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CONSEIL DE L'EUROPE **Group of Experts on Action  
against Violence against Women and  
Domestic Violence (GREVIO)**

## **Comments submitted by Turkey**

**on GREVIO's final report on the implementation  
of the Council of Europe Convention  
on preventing and combating violence  
against women and domestic violence  
(BaselineReport)**

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**Turkey's Final Comments  
on**

**GREVIO's Report**

on legislative and other measures giving effect to  
the provisions of the Council of Europe Convention on  
Preventing and Combating Violence against Women  
and Domestic Violence

## **Introduction**

Turkey renders its thanks for all the works undertaken by the GREVIO members and secretariat and for their collaboration during the first evaluation procedure regarding the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. Detailed evaluation report submitted by GREVIO and recommendations set in the report have been examined and assessed carefully by the Turkish authorities. Turkey's comments on the report have been coordinated and prepared by the Ministry of Family, Labour and Social Services (MoFLSS) that has undertaken the task of the monitoring of the Convention. Within this framework, Turkey would like to emphasize following points concerning the recommendations of GREVIO.

## **10. Bearing in mind that the realisation of de jure and de facto equality between women and men is a key element in the prevention of violence against women, GREVIO urges the Turkish authorities to:**

- a. continue to develop and considerably strengthen policies and measures ensuring the practical realisation of the principle of equality between women and men and the abolition of practices which discriminate against women;*
- b. expand efforts to develop capacities of judges and prosecutors to understand and apply international legal norms and standards on women's human rights and equality between women and men, including provisions of the Istanbul Convention, as well as carry out awareness-raising activities for all women and girls aimed at increasing their knowledge on these provisions and on the available remedies to claim their rights, including before the Constitutional Court;*
- c. assess laws and policies, including the recent 4+4+4 education scheme, for their impact on gender equality and violence against women, amend if necessary such laws and policies, and ensure that all legislative and policy proposals undergo such an impact analysis from a gender perspective;*

***d. mainstream measures to prevent and combat violence against women in any policy aiming at supporting girls' exercise of their right to education and women's aspiration to gain economic independence.***

Turkey is aware of the importance of reflecting the achievements in the legal field to the practice. Within this framework, "Women's Empowerment Strategy Paper and Action Plan" for the period 2018-2023 have been enacted with the aim of strengthening women's participation in economic and social life, ensuring that they enjoy rights, opportunities and facilities equally and incorporating gender equality into all main plans and policies. Aforementioned action plan is an important document in terms of putting the principle of gender equality into practice and developing policies and measures to eliminate practices involving discrimination against women.

The Strategy Paper and Action Plan is prepared very comprehensively in order to empower women in Turkey. The Paper and Action Plan entails the current situation, main objectives, targets, strategies and activities regarding five main policy axes (education, economy, health, participation in decision-making mechanisms and media). Through the Women's Empowerment Strategy Paper and Action Plan" responsibilities assigned to public institutions and agencies, local authorities, universities, non-governmental organisations and private sector will be followed up, thereby ensuring that measures adopted in order to put gender equality into practice are monitored. The Strategy Paper was produced in collaboration with all parties, and it was announced to public on March 8, 2018 by the President of the Republic of Turkey, which is a sign of ownership at the highest level.

Important amendments were introduced into the Labour Law in 2003 in order to prevent gender-based discrimination in work life and to strengthen women's position in the labour market. Within its scope, various regulations were made to prevent gender-based discrimination in public employment except the cases where it is required by the nature of the work; to introduce tax exemption for the income obtained by women as a result of the sale of products of home-based work of women at certain conditions; to incentivize the employment of women over age of 18; to improve employee personal rights of women employees and parents related to labour and adoption; to introduce partial and part-time work; to universalize child care services and to support women's entrepreneurship. Objective of economic empowerment of women is included in the 10<sup>th</sup> Development Plan of Turkey, 11<sup>th</sup> Development Plan (under preparation) as well as policy documents such as National Employment Strategy and Government Programme.

Various projects such as Increasing Women's Access to Economic Opportunities, My Mother's Job is My Future, Engineer Girls of Turkey, Financial Literacy Seminars for Housewives were and are still being implemented by the Ministry of Family, Labour and Social Services (MoFLSS) in order to increase the employability of women under the guidance of relevant laws, plans and programmes.

With these regulations and initiatives, Turkey's efforts towards enhancing our capacity to combat violence will continue.

Turkey is aware of the importance of awareness-raising activities towards judges and prosecutors for effective implementation of laws. As previously reported to GREVIO, planning efforts to continue in- service and pre-service trainings targeting judges and prosecutors are ongoing. Within this scope, in- service training seminars for judges and public prosecutors at the beginning of each year and training for prospective judges and prosecutors are organised in order to raise awareness of domestic violence and lawsuits arising from family law. In 2018, in-service trainings were organised for 200 judges and public prosecutors. In the rest of 2018, trainings will be organised for 300 more judges. Furthermore, in order to ensure the sustainability of the trainings, a text book developed has been incorporated into curriculum, and is taught as a course. As it was the case in previous years, auxiliary staff (such as social workers, psychologists and pedagogues and court clerks) working in the field of justice will be included in in-service trainings.

Turkey is aware that one of the most significant tools to combat violence against women is incorporating the principle of zero-tolerance for violence against women into all relevant fields. To this end, with the Women's Empowerment Strategy Paper and Action Plan prepared for the purposes of gender mainstreaming, a significant step has been taken towards ensuring that girls exercise their right to education and supporting women's efforts to create added value to the economy. In addition, objectives set in 3<sup>rd</sup> National Action Plan for Combating Violence Against Women have been formulated with the perspective of protecting and empowering women, girls, children victims of violence and/or witnesses of violence as well as responding to different needs of target groups. The Action Plan is being implemented resolutely.

Under the scope of Painter Forewomen Project implemented in the period 2016-2017, 365 women received training to gain vocational skills and to obtain vocational certificate for painting profession in construction sector, and 266 women received vocational certificate. A significant part of women benefitting from the project was composed of women victims of violence. In the first quarter of 2018, 1341 women receiving service from the shelters affiliated with the MoFLSS

benefitted from various vocational training courses, and 294 women were placed into a job.

## **12. GREVIO strongly encourages the Turkish authorities to continue to uphold the principle of gender equality as the core principle underlying government measures aimed at preventing and combating violence against women and to use every possible opportunity, including awareness- raising activities and training, to promote understanding and acceptance of the principle of gender equality.**

Turkey is aware of the fact that realisation of gender equality is the key to prevent violence against women, and conducts its activities in accordance with this understanding. Women's Empowerment Strategy Paper and Action Plan have been prepared in a way to cover the period of 2018-2023. Workshops were organised during preparation stage of the Strategy Paper and Action Plan in collaboration with all stakeholders. Furthermore, written comments of the institutions were received during the process. The Strategy Paper and Action Plan entail the current situation, objectives, targets, strategies and activities regarding five main policy axes (education, economy, health, participation in decision-making mechanisms and media). Cross-cutting policy fields were identified to be addressed under the policy axes covered by Women's Empowerment Strategy Paper and Action Plan, and they were taken into consideration in the formulation of objectives, targets, strategies and activities. Identified cross-cutting policy fields were as follows: legislative amendments, presence of sex- disaggregated data, gender equality training, monitoring, evaluation and impact assessment, gender- sensitive budgeting, collaboration with local authorities, collaboration with non-governmental organisations, collaboration with universities, collaboration with private sector, disability, elderly, rural women, women with application for or status of temporary

protection/international protection, girls, and including boys, participation of men in the process of the empowerment of women.

In Turkey, realisation of gender equality, strengthening women's status in all areas of social life, formulation of strategies and policies to prevent all forms of discrimination against women, collaboration with all parties and achievement of coordination fall into the remit of General Directorate on the Status of Women (GDSW), affiliated with the Ministry of Family, Labour and Social Services. The General Directorate undertakes various activities in order to achieve gender equality. These activities were presented in detail in previous reports submitted to GREVIO and during the meetings. It is seen that in policy documents where priority policies were set to achieve gender equality in Turkey, to prevent violence against women and to promote gender equality, starting point and main recognition was gender inequality. On the other hand, public awareness raising activities are also maintained within this scope.

## **23. GREVIO strongly encourages the Turkish authorities to:**

*a. support efforts to prevent and combat violence which affects women who are or might be exposed to intersectional discrimination, including rural women, Kurdish women, women with disabilities and lesbian women, by addressing the inequalities faced by these women;*

*b. integrate the perspective of such women in the design, implementation, monitoring and evaluation of policies for preventing and combating violence against women, by supporting, funding and closely co-operating with women's NGOs representing them;*

*c. mainstream preventing and combating violence against women in programmes which are tailored to the specific needs of these women, including by developing special programmes aimed at proactively reaching out to them;*

*d. develop and improve accessibility of protection and support services for victims belonging to these groups of women;*

*e. add specific indicators in data collection pertaining to violence against women which relate to women*

Turkish nation is not a juxtaposition of communities or groups. It is rather an amalgamation of individuals from various backgrounds. Thus, it is composed of equal citizens irrespective of their language, race, colour, ethnicity, religion or any other such particularity, whose equality before law is enshrined in the Constitution and other legislation in force. The principle of respect for human rights is a core principle guaranteed at constitutional level in the Turkish legal system. Certain forms of discrimination are subject to criminal sanction in form of imprisonment. Furthermore, the Law on Turkish Human Rights and Equality Institution explicitly refers to the ground of “ethnic origin” while listing the prohibited types of discrimination. This does not mean that Turkey denies the cultural rights of certain groups including Turkish citizens of Kurdish origin. In its report, GREVIO refers to certain findings of human rights mechanisms such as ECRI where it is claimed that Turkish citizens of Kurdish origin are often in a poor economic and social condition. It remains valid that as it is the case in many other countries, people living in certain parts of Turkey face economic difficulties, however, it should be noted that this situation does not stem from ethnic origins of the local population. Thus, singling out a certain group among Turkish nation being more vulnerable to socio-economic difficulties is prejudiced and misleading. Turkey is of the opinion that considerable advancements in several walks of life in Turkey deserve more correct coverage in the report, including Government reforms and support towards East and Southeast Anatolia.

