significant efforts being made to afford women and girls economic independence, in line with the 2018-2023 Strategic Paper and Action Plan on Women's empowerment. Efforts being made in some provinces is laudable, and some women and girls are benefiting greatly from the programmes that have been established, including through cooperatives, which are providing them with the opportunity to earn a living independent of their spouse or partner, including for rural women.

Ensuring economic independence and self-reliance for women and girls is essential for violence prevention, and I would encourage the Government to allocate sufficient funds so that such programmes can be rolled out across all provinces, particularly those where poverty and deprivation, including food insecurity, is most acute.

Women with disabilities and women caring for family members with disabilities, as well as rural, migrant and refugee women should all be granted access to entrepreneurial initiatives and opportunities to acquire necessary professional skills.

I am also encouraged by the Government’s commitment to recognize unpaid care work, as it should be a collective responsibility and the State has a responsibility to ensure that the necessary public services and infrastructure – including childcare, and healthcare are in place, especially in disadvantaged areas.

For those women and girls already included in the workforce, ratification of the International Labour Organisation Convention 190 on sexual harassment in the workplace would provide the necessary basis for legislation to protect women and girls from physical, psychological and sexual violence at work. While relevant laws protect women against sexual harassment, exploitation and abuse at the workplace, enforcement is still problematic. Trade unions are however doing important work to address the issue of sexual harassment and abuse and the wider issue of gender-based violence in the workplace.

1. **Harmful gender stereotypes and practices**

The legal age of marriage is 18 under the Civil Code, however exceptions are allowed for marriages at the age of 17 with approval of the parents and, in exceptional circumstances, at the age of 16 with approval by a judge. A 2014 study commissioned by the Turkish Government showed that more than 26% of women reported having been married before the age of 18 and almost 20% of those who were married as a child reported that they were compelled to do so and had not consented. The difficulties and uncertainties caused by war and other crises dramatically increase the number of child marriages. Statistics from the 2018 Turkish Demographic and Health Survey[[4]](#footnote-4) on the prevalence of child, early and forced marriage among Turkey’s Syrian migrant population have shown that 9.2% of Syrian women between the ages of 20-24 were married by 15 and 13.4% of Syrian women aged between 15-19 were married by the age of 15. I urge the Government to effectively implement the prohibition of child marriage and strengthen awareness-raising efforts regarding the harmful effects of child marriage on the health and development of girls, in line with Joint general recommendation/general comment No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices.

The National Strategy and Action Plan on the Prevention of Early and Forced Marriage, drafted in 2018 and revised in 2020, has not yet been officially endorsed. However, through my meetings with various stakeholders at the provincial level I was pleased to see that efforts are being made to raise awareness and to develop provincial action plans on combating early and forced marriage. Despite these efforts insufficient funding and monitoring of these plans is hindering implementation.

 The persistence of crimes, including killings, committed in the name of so-called “honour”, as well as reports of forced suicides or disguised murders of women is particularly concerning. While article 29 of the Penal Code provides for mitigating circumstances in the case of “unjust provocation” it is not applied to killings in the name of so-called “honour”.

1. **Data Collection**

According to data received, at least 3,175 femicides have been reported in Türkiye between 2010 and 2020 and more than 300 women were murdered in 2021, mostly by their intimate or former intimate partners or husbands or members of their families.

While I received some official generaldata on violence against women, it is clear that the collection of disaggregated data remains a significant challenge. Comparable data on specific forms of violence and gender related killings of women’s or femicide, and on suicide cases, is lacking despite it being essential for evidence-based policy making. It does not for example present the relationship between the victim and the perpetrator; nor collect data on all forms of violence against women. It is therefore positive that the Government of Türkiye recognizes the need to improve existing data as its current national action plan

Furthermore, there is an urgent need to update the knowledge base in this area through comprehensive and ongoing research, including the collection of disaggregated statistical data, to be able to devise evidence-based policies and programmes.