Turkey delivers services to women subject to violence or who might be exposed to violence with an understanding based on anti-discrimination principle enshrined in the Constitution without any discrimination.

When the results of the the 2014 Survey on Domestic Violence against Women in Turkey shows that rate of domestic violence against women does not differ significantly by rural and urban areas. When considered by the regions, while rate of exposure to physical violence at any period of one’s life is 42.8% in Central Anatolia Region, it is 42.2% in Western Anatolia Region, 38.6% in Northeast Anatolia Region and 37% in Aegean Region. Within this perspective, it appears that violence against women is higher in Central Anatolia Region compared to Southeast Anatolian Region. It is seen that there is not a significant difference between southeast part of Turkey and other regions in terms of prevalence of violence and reporting processes. In this context, Turkey does not agree with the opinions of GREVIO.

In Turkey, state of emergency measures was conducted with the aim of counterterrorism between 21<sup>st</sup> July 2016 and 20<sup>th</sup> July 2018. Counter terrorism measures, including the replacement of mayors for terrorism related crimes under the State of Emergency measures, do not lie within the scope of the Istanbul

Convention. The state of emergency measures is implemented within the context of fight against terrorism. Those measures which may have effect on women's rights should be evaluated within this context. Any assessment or correlation between women's rights and State of Emergency measures under GREVIO evaluation should therefore be avoided.

Actually, in the municipalities to which an assignment has been made, services targeting women are not interrupted; on the contrary, they continue by increasing. In 92 women's support centres set up by these municipalities, 160.000 women benefit from more than 150 different activities. In these centres, vocational training courses (carpet waving, hair dressing, jewellery design, women and children's garments, skin care etc.) are organised, and cinema, concert, theatre events and out of town trips are organised in order to strengthen social and cultural development of women. These municipalities have

set up sale points where products produced at these courses or with their own facilities can be offered to the market.

We regret that the fight against terrorism is formulated in a general manner in the report. Turkey's fight against terror ongoing for over 35 years cannot be portrayed as a "conflict" in any manner. Turkey exerts its legitimate right to protect its citizens also from the criminal actions of the terrorist organization PKK. As regards counter terrorism operations in east and southeast Anatolia regions, it is unfortunate and short-sighted that no reference is made to the source of this scourge of terrorism, namely the terrorist organization PKK, which poses a direct threat to the people living in the region. Furthermore, PKK, although not mentioned throughout the report, is enlisted as a terrorist organization by the USA and the EU, of which 28 Council of Europe member states are a member of. Given the internationally acknowledged terrorist labelling of PKK, certain parts of Turkey cannot be referred to as a "conflict zone".

In addition, OHCHR report to which paragraph 17 is based on was rejected by the Turkish government with the release<sup>1</sup> dated March 10, 2017 of the Ministry of Foreign Affairs of the Republic of Turkey.

Besides, it should be reminded that the Cooperation Protocol for Training of Women Farmers signed between the Ministry of Agriculture and Forestry and the Union of Turkish Agricultural Farmers (TZOB) with the aim of raising awareness among rural women. With the protocol, women engaged in agriculture and rural women are trained about gender equality, violence against women, individual rights and freedoms. Under the scope of the protocol, around 8,600 farmer women benefitted from the training organised in 81 provinces.



Turkey also adopts GREVIO's opinion that inclusive and coordinated policies require participation of all actors in combating violence against women; and all initiatives are conducted in a broad sectoral and participatory manner as much as possible. In addition, Turkey works in close cooperation with civil society organizations in addressing women's issues, especially violence against women. Within this scope, relevant NGOs are involved in all processes related to policy development and service delivery. Therefore it is ensured that NGOs contribute to and participate in thematic meetings and workshops, they are involved in projects as stakeholders and resources are allocated to NGOs. Main policy documents such as National Action Plan for Combating Violence Against Women, Women's Empowerment Strategy Paper and Action Plan, Provincial Action Plans on Combating Violence Against Women, Strategy Paper and Action Plan to Combat Forced and Early Marriages determining the policies to combat violence against women and steering the action of Turkey in this field have been drafted with the contributions and participation of NGO representatives active in the field of women's rights. In addition, the representatives of NGOs attend to the meetings held within the scope of the implementation of the policy documents and Violence Monitoring Committee meeting, which is held every year since 2007 and where senior managers come together, and NGO's contributions, views and opinions on the ongoing and planned actions are reflected to public policies. In addition, please see Turkey's comments to paragraph 12.

It is foreseen to achieve close collaboration during the implementation and monitoring process of Women's Empowerment Strategy Paper and Action Plan and 3<sup>rd</sup> Action Plan to Combat Violence Against Women with public institutions and agencies, local authorities, universities, private sector as well as non-governmental organisations. In addition to that, practice of holding regular advisory

<sup>1</sup> "Press Release Regarding the "Report" published by the UN High Commissioner for Human Rights on 10<sup>th</sup> March 2017 About the Counter Terrorism Operations conducted in Turkey." ([http://www.mfa.gov.tr/no\\_-71\\_-bm-insan-haklari-yuksek-komiserligi\\_nin-ulkemizdeki-terorle-mucadele-operasyonlarinin-insan-haklari-boyutuna-iliskin.tr.mfa](http://www.mfa.gov.tr/no_-71_-bm-insan-haklari-yuksek-komiserligi_nin-ulkemizdeki-terorle-mucadele-operasyonlarinin-insan-haklari-boyutuna-iliskin.tr.mfa))

meetings with NGOs and involving them in policy making and monitoring processes will be continued in coming period.

Moreover, Project entitled Increasing Institutional Capacity of the Ministry of Family, Labour and Social Services in the Field of Public-CSO cooperation is implemented. Objectives of the project that commenced in June 2018 are as follows: analysing current structures of NGOs working with disadvantaged individuals and planning training programmes for NGOs based on needs analyses to be conducted, delivering these training programmes to those NGOs which need them, therefore increasing the capacity of NGOs, establishing an Information and

Consultation Unit within the MoFSP in order to build a more healthy and coordinated cooperation between the MoFLSS and NGOs, and developing a “Governance Model” to coordinate the relations between public and NGOs at institutional level.

In addition, under Instrument for Pre-Accession Assistance (IPA) II period, civil society has been defined as a sub-sector. It is foreseen to utilise a resource of around 190 million Euros for the purposes of strengthening civil society and civil society dialogue. In new IPA period, a new vision has been set both for NGOs and public institutions with a multi-annual perspective. Project support to be offered to civil society will be determined in accordance with four main priorities, namely “Strengthening EU- Turkey Civil Society Dialogue”, “Increasing the Capacity of NGOs and Cooperation Among NGOs”, “Improving Legal Framework for Active Citizenship”, and “Strengthening Public-NGO Cooperation”.

Finally, it should be noted that “Right to Association” is regulated in Article 33 of the Constitution under the section “Rights and Duties of the Individual”, under the title “Rights and Freedoms of Assembly”. Accordingly, it is stated that “Everyone has the right to form associations, or become a member of an association, or withdraw from membership without prior permission”. Within this framework, in Turkey, it is possible to establish an association and perform activities in the field of women and women’s rights without permission.

In accordance with the principle of anti-discrimination, Turkey also, while delivering services, exerts efforts so that women with special needs are not subject to secondary discrimination. In this context, “Project for Increasing the Capacity of Units Delivering Services to Women” is ongoing with the aim of increasing and strengthening the capacity of institutions and agencies affiliated with the MoFLSS, operating in the field of combating violence against women and making contribution to combating violence against women. Another initiative undertaken by the MoFLSS is “Project for Developing Psychosocial Support and Intervention Programme for Women Subject to Violence and Their Children”. With the project, psychosocial support and intervention programme will be developed and efficiently implemented for the needs of women receiving services from institutional service units and women under the risk of violence and their children for the purposes of individual and group activities on needs basis. With the project entitled “Development of Empowerment Model for Post-Shelter Period”, it is aimed to activate inter-agency collaboration in combating violence against women, developing and disseminating Women’s Empowerment Model, taking women victims of violence out of the cycle of violence by decreasing the need for housing, developing economic empowerment process and increasing employment opportunities.

In order to eliminate problems stemming from the fact that women and their children having different needs and demands due to their different features and sensitivities receive services together while benefiting from the services of shelter, initiatives have been launched to ensure specialisation of shelters. A model has been developed as a result of specialisation initiative taken in Ankara as a pilot project in 2017. Actions to expand the model across the country are ongoing.

Thanks to specialisation, women victims of violence and their children will have fast and effective access to services, will receive more effective and quality services in accordance with their needs, will be supported with more professional and empowering social services during the service and in post- service period, loss of resources and productivity arising from delivering service to groups with different needs and risks in the same environment will be prevented, and it will be ensured that public resources are utilised efficiently and effectively in accordance with the needs of women.

Moreover, it is planned to establish victim support units in 150 courthouses in total including 139 criminal courts and major districts under the Draft Law on Legal Assistance and Victim Services. Within this scope, it is aimed that psychologists, pedagogues and social workers will make an individual assessment regarding the victims, including the women victims of violence; needs of the individual will be identified, and support and assistance services will be delivered accordingly. With the aim of achieving effective cooperation and coordination with non-governmental organisations active in the field, it is planned to establish an advisory board at central level and coordination boards at local level, and to offer the possibility to the members of non-governmental organisations and other relevant volunteers to offer services in victim support units to be established within the court houses.

Efforts to ensure that women and girls who are or might be subjected to multisectional discrimination are particularly taken into consideration in the fight against violence are ongoing. Accordingly, in particular 3<sup>rd</sup> National Action Plan for Combating Violence Against Women and other policy documents such as Women's Empowerment Strategy Paper and Action Plan, Provincial Action Plans on Combating Violence Against Women, Strategy Paper and Action Plan to Combat Forced and Early Marriages are drafted with this perspective. As a result of the actions undertaken to implement relevant policy documents, it will also be possible to collect data on women and girls who are or might be subjected to multisectional discrimination.

**25. GREVIO urges the Turkish authorities to uphold the principle that under any circumstance, state actors should refrain from resorting to unlawful violence, including violence committed while responding to perceived and alleged security threats and directed towards women viewed as enemies of the state, or women – be they mothers, wives, sisters, daughters - related to such persons.**

It should be noted that Turkey is faced with severe and multiple security challenges emanating from terrorist organizations, including PKK. In this scope, swift and effective measures are indispensable not only for security considerations but also to protect its democracy and the rights and freedoms of Turkish people. As also confirmed by various Council of Europe bodies, it is the right and duty of the state to declare state of emergency and to take such measures under such circumstances. The Turkish Government emphasizes that it is the top priority in Turkey to strike a proper balance between fundamental freedoms and security needs while taking appropriate measures to counter security threats. As far as the State of Emergency is concerned, all measures have been taken in complete transparency and the international obligations have been observed. The Secretary General of the Council of Europe is regularly notified of any decree law published during the state of emergency. Also, it is required to remind that state of emergency has ended in Turkey as of 20<sup>th</sup> July 2018.

In addition, OHCHR report to which paragraph 24 is based on was rejected by the Turkish government with the release dated March 10, 2017<sup>2</sup> of the Ministry of Foreign Affairs of the Republic of Turkey.

<sup>2</sup> “Press Release Regarding the “Report” published by the UN High Commissioner for Human Rights on 10<sup>th</sup> March 2017 About the Counter Terrorism Operations conducted in Turkey.” ([http://www.mfa.gov.tr/no\\_-71\\_-bm-insan-haklari-yuksekkomiserligi\\_nin-ulkemizdeki-terorle-mucadele-operasyonlarinin-insan-haklari-boyutuna-iliskin.tr.mfa](http://www.mfa.gov.tr/no_-71_-bm-insan-haklari-yuksekkomiserligi_nin-ulkemizdeki-terorle-mucadele-operasyonlarinin-insan-haklari-boyutuna-iliskin.tr.mfa))

Finally, it should be noted that Turkey respects and maintains the principle of zero-tolerance for violence against women under any circumstances.

## **36. Having due regard to the proposals and suggestions formulated in this report, GREVIO urges the authorities to:**

- a. step up measures to identify and remedy gaps in the institutional response to violence against women, in accordance with their duty of due diligence;*
- b. exercise due diligence to (1) systematically review and take into account the risk of re-victimisation by applying effective measures to protect victims from any further violence and harm, and (2) investigate and punish acts of violence;*
- c. hold to account state actors who in failing to fulfil their duties, engage in any act of violence, tolerate or downplay violence, or blame victims;*
- d. pursue on-going efforts to analyse all cases of gender-based killings of women, with the aim of preventing them in the future, preserving the safety of women, and holding accountable both the perpetrators and the multiple agencies that come into contact with the parties;*
- e. work towards building public trust in their effective political will to combat violence against women and displaying a greater determination to condemn openly violence against women and combat more coercively this societal scourge.*

Turkey has adopted the principle of zero-tolerance in combating violence against women. In accordance with these principles, Turkey will relentlessly continue its efforts to deliver complete, swift and full services to women victims of violence. It is seen that model examples such as the use of electronic handcuffs by Turkey are effective in terms of ensuring the adoption of effective and rapid measures to protect the women victims of violence. “Woman Support Application (KADES)” which women victims of domestic violence and women victims of violence can download on their smart phones has been developed in this scope. With the application that has been developed so that women can reach Helpline 155 Police Emergency Call Centre, calls for help are assessed immediately and team and patrol closest to the location of women demanding help is dispatched, and intervention is made in a speedy and effective way. Through the aforementioned application, it is possible that the calls of women victims of violence and under risk of violence are

responded in the fastest way. Firstly, the law enforcement forces immediately intervene in the incident and provide necessary service; and then the notification is directed to the relevant units of the MoFLSS. ŞÖNİMs or Provincial Directorates of the MoFLSS provide counselling, consultancy and guidance support as well as strengthening and supportive services for women victims of violence or under risk of violence and their accompanying children. As a result of assessment by the specialist staff, women are placed to the women's shelters upon women's free will as well.

On every occasion, Turkey expresses the sanctions to be imposed in case public officials fail to fulfil their obligations and the duty of due diligence for the prevention of violence against women. Data is collected on offences committed by public officials regarding Articles 94, 95 and 256 of the Turkish Criminal Code.

In order to examine acts of violence against women resulting in the death of women, as mentioned in Article 35 of GREVIO report, a working group composed of representatives of relevant bodies has

been established under the coordination of the MoFLSS. As a result of the works of this working group, it is aimed to find answers to the questions posed in paragraph 34. Under the scope of the initiative, it is aimed to analyse national legislation of different states and the EU states in particular in order to identify how the acts of violence against women resulting in death are covered particularly by criminal codes and other relevant legislation; to assess the implementation of appropriate, rapid and effective protection measures for women and the risk analysis and measures such as immediate enforcement of barring orders by comparing and analysing the femicide data and to analyse data on the investigation, trial and punishment of perpetrators of femicides. Within this scope, the resources proposed by GREVIO and other initiatives undertaken in this field in other countries have acted as a guide for the initiative carried out under the coordination of MoFLSS.

## **40. GREVIO urges the Turkish authorities to:**

*a. ensure that policies promoting gender equality are not thwarted by attempts to confine women to the traditional role of mothers and care-givers;*

***b. design policies to support the family which build on women's right to be treated as equals to men and aim at empowering them;***

***c. guarantee that appropriate funding is made available to support policies promoting women's equal rights and empowerment;***

***d. base all policies to prevent and combat violence against women on the clear understanding of the gendered nature of violence against women as a means to keep women unequal;***

***e. continue to train and raise awareness amongst policy-makers and in society about the prevalence of violence against women and domestic violence and challenge attitudes which justify such violence.***

Turkey does not agree with GREVIO regarding its comment that there is a contradictory tension between the gender equality policies and family policies in Turkey. Turkey, in all its plans and programs primarily in the Development Plans, Government Programs, Primary Transformation Programs, gives priority to the policies which will increase the participation of women in work life, are sensitive to the gender equality, promote the empowerment of women and the reconciliation of family life and work life.

On the other hand, within scope of the activities regarding transformation of social attitudes, Turkey delivers training to the personnel of the Turkish Armed Forces and Presidency of Religious Affairs which are the target groups involving mainly male personnel. Moreover, it is planned to deliver "Training Seminars on Combating Violence against Women" in 2018 for the personnel working in the public institutions and organisations in 81 provinces for the purpose of increasing the knowledge and awareness of combating violence against women among the civil servants.

Half day training seminars were delivered for the personnel of the Social Security Institution in January 2018, for the personnel of General Directorate of Turkish Employment Agency (İŞKUR) in February 2018, for the personnel of the Ministry of Industry and Technology and its relevant body the KOSGEB General Directorate and its local structures in March 2018. In addition, training sessions on combating violence against women are delivered to all the members of the trade unions at local level by means of establishing cooperation with the Trade Unions. In the upcoming period, awareness raising activities will continue for the personnel of the Ministry of National Defence, Presidency of Religious Affairs, Ministry of Health, Ministry of National Education, mukhtars who play a key role at

local level, the staff in the municipalities and the students living in the dormitories affiliated with the Credit and Dormitories Institution.

“Women’s Empowerment Strategy Document and Action Plan” is an essential document taking the women’s equal treatment right with men as basis in order to support family and also a critical document for design of the policies aiming to empower women. For the responsible institutions and organisations to achieve the main purposes and objectives identified in the Strategy Document and Action Plan; it will be ensured that they integrate the activities and strategies foreseen in the Action Plan into their own plans, programs and budgets and implement them.

Beside from this, it should be underlined that the training delivered within the scope of Family Training Program also includes the topic of gender equality.

Turkey has been sensitively working on allocation of sufficient sources for the purpose of combating violence against women. In order to ensure that these actions are conducted in the most fruitful way, gender issue is mainstreamed in the local/national programs, plans and budgets, and more resources are allocated in broader areas for the objective of combating violence against women; “Project on Implementation of Gender Responsive Budgeting (GRB) and Planning in Turkey” which will be initiated in the last quarter of 2018 will be an essential tool.

## **47. GREVIO strongly encourages the authorities to take further measures to ensure that their co-ordinated response to violence against women:**

*a. comprehensively addresses all forms of violence covered by the Istanbul Convention, by placing a particular emphasis on sexual violence against women and girls, forced marriage, and crimes in the name of so-called “honour”;*

*b. addresses the specific needs of all groups of victims, in particular children experiencing or witnessing violence against their mother and women who are or might be exposed to intersectional discrimination, such as women belonging to certain ethnic groups such as Kurdish women, rural women, women with disabilities, lesbian women, migrant or refugee women, including internally displaced women and undocumented migrant women;*



***c. is based on a strong inter-institutional co-operation amongst all governmental agencies, with respect to all the areas of prevention, protection, prosecution and punishment.***

Turkey has been maintaining her works on combating violence in its all forms emphasized in the Istanbul Convention and regulated with the Law No. 6284, and the protection of all the women and other members of the family who have been subjected to or at risk of being subjected to domestic violence and violence against women and will continue to maintain.

Within this scope, “Field Visits for Provincial Evaluation on Early Marriage” were conducted by the Ministry of Family, Labour and Social Services (MoFLSS) in 19 provinces. During the visits, guidance on preparation of Provincial Action Plans on Combating Early Marriages was provided in these provinces. A commission was set up for the purpose of carrying out efforts to prevent child abuse with the involvement of the Ministry of Health, Ministry of Justice, Ministry of National Education, Ministry of Internal Affairs and the Ministry of Family, Labour and Social Services. The Commission continues its efforts for the preparation of the “2018 Immediate Action Plan for Prevention of Child Abuse”. In addition, the preparation process for “The Strategy Paper and National Action Plan on Combating Early and Forced Marriages (2018-2023)” to cover the period of 2018-2023 is about to be completed.

Turkey is aware of the importance of development of inter-agency cooperation at national and local level and has been maintaining its relevant efforts. Provincial Action Plans for Combating Violence Against Women have been prepared with the participation of all the actors at local level in accordance with the 3<sup>rd</sup> National Action Plan for Combating Violence against Women (2016-2020), which was prepared and implemented with the contribution and participation of all the relevant parties.