Given the scale of the phenomena of violence; the size of the country and its population, its economic resources, as well as the expertise that civil society organizations and universities would be able to render, I urge the Government of Türkiye to give serious consideration to establishing a femicide watch or observatories in all Provinces, in close cooperation with the General Directorate for Women and representatives from civil society, to collect disaggregated data on the gender-related killings of women and girls. I reiterate my readiness to support Türkiye in advising on the appropriate modalities and share good practice that exists in this respect.

1. **Access to sexual and reproductive rights**

I am concerned that the ability of women to exercise their legal right to abortion within 10 weeks of pregnancy is not possible in practice for most of the women and girls that would be seeking it at State hospitals. Migrant and refugee women find it particularly difficult to realize their sexual and reproductive rights. School curricula lack information on sexual and reproductive health issues. I urge the Government to make sure that these fundamental rights are restored, by ensuring that all women and girls have access to quality and free contraceptives, family planning services as well as safe and legal abortions, in line with relevant international standards. The requirement for parental or spousal agreement for abortions to proceed should be removed from the legislation.

1. **Women, peace and security**

The persistence of structural barriers to participation in political and public, is of concern, particularly when it comes to peace negotiations. In this regard, and in line with CEDAW’s recent concluding observations, I urge the Government to establish a clear time frame for the finalization and adoption of the draft national action plan for the implementation of Security Council resolution 1325 (2000), in cooperation with representatives of women’s organizations, and ensure that it takes into consideration the full spectrum of the Human Rights Council’s agenda on women peace and security and implement it without delay.

1. **Trafficking of women and girls**

Trafficking is also a matter of considerable concern in the country, particularly with regard to irregular migrant and refugee women and girls. The crime of human trafficking is regulated in Article 80 of the Turkish Penal Code No. 5237 however the lack of detailed guidance as to its various punishable elements, has done little to deter perpetrators.

There is also no provision in Turkish legislation to protect child victims of trafficking, including for the purposes of sexual exploitation, nor from being prosecuted for their involvement in unlawful activities. It is therefore of utmost importance that the Government of Türkiye devise a comprehensive national legislation on trafficking, particularly given that it continues to be a country of origin, transit and destination. I therefore urge the Government to revise the relevant legislation to bring it in line with the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and to ratify the Palermo Protocol as a matter of priority.

Finally, I believe that with the necessary political will, and if the Government gives priority to designing and implementing effective policies, commits to allocating the necessary budget, and to upholding its international obligations, and with the participation of all relevant stakeholders, f or Turkish society to prosper, its women and girls must participate fully and equally in Turkish society and live a life free from violence.

I will finish by reiterating my commitment to continue the dialogue initiated during this visit. I look forward to working with the Government in a spirit of cooperation on the implementation of my recommendations.

*Thank you*

1. Including the international Covenant on Civil and Political Rights; Convention on the Elimination of All Forms of Discrimination against Women; Convention on the Rights of the Child; Convention on the Rights of Persons with Disabilities, among others [↑](#footnote-ref-1)
2. https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/014/95/PDF/G1601495.pdf?OpenElement [↑](#footnote-ref-2)
3. Interior Ministry numbers are cited in the final report by the Parliamentary Enquiry Commission Investigating all aspects of the reasons for violence against women… (TBMM Kadına Yönelik Şiddetin Sebeplerinin Tüm Yönleriyle Araştırılarak Alınması Gereken Tedbirlerin Belirlenmesi Amacıyla Kurulan Meclis Araştırması Komisyonu), March 6, 2022: see https://www5.tbmm.gov.tr//sirasayi/donem27/yil01/ss315.pdf (accessed March 13, 2022), p.219-20. [↑](#footnote-ref-3)
4. <https://dhsprogram.com/publications/publication-FR372-DHS-Final-Reports.cfm> [↑](#footnote-ref-4)