In line with the objectives stated in the National Action Plan, Provincial Action Plans focus on four main objectives namely; Alignment of the Local Regulations with the Legislation, Raising Awareness and Transformation of Attitude, Provision of Preventive and Protective Services, Cooperation and Coordination. As it is clearly seen, the policies focusing on the inter-agency coordination are addressed as a separate objective in the action plans of both national and local level. Within this scope, the efforts for preparation of the action plans for 81 provinces and their enforcement have been continuing and as of April 2018, Provincial Actions Plan for Combating Violence against Women in 57 provinces entered into force. See also; Turkey’s comments to paragraph 23.

On the other hand; such justifications as culture, custom, tradition, honour are not considered as matters of mitigation in any type of offense in the Turkish Criminal Code.

## **53. GREVIO strongly encourages the Turkish authorities to:**

- a. strengthen the machinery for combating violence against women by providing appropriate human and financial resources at both the central and local levels;*
- b. expand significantly the budget allocated to the GDSW as the co-ordinating body responsible for ensuring the implementation of the Istanbul Convention;*
- c. pursue efforts in implementing gender responsive budgeting so as to be able to identify and allocate appropriate funding, monitor public spending and measure progress achieved in combating violence against women;*
- d. take further appropriate measures, such as the establishment of suitable funding streams, to encourage and support all women's NGOs providing specialist support services and working to prevent violence against women and domestic violence by providing them with stable and sustainable funding levels, whilst ensuring the transparency of their decisions, as a pre-condition for ensuring a meaningful participation of civil society in policy-making.*

Turkey does not agree with the comment of GREVIO regarding the insufficiency of the resources stated in Paragraph 50. As a matter of fact, it is stated in the previous reports and discussions that sufficient resources are allocated for the services provided to the victims of violence within the budget systematic in our country, and the lack of resources is not a matter of concern. Moreover, it is seen that the balance among the regions is observed when the distribution of the institutional mechanisms (shelters, Violence Prevention and Monitoring Centres -ŞÖNİM-) throughout the country is examined. The shelters have been currently operating in all 81 provinces; while the number of ŞÖNİMs is currently 75 , it is planned to open in the all the provinces by the end of 2018.

On the other hand, Turkey has been unwaveringly maintaining its efforts for gender responsive budgeting. "Project on Implementation of Gender Responsive Budgeting (GRB) and Planning in Turkey" will be one of the key steps in terms of implementation of the gender responsive budgeting.

The main beneficiary of the Project is MoFLSS and the co-beneficiaries are the Ministry of Treasury and Finance, Directorate of Strategy and Budget. Within the scope of the Project, it is aimed to coordinate the activities in raising awareness and increasing capacity of the main beneficiary, co-beneficiaries and the pilot institution in the field of the gender responsive budgeting, analyse the strategic plans and annual budgets of these institutions from the perspective of gender responsive budgeting and mainstream gender in these documents; increase the capacities of the NGOs for the purpose of monitoring the expenses for the results and review and structure the budget instruction, guideline, strategic plan preparation guide and local budget documents from the perspective of gender issues.

The Project on Increasing Institutional Capacity of MoFLSS in the field of Public-NGO Cooperation is in force. The primary aims of the Project that was launched in June 2018 are to analyse the current structures of the NGOs working on disadvantaged groups in Turkey, to plan trainings for the NGOs in line with the needs analysis to be conducted, to provide those trainings to the NGOs in need; and to increase the capacity of the NGOs within this scope, to establish Information and Advisory Unit under MoFLSS in order to develop healthier and coordinated cooperation between our Ministry and NGOs; and develop a “Governance Model” to coordinate relationship between the Public-NGO at institutional level.

## **62. GREVIO urges the authorities to:**

- a. fully acknowledge and uphold the role of independent women’s organisations as drivers of change and key partners in their fight to address the structural causes of gender inequality and violence against women;*
- b. provide an enabling and conducive environment allowing women’s organisations representing all groups of women to thrive;*
- c. create a framework for ensuring regular, foreseeable and effective consultative processes which guarantee the role of women NGOs – including in particular NGOs representing women subject to intersectional discrimination - in guiding policy development, as key to the design of successful policies;*
- d. support by all means the expansion of NGO run specialised services in Turkey such as women’s centres and shelters, in particular by establishing suitable funding opportunities, such as grants based on transparent procurement procedures, and ensuring stable and sustainable funding levels for all NGOs working to support victims and to prevent violence.*

Turkey does not agree with GREVIO regarding its comments on “shrinking space for human rights organisations” in Turkey.

Turkey has an inclusive and transparent understanding with the principle of zero tolerance for combating violence against women. Activities aiming to increase the synergy between all the women organisations in Turkey are carried out. Within the scope of the Law No. 6284, cooperation activities are carried out with the other institutions and civil society organisations serving in the area of combating violence against women, and these activities will be pursued with the same understanding. See also; Turkey’s comments to paragraph 23.

MoFLSS does not make discrimination among women’s NGOs. Particular attention is being paid to ensure broad participation to the activities as much as possible. In addition, NGOs are encouraged within the bounds of existing circumstances and budget possibilities.

In addition, the comment included in the Paragraph 57 of GREVIO report that the NGO members encounter such risks as arrest and/or imprisonment due to making criticisms about the government policies does not go beyond the allegations of the relevant persons and is completely related with legal processes. These processes do not include any issue regarding the actions of the NGO members in the field of women’s rights and so the allegations do not reflect the reality.

## **69. GREVIO strongly encourages the Turkish authorities to:**

- a. strengthen and broaden the role of the GDSW as the national co-ordinating body responsible for co-ordinating and implementing policies and measures to prevent and combat all forms of violence, to equip it with the necessary powers, competences and human and financial resources to fulfil its mission;*
- b. set up separate bodies for monitoring and evaluating policies so as to ensure objectivity in their evaluation, in close consultation with parliament and civil society;*
- c. intensify the participation of civil society organisations, especially women’s NGO’s working to prevent violence and support victims, in the co-ordination and monitoring of policies, by involving them as members of the co-ordinating body and by institutionalising consultation and participation processes.*

The activities regarding efficient operation of committees/boards in combating violence against women at central and local levels are carried out within scope of the 3<sup>rd</sup> National Action Plan on Combating Violence Against Women 2016-2020. Within this scope, during the implementation period of 2016-2017 National Action Plan, meetings of Violence Monitoring Committee were held with the participation of high level representatives of the relevant parties including civil society. “Provincial Monitoring and Assessment Commission on Combating Violence against Women” established at provincial level, hold meetings with 6-month periods every year with the participation of civil society representatives as well. The Assessment Report on 2017 Commission Meetings prepared in line with the meeting reports was delivered to the relevant institutions and organisations. As of July 2018, Provincial Action Plans on Combating Violence Against Women have been ratified by the Commission and entered into force in 62 provinces in total. The Commission and particularly the NGOs in the Commission have a significant role in the implementation, monitoring and assessment of these action plans as well.

## **78. GREVIO urges the Turkish authorities to:**

- a. make the gendered nature of all forms of violence that are criminalised in line with the Convention visible in crime statistics by using compulsory disaggregation by sex and age of a victim, sex and age of a perpetrator, type of violence, and geographical location and collect data on all three of the following: number of victims, number of events (crimes or incidents) and number of perpetrators;*
- b. develop data categories on the type of relationship between perpetrator and victim for all criminally sanctioned forms of violence against women that would enable, for example, that cases of intimate partner violence against women be isolated from other forms of domestic violence incidents;*
- c. ensure that these and any other data categories in use, including the type of violence and location where the offence is committed, are harmonised with legal definitions of criminal offences in the Convention and across the various sectors;*
- d. conduct studies on prosecution and conviction rates for all forms of violence against women covered by the Convention and make public the results of such studies;*

*e. conduct publicly available annual studies on cases of gender-based killings of women, which would serve as input data for analysis aimed at assessing possible systemic gaps in institutional response to violence, as recommended elsewhere in this report, notably with respect to the obligation of due diligence;*

*f. collect and publish data on the number of criminal and other sanctions imposed on the perpetrators of all forms of violence against women, with an indication of the type of sanctions imposed (for example imprisonment, fine, court-ordered participation in perpetrator programmes, restriction of liberty, deprivation of liberty) and, where appropriate, of their suspended execution, their reduction for any motive and average length of sanctions.*

As of April 24, 2017, crime-victim matching was made, and the entry of data to the National Judiciary Informatics System (UYAP) was made compulsory. In terms of the Turkish Criminal Code, in case the motive is not subjected to any penal sanctioning, the aggravating reasons and the matters of mitigation stated in the Criminal Code or the material element of a crime is identified as motive and regulated accordingly, it will be possible to produce the mentioned statistics. Therefore, the crimes included in the crime-victim matching are also included in the crimes stated in the legislation, and the women who are the victims of this crime can be counted in the statistics. However, it will not be possible to identify whether the crime against the victim was committed for the reason of debtor- creditor relationship or due to the gender issues. On the other hand, the detailed information regarding the issue was shared both in the meetings held with the GREVIO board and in the responses to the questionnaire.

**81. GREVIO urges the Turkish authorities to ensure data is collected and published regarding the breaches of emergency barring, restraining and protection orders, the number of sanctions imposed as a result of such breaches and the cases where the woman was re-victimised or murdered as a consequence. Such steps would allow the Turkish authorities to assess the**

**effectiveness of the system governing the enforcement of emergency barring, restraining and protection orders. GREVIO strongly encourages the Turkish authorities to engage in such an assessment and to identify possible avenues for policy improvement. More detailed suggestions/proposals related to data collection on emergency barring and protection orders are developed further in this report in the section dealing with Articles 52 and 53 of the Convention.**

Within the scope of the Activity 5.6 regarding “conducting research for carrying out in-depth analysis of the cases of violence against women resulting in death” which is included in the 3<sup>rd</sup> National Action Plan for Combating Violence against Women, the working group established with the participation of the representatives from the Ministry of Justice and Ministry of Interior under the coordination of the MoFLSS has been carrying out a quantitative study regarding the acts of violence resulting in death. On the other hand, the working group set up within the body of the MoFLSS has been carrying out a qualitative study involving in-depth analysis on the cases resulting in death and where the prosecution of the act is finalised. Within the scope of this study, the judgment of the judicial authority and the reports prepared by the Provincial Directorates of the Ministry of Family, Labour and Social Services are evaluated, and the responses are sought to the following questions: “Was it possible to prevent the act of violence?”, “Why wasn’t it prevented if it was thought that it may have been prevented?”, “Did the responsible public institutions and agencies fulfil their tasks properly?” and “Does the law protect the victim sufficiently?” It is assumed that the outputs of the study will be helpful in terms of offering

concrete recommendations to the questions regarding to what extent the Law No. 6284 and its enforcement have been effective, the additional measures needed to be taken for the protection of the victim and the roles of the responsible institutions and agencies. Furthermore, it is estimated that the information obtained within scope of the Project concerned will also provide data on the opinion pointed out in the subparagraph (f) of the 78th Recommendation.

### **83. GREVIO encourage the Turkish authorities to ensure data is collected and published regarding the number of remedies applied for and granted against state authorities; the number of compensation claims from perpetrators and the number of women victims who obtained such compensation; the number of applications for state compensation and the number of women victims who were awarded state compensation.**

The act of a civil servant who does not take the necessary prevention and protection measure within his/her own power constitute the crime of malfeasance. Malfeasance is a crime where ex officio investigation is carried out separately from the process of discipline issued due to the civil servant's acts and operations constituting crime. The crime of malfeasance is described in Article 257 of the Turkish Criminal Code. When a civil servant does not carry out a task for which he/she is responsible, the crime of malfeasance is constituted. The judicial data of the acts in question is kept taking the law article where the crime is classified as basis.

Turkish domestic law takes the freedom of seeking one's right under guarantee as per the Constitution. The individuals have the right to a fair trial with claim and defence as plaintiff and defendant before the legal authorities by means of using the legal means. Within this scope, the victims of violence who are victim because a civil servant does not fulfil his/her task may sue for damages against the administration because of the non-functioning of a service that should be provided



by the public, improper functioning of the service or unduly functioning of the service .

These claims for damages are regulated as full remedy action as per the Administrative Jurisdiction Procedures Law (İYUK) and are carried out by the Administrative Justice Authorities. For the victim of violence to sue for damages, the condition of suffering physical harm is not sought and if the personal rights are directly damaged, full remedy action can be sued.

The data regarding the lawsuits filed against the administration before the administrative justice authorities is collected, and the recommendations of GREVIO regarding the revision of the data collection activity in a way to facilitate the analysis will be taken into consideration.

**86. GREVIO strongly encourages the Turkish authorities to systematise data collection regarding cases of violence against women in the healthcare sector, including by appropriate training, and to ensure that such data also covers cases of violence against girls. The authorities should moreover assess and if need be, address the reasons behind the decrease in recorded cases of violence.**

Within the scope of Combating Domestic Violence Project implemented in the period 2014-2016, under the activity targeting the standardization of the services, the workflow schemes for the cases of violence against women and domestic violence followed by the Ministry of Health was developed with the contribution of the Ministry of Health. These workflow schemes were also included in the training program developed for the personnel of the Ministry of Health within the scope of the project in 2016.

In this workflow scheme, it is regulated that if it is identified by the Family Practitioner that violence has been used, the registration of the victim women will be made to the system by using the

appropriate codes under the titles of "T74 Mistreatment Syndromes, Y06 Negligence and Abandonment, Y07 Other Syndromes of Mistreatment", that the Domestic Violence Against Women Registration Form will be filled in; it is necessary to carry out a risk assessment about the victim, and that ŞÖNİM will be notified within this scope.

Again, if during “the Process of Provision of Emergency Service” it is identified that violence has been used, the registration of the victim will be made to the Public Health Information Management System (HSBYS) by means of using the appropriate codes under the titles of "T74 Mistreatment Syndromes, Y06 Negligence and Abandonment, Y07 Other Syndromes of Mistreatment" and Judicial Report will be drafted, and the law enforcement officers will be informed.

Within this scope, in case of the domestic violence and the violence against women, the data is collected via the Domestic Violence Against Women Registration Form, T74 Mistreatment Syndromes code, Y06 Negligence and Abandonment, Y07 Other Syndromes of Mistreatment which are ICD 10 codes having their international validity and regulated by the Ministry of Health for the victims of violence.

Moreover, with the training sessions launched in 2016, 489 personnel were trained within the scope of training of trainers. It is aimed to complete the awareness raising training sessions for all the primary personnel with these trainers. The registration system is also explained during the training, and there are demographical questions to be asked to the patient in the “Decision Support System” (KDS) which is used for the purpose of monitoring and assessment in the health system. The victims who are under the age of 18 are also identified and registered. In this context, Turkey has been attaching importance to the recommendation of GREVIO and underlines that the fact that the existence of the infrastructure for systematic data collection and ongoing training sessions should not be ignored.

**88. GREVIO strongly encourages the Turkish authorities to ensure that the process of collecting, storing and transforming collected data complies with**

**standards on data protection, as contained in the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, and with recognised best practices, to ensure confidentiality and respect for the privacy of victims, perpetrators and other persons involved.**

In Turkey, the data regarding the preventive and protective orders issued within the scope of the Law No. 6284 is collected, and the activities for evaluating the effectiveness of the practice and, when necessary, for improvement of the activities have been carried out in cooperation with the relevant institutions. As is also emphasized by GREVIO in the relevant paragraph, a separate study is carried out regarding the women who are murdered as a result of violence. See also; Turkey's comments to paragraph 36.

One of the important stakeholders for combating violence against women and girls is the health sector. Thus, in Turkey the cooperation efforts have been sustained since 2006 by means of such tools as protocols and projects for the purpose of delivering training to the personnel of the Ministry of Health and strengthening the role of the Ministry in the combat against violence. Within this framework, approximately 65,000 health personnel received training. In the trainings for the public organised by the General Directorate of Public Health of the Ministry of Health in order to eliminate the negative attitudes and behaviours giving rise to and reinforcing violence against women, to raise awareness of gender equality, violence against women and domestic violence among the general public and to ensure transformation of attitudes, 76,251 individuals in 2016 and 45,563 individuals in 2017 were reached. Therefore, the training events for the civil servants provide contribution to both the standardization of the implementation and raising awareness of the issue among the public.

The required sensitivity regarding the protection of personal information of all the women victims of violence benefitting from the services of shelters and ŞÖNİMs is demonstrated in line with our legislation by all the units. It is ensured that court

decisions are immediately sent to the relevant units by respecting privacy rules. Under the coordination of ŞÖNİM, the information of the person registered in the address registration system (MERNİS) is kept confidential by the General Directorate of Civil Registration and Nationality of the Ministry of Interior, and the required step is taken as per the decisions. On the other hand, the coordination with the relevant public institutions and agencies is ensured within the scope of the relevant legislation. For instance; the court decisions regarding the children continuing their education is entered to the e-School system immediately after submitted to the Ministry of National Education, and the information in the court decision is not disclosed for the period stated in the court decision.

Moreover, in the Draft Law on Legal Assistance and Victim Services, it is stated that “those responsible for the implementation of this Law are obliged to maintain the privacy of the personal data of the victims. This information cannot be disclosed to any institution and person except for the cases foreseen in the law or without the clear consent of the victim.” Therefore it is aimed to strengthen the legal basis through this provision.

## **90. GREVIO encourages the Turkish authorities to carry out surveys on all forms of violence against women, bearing in mind that surveys should be conducted with the use of methods which allow women to feel safe and free to disclose incidents of violence.**

The first National Survey on Domestic Violence Against Women in Turkey that was accepted as official statistics and prepared to be comparable with international data was carried out in 2008, and the second was in 2014. Therefore, within approximately six years between the said 2 surveys, the differentiation in the prevalence of the types of violence against women was revealed, and within this period, the legal regulations which were put into force to combat violence against women were evaluated (being a party to Istanbul Convention, the Law No. 6284 and the secondary legislation). Within the next period, it is planned to carry out a new survey to assess the impact of the implemented policies and the legislation and to reveal the differentiation in the prevalence of the types of violence against women. In addition to the survey mentioned, it is planned to carry out surveys on

more specified issues (femicide, men's perception of the violence against women etc.) as included in our documents which steers the combat against the violence against women.

### **93. GREVIO encourages the Turkish authorities to:**

- a. carry out research on forms of violence against women, including sexual violence and forced marriage and other forms of violence against women not previously covered;*
- b. assess incidence, reporting and conviction rates and analyse their causes;*
- c. continue to evaluate existing policies and legislative measures and to assign research to assess their level of implementation and efficiency, taking into consideration victims' views and levels of satisfaction.*

Turkey has completed the preparatory works for the Strategy Paper and Action Plan to Combat Forced and Early Marriages (2018-2023). In the Action Plan, various activities are included for the purposes of developing a legislation to combat early or forced marriages, conduct surveys to produce evidence-based policies and to obtain data. Within this framework, different surveys will be carried out in this

area within the next period. Moreover, for the surveys planned regarding the other types of violence against women and girls, see Turkey's comments to paragraph 90.

On the other hand, services are provided by taking into consideration the comments, suggestions and requests of the women who receive service from shelters. Within this scope, the comment/suggestion form and satisfaction surveys are prepared and by the evaluation of the comments, suggestions and requests of the receivers of the service, the services are being improved.

### **99. GREVIO urges the Turkish authorities to promote programmes and activities for the empowerment of women and girls by countering discriminatory stereotypes, as a means to uphold their right to live a life free**

**of violence. To this end, the authorities should encourage and support the setting up of local women's and girls' centres working to empower women and girls in all communities, in particular in those communities, such as rural communities, where prevailing patriarchal attitudes pose a considerable challenge to gender equality.**

Turkey continues its discourse and transformation of attitudes for the purposes of combating discriminative stereotypes. It is aimed to initiate this change first in legislation and practices and then to ensure social change by raising awareness. Within this framework, the strategy to mainstreaming the perspective of providing women with proper access to opportunities into all main plans and policies is an important tool for the transformation of public policies. In our country, regulations on gender mainstreaming are included in the strategic plans of such relevant ministries as the Ministry of Family, Labour and Social Services. The details of relevant regulations are included in the response of Turkey to the questionnaire.

As already known, one of the types of gender-based discrimination in the workplace is gender-based division of job as “female jobs” and “male jobs”. Therefore, as is the case in most countries, women can only find the possibility to work in specific sectors that deemed suitable for them. Within this scope, projects are implemented by the Ministry of Family, Labour and Social Services for the purpose of including women in the sectors where the majority consist of men rather than the traditional professions. “Engineer Girls of Turkey Project” and “Painter Forewomen Project” can be given as examples.

One of the cross-cutting policy areas which are considered in the formulation of aim, goal, strategy and activities within the framework of “the Strategy Paper and Action Plan on Women's Empowerment” is “rural women”.

Moreover, the centers serving under the municipalities and having the opportunity to deliver direct services especially to rural women provide significant contributions to the empowerment of women. There exist women solidarity and/or family counselling centres under some municipalities and non- governmental organisations

around Turkey, and free psychosocial, medical, legal and economical support is offered to women at these centres, the women are referred to vocational courses to develop skills, and their role in development is strengthened.

## **101. GREVIO invites the Turkish authorities to actively engage men and boys, alongside women and girls, as actors of change to promote women's equality and prevent gender-based violence against women.**

See Turkey's comments to paragraph 40. Moreover, one of the cross-cutting policies that is considered during the formulation of aim, objective, strategy and activities within scope of the Strategy Paper and Action Plan on Women's Empowerment is "the participation of men including boys in the women's

empowerment". The aforementioned activities will especially be monitored during the implementation of the Action Plan.

Moreover, there are ongoing activities to ensure psychological, sociocultural, professional and personal development as well as social integration for women who receive social assistance at Family Support Centers (ADEM) affiliated to the MoFLSS. Furthermore, Social Solidarity Centers (SODAM) affiliated to the MoFLSS provide services as centers that carry out activities for ensuring psychological, sociocultural, professional, artistic and personal developments in order to develop social integration in regions densely populated by our Romani citizens. Social Solidarity Centers carry out programs for women as well.

## **106. GREVIO strongly encourages the Turkish authorities to:**

*a. develop regular awareness-raising campaigns on the different manifestations of all forms of violence covered by the scope of the Convention, their consequences on children and the need to prevent such violence;*

*b. ensure such campaigns focus on delivering specific prevention messages to specific groups in society to dispel myths, stimulate debate and change societal attitudes to address the culture of victim-blaming and the notion of women's obedience to men, among others;*

*c. involve actively all women NGOs in the design and implementation of such campaigns and foster a societal climate which supports women NGOs' activities in this field.*

Turkey continues the preparatory works for the National Child Strategy Paper and Action Plan (2018- 2023) which includes child/family-based measures to protect children from any kind of violence. Turkey also carries out awareness-raising activities to keep the children away from any kind of violence and abuse. The right to protection which was included in the Draft Law on Legal Assistance and Victim Services regulates as such: "In the event of an application from the victim, her family or cohabitants, the necessary measures shall be taken by the shelter departments in order to prevent the repetition of the crime or the commitment of another crime." Moreover, it is aimed to create a regular awareness towards the different manifestations of all types of violence, their results on children and the need to prevent this type of violence by including awareness-raising strategic goals for all victims including such members of vulnerable groups as women and children in the 2018-2023 Strategic Plan of the Department of Victim Rights.

## **111. GREVIO encourages the Turkish authorities to:**

*a. pursue their efforts to promote a gender-sensitive approach in education, in particular by ensuring that teaching material in all public and private schools and in all teaching programmes do not convey stereotyped narratives regarding the roles of women and men;*

*b. closely monitor how teachers make use of the existing teaching materials and how they approach issues related to gender equality and violence against women;*

*c. take measures to promote the principles of equality between women and men, non-stereotyped gender roles, mutual respect and non-violent conflict resolution in interpersonal relationships in all non-formal educational facilities as well as any sports, cultural and leisure facilities, and support NGOs' initiatives in this area.*



Turkey has taken many different steps to exclude the gender stereotypes from the education materials and continues to do so. The text books and teaching materials prepared by the Ministry of National Education are prepared with an approach that supports human rights and freedoms and rejects all kinds of discrimination. Presentation of people and events in the teaching style or in the examples is based on the principle of gender equality. Elements that may violate the rights and freedoms of individuals are not included in the content, and visuals and phrases that are against human rights, discriminative and judgemental are not used. The names of individuals used in textbooks are not expressed in such a way to represent only a limited part of the society, and there is a gender balance in the examples given and the characters used. Also, value judgments, dressing and living style of society is objectively reflected in the expression, visuals and drawings and expressions that may create prejudice are not included.

“Increasing the sensitivity of education programs and teaching materials to gender equality” and “Increasing the sensitivity and qualification of all trainers regarding the issue of gender equality” are included among the strategies of the education section of “the Strategy Paper and Action Plan on Women’s Empowerment”. Moreover, the following aim for informal education is included: “Life-long learning programmes will be promoted in order to ensure economical and social empowerment of women”.

## **120. With a view to endowing professionals with the necessary knowledge and skills and to achieving the change in attitudes called for in the Istanbul Convention, GREVIO strongly encourages the Turkish authorities to:**

*a. ensure that all professionals concerned benefit from the foreseen compulsory initial training, covering all forms of violence against women including domestic violence;*

*b. ensure on a continuous and regular basis in-service training on all forms of violence against women for all professionals concerned, based on up-to-date and clear protocols and guidelines that set out the standards staff are expected to follow in their respective fields;*

*c. ensure that training addresses any resistance of professionals and relies on the principle of gender equality, as the leading concept to prevent and combat violence against women, and the ensuing need to deconstruct sexist stereotypes;*

*d. embed their training efforts in a culture that fosters leadership, supervision and accountability;*

*e. involve the expertise of women's NGOs in designing and implementing training.*

Turkey is aware of the importance of ensuring an effective, fast and full service by the professionals serving in the area of the combating violence against women by training these professionals either through pre or in-service training. The training program which is detailed in Turkey's response to the questionnaire and is currently implemented for law enforcement officers, health officers, social workers, judges and prosecutors and other judicial staff will regularly continue during the next period. For example, the staff in women's shelters is provided with regular in-service training in order to improve their knowledge, skills and service capacities. The subjects of trainings are defined in accordance with the requests and needs of the staff, such as gender mainstreaming and violence against women, and the necessary measures are taken to prevent burnout syndrome that may be faced by the staff of the women's shelters and periodical psychological support is provided to the staff. The staff is supported through increasing their information level, awareness and professional skills by ensuring their participation in the training and meetings of other public institutions and agencies,

NGOs and international organisations as well as those organised by the Ministry of Family, Labour and Social Services. Moreover, web-based distance training is organized for the staff on the specifically needed subjects so as to inform and train them.

**122. GREVIO strongly encourages the Turkish authorities to introduce systematic and mandatory in-service training on all forms of violence covered by the Istanbul Convention for case workers, decision-makers and interpreters dealing with**

## **asylum-seekers, migrants and refugees, including temporary refugees.**

The development of professional capacities of executive and professional officers who work in the area of combating violence against women is supported by Turkey through trainings and meetings held in cooperation with the relevant institutions and international organisations by informing them on such issues as definitions in the field of foreigners and international and national legislation etc. Within this scope, systematic and in-service training have been launched for the staff appointed to Violence Prevention and Monitoring Centres (ŞÖNİMs) and Women's Shelters.

### **129. GREVIO encourages the Turkish authorities to:**

- a. further develop voluntary and court-ordered programmes – within both criminal and civil proceedings – that (1) focus on achieving behavioural change of the perpetrator to adopt non-violent behaviour; (2) ensure that the safety of victims, their support and their human rights are of primary concern; (3) work in close co-ordination with specialist support services for victims, such as women's shelters and counselling centres and based on multi-agency co-operation;*
- b. expand significantly the number of such programmes to ensure that domestic violence perpetrators receive appropriate treatment;*
- c. use all available means to ensure such programmes are widely attended;*
- d. ensure that personnel administering such programmes receive adequate training which incorporates a gendered understanding of violence and the need to deconstruct sexist stereotypes;*
- e. take measures to monitor perpetrator programmes and evaluate their impact, based inter alia on feedback from the victim.*

Psychological support is provided for women who are subject to violence and their children throughout the country in order to overcome such feelings as hopelessness, unworthiness, guilt and fear that come out after exposure to violence and in order to ensure that they make a healthy choice on their new life styles. There is cooperation with the Public Education Centres under the Directorates of National Education and the Provincial Directorates of Turkish Employment Agency so as to ensure that women get a job or learn a profession. Moreover, women and children are supported in such areas as security, counselling, medical support, financial support,

professional training courses, group works, crèche support for children, social, artistic and sportive activities etc. by referring them to relevant institutions through professional endeavours to solve women's problems.

The efforts continue to improve and promote the pilot scheme which is carried out for the perpetrator by Ankara ŞÖNİM and elaborated in the state report. Especially within framework of the cooperation protocol with the Ministry of Health and of the activity included in the 3<sup>rd</sup> National Action Plan on Combating Violence Against Women, the establishment of psycho-social support centres and building their capacity in order to implement rehabilitation and support programs for perpetrators of violence for whom preventive order is issued as per the Law No. 6284 is among the priority subjects in the next

period. It is planned to ensure that said centres are in sufficient number, easily accessible and have the capacity to provide the rehabilitation and treatment of individuals with different needs and that said centres will be expanded considering the criteria that the staff responsible for the development and implementation of said programs are regularly trained.

## **131. GREVIO encourages the authorities to develop treatment programmes for sex offenders which take due account of best practices developed internationally, whilst guaranteeing a human-rights based approach.**

In accordance with Article 1 of the Law No.5275 on the Execution of Penalties and Security Measures no cruel, inhuman, degrading and humiliating treatment can be made during the execution of penalty and security measures. In accordance with Article 2 of said Law, the main objective of the penalty and security measures is to ensure the prevention at general and specific level, to strengthen the elements which prevent the convict from committing a crime again, to protect the society against crimes, to encourage the convicts to socialize again, to ease their adaptation to a productive lifestyle respectful to the laws, order and social rules.

It is regulated that the judge of execution shall rule one or more of the following treatments or liabilities regarding those who are sentenced to imprisonment due to a

sexual assault crime defined in Article 108/9 of the Law, in Paragraph 2 of Article 102 of the Turkish Criminal Code, due to sexual abuse of children defined in Article 103 and due to sexual intercourse with a minor defined in Paragraph 2 and 3 of Article 104 during the execution of the penalty or, provided that they are on probation, within the period of inspection. These may include subjection to medical treatment, participation in treatment programmes, prohibition from residing in the same residential or work area as the victim of the crime, prohibition from getting close in the places where the victim is, prohibition from working in an environment which requires being together with children and prohibition from carrying out an activity which requires obligation to care and watch children.

The procedures regarding said measures are regulated in “The Regulation on Treatment and Other Obligations Applied on the Convicts of Crimes Committed against Sexual Inviolability”. The implementation of the paragraph of the article of the Regulation which is subjected to criticism was halted by higher judicial body.

The infrastructure and legislative efforts aimed at rehabilitating perpetrators of sexual offense and at ensuring their transformation continue by ensuring inclusion of relevant disciplines and taking into consideration the remarks and critics.

On the other hand, as stated in the State Report, the efforts regarding the perpetrators continue within scope of the cooperation protocol signed between the Ministry of Health and the Ministry of Family, Labour and Social Services in 2015. Moreover, the activity which aims to establish and increase the capacity of support centers in order to implement rehabilitation and support programs for perpetrators of violence for whom preventive order is issued pursuant to the Law No. 6284 in the 3<sup>rd</sup> National Action Plan on Combating Violence Against Women.

### **133. GREVIO invites the authorities to:**

- a. pursue their efforts to engage employers in the elaboration and the implementation of policies to prevent and combat violence against women, including in particular sexual harassment at work;*
- b. integrate women’s perspective and the prevention of violence against women in the work of the Committee to Combat Mobbing, in close co-operation with women’s NGOs;*
- c. collect data regarding the number of women victims of sexual harassment at work, complaints filed by victims and the outcome of such complaints.*

Turkey will decisively continue its efforts for combating sexual harassment in the workplace as stated both in the response to the questionnaire and in the meetings with GREVIO. The Committee on Combating Psychological Harassment prepares three-year Action Plans in line with the comments, suggestions and evaluations of the institutions and organisations which are members of the Committee and of other relevant institutions, and it continues its efforts in this way. In its works carried out under its Action Plan, the Committee combats and creates policy on any kind of behaviours such as mistreatment, coercion, harassment and discrimination which are imposed on all employees in the workplace regardless of their sex and which can be assessed as psychological harassment.

On the other hand, statistics are gathered according to the breakdown of the number of cases opened in the Public Prosecutors' Office and criminal courts and the number of people and crimes, court, region, province, age, sex on the basis of the type of verdict etc.

### **136. GREVIO encourages the Turkish authorities to promote, without interfering with the independence of the media, compliance of all media and journalists with standards to enhance respect for the dignity of women and thus contribute to preventing violence against them, and campaigns to raise women's awareness of the channels for lodging complaints about discriminatory content in the media.**

Turkey is aware of the importance of the role the press plays in combating violence against women. Thanks to this awareness, in 2017, The Representation of Women in Media Project was implemented in order to reveal the impact of the representation style of women in media on women and social and cultural structure of society. This project was aimed at creating a multi-faceted picture by reviewing the status quo of the women representation in media and the current broadcasting in the media and by gathering the remarks of press executives, professionals and the society; increasing the awareness and consciousness of media executives,

professionals, the students of Communication Faculties of Universities and the society/public opinion regarding the women representation in media and therefore minimizing the media broadcasts which reinforce gender inequality.

In addition, “carrying out awareness-raising activities for content providers working at any level of the media sector” and “increasing the efficiency of regulatory and inspective mechanisms in the media ” are included in the strategies of the media section of “the Strategy Paper and Action Plan on Women’s Empowerment”.

Moreover, the following objective is also set in: “It will be ensured that content providers and regulatory and inspective mechanisms are sensitive to the improvement of women’s representation in media and their empowerment”.

Finally, it should be noted that the awareness rising activities still continue especially in the areas of gender mainstreaming and the prevention of any kind of discrimination against women by the experts of the Radio and Television Supreme Council. In 2017, expertise commissions on broadcasting, monitoring and inspecting activities were established under the Radio and Television Supreme Council. One of these commissions is “Gender and Human Rights Commission”. The Commission prepared a report titled “Gender Mainstreaming in Audio-Visual Press”. Said report consists of broadcasting guidelines and activities to be carried out in the short and long term to create awareness on the elements within the contents of broadcasts that are in general against gender equality and reinforce the violence against women. Many activities are planned by the Radio and Television Supreme Council and the Ministry of Family, Labour and Social Services in order to encourage a responsible and conscious broadcasting by raising awareness of service providers in press.

## **144. GREVIO strongly encourages the Turkish authorities to:**

*a. complete the full roll-out of Victim Protection Monitoring Centres (Şönims) throughout all the provinces of the country and ensure that they are established in sufficient numbers so as to provide optimal coverage, in particular in areas in which they do not yet exist and in large/metropolitan cities, which may need more than one such centre;*

*b. strengthen Şönims’ multi-agency approach, including at the level of Provincial Commissions for Co-ordinating, Monitoring and Evaluating measures to Combat Violence against Women;*

*c. fulfil Şönims' aim to operate as "one-stop" stations where a single application from the victim recorded on the basis of her informed consent entitles her to access the full range of services needed, through enhancing multi-agency co-ordination between service providers, improving the referral mechanisms and/or prioritising victims' access to services;*

*d. enhance the capacity and expand the provision of services in Şönims so that all victims, including victims with special needs, have indiscriminate access to protection and support and are referred to specialist women's support services for gender-sensitive counselling and empowering support.*

As of September 2018, the number of ŞÖNİMs has reached to 75. It is envisaged that provincial organisation will be completed in 81 provinces in 2018. Projects are carried out in order to provide not only in-service trainings which aim to increase the efficiency and qualities of professional staff who gives 24-hour-service in these centres but capacity-building training as well.

The secretariat of the activities of "Provincial Coordination, Monitoring and Evaluation Commissions for Combating Violence Against Women" are held two times a year by ŞÖNİMs and aims at making decisions and adopting measures to ensure most effective combat against violence against women at provincial level. Around 81 provinces, the Provincial Directorates of Family, Labour and Social Services, ŞÖNİMs and General Directorate on the Status of Women of the Ministry of Family, Labour and Social Services follow up and participate in all the meetings in order to ensure a strong coordination and effective and quick intervention by increasing the efficiency of these commissions and to ensure the prevention of secondary traumas. The reports of these meetings are regularly reviewed and counselling and guidance is provided to the provinces. See also Turkey's comments to paragraf 69.

In the Regulation on the Violence Prevention and Monitoring Centres, it is stated that the main function of these centres is to ensure coordination. In accordance with the relevant Article of the regulation, the duties of the ŞÖNİMs are defined as "receiving the applications and issuing orders, ensuring cooperation between institutions in order to enter all information relevant in terms of its remits and evaluate and monitor all the information". Within this framework, ŞÖNİMs sustain their activities with single-door approach.

Pursuant to the provisions of the Law No. 6284, the victims are guided in terms of their rights, institutions that offer support, job seeking and other similar topics and many activities are carried out in order to encourage them to participate in vocational courses. The women who are victims of a physical, sexual, psychological or economical violence and who receive service from the women's shelters are



provided with service without any discrimination and only based on the statement of the women. During service provision, the women are informed of their rights and the rules of the women's shelter upon their admission to the shelter. The prioritized issues may include a continuous improvement of referral mechanisms and facilitation of the access of victims to the service. Within

this scope, the activities carried out between 2014 and 2016 within scope of the Project on Combating Domestic Violence are elaborated in Turkey's response to the questionnaire.

In the Law No. 6284 and the Implementing Regulation on the Law No.6284 and The Regulation on Violence Prevention and Monitoring Centres, victim of violence is defined in accordance with Istanbul Convention as "those who are or have the risk to be directly or indirectly exposed to attitudes and behaviours that are defined as violence and those who are or have the risk to be affected by the violence". So, it is clear that no discrimination can be made based on the victim's sex, marital status, language, religion, political opinion, race, nationality, status and disability. Accordingly, in Article 4 of the Regulation on Violence Prevention and Monitoring Centres, it is clearly regulated that no discrimination can be made among the individuals during service provision. Within this scope, service is provided at ŞÖNİMs under such titles as information, coordination, psycho-social support, legal support, educational and professional counselling, health support, financial support, intervention and guidance to those who are or have the risk to be victims of a physical, sexual, psychological and economical violence without any discrimination.

### **153. GREVIO strongly encourages the Turkish authorities to take measures to ensure that protection and support to victims complies with the general principles laid down in Article 18 of the Convention, in particular by:**

*a. grounding protection and support on a gendered understanding of violence against women, including by developing specialised capacities/skills, through training and other appropriate means, of relevant service providers (particularly*

*those in Şönims) to recognise the gendered dynamics, impact and consequences of violence;*

*b. conceiving and shaping protective measures which contribute to the empowerment of victims, with a focus on long-term recovery (including but not limited to high-quality psychological counselling and other forms of socio-economical support);*

*c. developing, within and/or in addition to state-run services, alternative, low-threshold specialist support services acting in the interest of victims and giving them the choice to decide whether or not to press charges against the perpetrator.*

When women who are or have the risk to be victims of violence apply to ŞÖNİMs or reach ŞÖNİMs via any channel (helplines 155, 183 etc.), risk assessment is carried out by an expert appointed to ŞÖNİM, and the woman is informed of her rights.

Moreover, in order to support the parties and children, service is provided for families who request or are identified to need family counselling service during the divorce period and in accordance with their demands. Women who have decided to live together with their husbands may be guided on-demand towards counselling and guidance services such as family counselling and divorce counselling which are given under the Ministry of Family, Labour and Social Services. The service concerned is not provided by ŞÖNİM but provided by the Social Service Centers. It is aimed with this initiative that women and children get through the divorce process with the minimal loss and without emotional trauma. There is no pressure in this respect. The Law No. 6284 stipulates a system which allows the victim of violence to give a free decision based on her free will.

Turkey is aware of the fact that one of the most important elements of combating violence against women is the empowerment of victims. Psychological support is provided to the women who are exposed to violence and their children in overcoming such emotions as hopelessness, unworthiness,

guilt, fear that appear after violence and in ensuring a healthy environment for them to choose their new life styles. Cooperation is made with the relevant institutions and agencies to help them find a job or have a profession. Moreover, support is offered to women and children directly or through guidance to relevant organisations in such fields as security, counselling, medical support, legal support, financial support, vocational training course, group works, crèche support for children, social, artistic and sportive activities etc.

“The Project on Development of Psycho-social Support and Intervention Program for Women Victims of Violence and Their Children”, developed by GDSW, will be effectively implemented by developing a psycho-social support and intervention program for individual and group works aimed at women and their children who receive service from institutional service departments and who have the risk of being exposed to violence. With “the Project on Development of Empowerment Model for Post-Shelter Period”, it is aimed to activate inter-agency collaboration in combating violence against women, developing and disseminating Women’s Empowerment Model, taking women victims of violence out of the cycle of violence by decreasing the need for housing, developing economic empowerment process and increasing employment opportunities.

It is essential to provide information on the procedures to be carried out to the victims who apply to ŞÖNİMs and women’s shelters which are our institutional service departments in combating violence, and no decision can be made in the name of the applicant women in order to protect them (Article 4 of the Regulation on ŞÖNİMs and Article 4 of Regulation on the Establishment and Operation of Women’s Shelters).

Reporting the act of violence to judicial authorities is not a prerequisite for the victims of violence to receive service from ŞÖNİMs and women’s shelter. Without any need to apply to the judicial authorities, it is possible that civilian authorities can provide women and, if needed, her children with housing in their current location or anywhere, with temporary financial support without prejudice to the assistance provided under other laws and with psychological, vocational, legal and social guidance and counselling services.

Within this scope, professional supports are provided at all phases on the basis of the safety and confidentiality of the victim; and the victim is supported through her right to make her own decisions concerning her own life and through self-determination.

## **157. With the aim of empowering victims, GREVIO encourages the authorities:**

- a. to sustain their efforts aimed at ensuring that all victims receive adequate and timely information allowing them to take informed decisions and to exercise effectively their rights to support and protection;*
- b. to develop information which is meaningful and accessible, in all relevant languages, to all groups of victims, such as rural women, girls, lesbian women and*

*victims of forms of violence which are less reported, such as victims of sexual violence, as part of a wider effort aimed at opening up access to services for them;*

*c. intensify efforts to ensure that professionals of all relevant institutions properly inform victims of the available legal remedies and measures of support.*

Turkey will continue to work increasingly for providing sufficient and timely information on to the victims so that they could make conscious decisions. Consciousness and awareness-raising and informative training is carried out via individual and group works regarding the legal processes and

rights of the victims of violence. Moreover, detailed information is given about the services of the women's shelter. Free legal assistance is provided to the women who are victims of violence upon their request and their need by the bar. Within this scope, the Ministry of Family, Labour and Social Services is involved in the case process, and the victims of violence in need are offered legal assistance by the bars without discrimination.

Moreover, it is planned to establish victim support units in 150 courthouses in total including 139 criminal courts and major districts under the Draft Law on Legal Assistance and Victim Services. Within this framework, it is aimed to provide support service after identifying the needs through an individual assessment that will be carried out by psychologists, pedagogues and social workers with the victims including the women who are victims of crime and also to inform and guide the victims through law enforcement or legal assistance departments regarding the rights and assistance provided by public institutions or non-governmental organisations.

Turkey is aware of the measures which need to be taken in order to prevent the victims from experiencing secondary victimization. In our country, the Law No. 6284 regulates the rules and procedures regarding the protection of women, children, family members who have experienced or are under risk of violence or individuals who are victims of stalking and regarding the prevention of violence against these individuals. Moreover, the brochures which include information on such issues as human trafficking, early or forced marriage, violence etc. and the application mechanisms to apply in case of violence or witnessing violence are prepared, updated each year and distributed to 81 provinces in order to increase the number of people informed. On the website of the Ministry of Family, Labour and Social Services, information on the application mechanisms to apply is provided. Information is also given to the staffs who work on ALO 183 Social Support Hotline via training, and it is ensured to inform and guide the victims of violence to

services. Moreover, it is aimed to increase the number of people reached by promoting the aforementioned line via brochures, banners and public service announcements. On the other hand, Article 234 of the Turkish Criminal Code regulates the rights of the victim and complainant and clearly states the information the victim may request and her legal demands during the investigation and prosecution phase.

## **164. With the aim of empowering victims and helping them to recover from violence, GREVIO urges the Turkish authorities to:**

- a. entitle victims of violence without the necessary financial means to receive financial assistance;*
- b. develop employment programmes for all victims of violence, in particular in areas such as rural areas lacking employment opportunities;*
- c. expand the provision of child care facilities for victims of violence and encourage victims' access thereto;*
- d. enable access to affordable housing services for women victims of violence and their children, for example, by expanding social housing models;*
- e. consider prioritising victims of violence in accessing general services which may contribute to their long-term empowerment and financial security.*

*To measure progress in this field, relevant policies should be supported by dedicated financial means and clearly identified targets.*

Turkey is aware of the fact that one of the most important tools for the empowerment of victims of violence is the economic empowerment. Within this scope, basic needs of women and their children who receive services from the women's shelters but do not work and do not have any income are covered, and allowance support is offered to the women and children so that they can cover their special needs. In addition, Turkey provides program supports such as Conditional Education and Health Assistance Programmes, Cash Transfer Programme for Widowed Women and Assistance Programme for Families of Soldiers in Need. Beneficiaries of all these programmes are women. These assistances have a significant share among all assistance programmes. In 2017, women accounted for 62% of the beneficiaries of social assistance; 76% of the beneficiaries of regular assistance and 52% of the beneficiaries of temporary assistance. Furthermore, quota

and grants in project supports and practices increasing women's participation in economic and social life such as Family Support Centres (ADEM) have been put into practice. Efforts towards economic empowerment of victims of violence will continue by increasing in the coming period as well.

Playgrounds are created for the children who stay at women's shelters with their mothers, and activities that will support their development are carried out by child development experts and child educators. In addition, it is ensured that they have priority to benefit from free crèche services outside the women's shelter.

Turkey conducts Housing Support Programme via 1001 Social Assistance and Solidarity Foundations (SYD). Under the programme, in-kind or in-cash assistance is provided to citizens in need who live in very old, neglected and unhealthy houses for the repair and maintenance of their houses. In this assistance programme, around 60% of the beneficiaries are composed of women. Moreover, with "Social House Construction Protocol", housing support is provided on the condition of repayment to poor and needy citizens falling under the scope of Law on the Promotion of Social Assistance and Solidarity No. 3294. Eligible citizens are not asked for a guarantor, and no advance payment or any money under any other name is demanded at the beginning of the project. Repayment is spread around a quite long period.

As stipulated in the Regulation on the Establishment and Operation of Women's Shelters, a woman staying in the shelter benefits from examination and treatment assistance as per Article 19 of the Law in case a protection order is issued in her favour. Women are granted the right to have priority in healthcare institutions during their treatment and while obtaining medical report. Through visits paid by job and vocational counsellors at certain intervals, it is ensured that victims of violence foreseen to receive services from İŞKUR (Turkish Employment Agency) benefit from the services at ŞÖNİMs and in the absence of ŞÖNİMs, by contacting Provincial Directorates of the Ministry of Family, Labour and Social Services. Furthermore, with the project entitled "Development of Empowerment Model for Post-Shelter Period", initiatives are carried out for the purposes of economic empowerment of women victims of violence and for enhancing employment opportunities for them for pre and post- shelter period and during the period they stay at the shelter.

See also Turkey's comments to paragraph 10.

## **168. GREVIO strongly encourages the Turkish authorities to widen the spectrum**

## **of support services available to women victims of all forms of violence, in particular by ensuring an independent role for women's NGOs in providing essential services such as counselling, shelter accommodation and advocacy to women victims of violence.**

Turkey has adopted highly participatory culture with the aim of ensuring the contribution and participation of various parties ranging from universities to private sector and public agencies and

NGOs in all activities carried out in order to achieve gender equality, empower women and prevent violence against women.

Accordingly, in activities identified under the scope of the objectives of legislative amendments, awareness-raising and transformation of attitudes, delivery of protective and preventive services and empowerment of the victims of violence, organisation and implementation of healthcare services, inter-agency cooperation and policy development set in the 3<sup>rd</sup> National Action Plan on Combating Violence Against Women (2016-2020) in force, participation and contributions of NGOs are foreseen as relevant institutions.

In addition, information about significant financial support and training provided with the aim of enhancing the capacity of local NGOs under grant component of Project for Combating Violence against Women, carried out by GDSW, was submitted in the response of Turkey to the questionnaire.

### **180. GREVIO urges the Turkish authorities to:**

*a. increase the number and capacity of appropriate, easily accessible and specialist shelters for victims of violence against women and domestic violence, providing safe accommodation to all women victims and their children, relying on and preceded by, a country-specific needs assessment, which would take into*

***account prevalence data and other relevant factors including the level of risk and the requirement to meet the needs of specific/vulnerable groups of women;;***

***b. review existing laws and regulations to remove restrictions preventing access to shelters for certain groups of victims, such as women over the age of 60, women with mental disabilities, women mothers of boys over 12 years of age or of children with disabilities;***

***c. devise alternative filtering mechanisms allowing the detection of victims of violence without delaying victims' immediate access to shelters;***

***d. take additional measures to ensure that shelters and the rules by which they operate foster a culture of empowering victims, respecting diversity and fully upholding victims' human rights.***

In recent years, Turkey has increased the number and capacity of women's shelters considerably. In order to eliminate problems stemming from the fact that women and their children with different needs and demands due to their different features and sensitivities receive services together while benefiting from the services of shelter, initiatives have been launched to ensure specialisation of shelters. A model has been developed as a result of specialisation initiative taken in Ankara as a pilot project in 2017. Efforts are underway to expand this model across the country.

Thanks to specialisation, women victims of violence and their children will have fast and effective access to services, will receive more effective and quality services in accordance with their needs, will be supported with more professional and empowering social services during the service and in post- service period, loss of resources and productivity arising from delivering service to groups with different needs and risks in the same environment will be prevented, and it will be ensured that public resources are utilised more efficiently and effectively in accordance with the needs of women.

Turkey shows regard to GREVIO's comments on legislative change. However, the main aim is to keep the women and their children stay in the same facilities at women's shelters, and the women can receive services together with their children. There exists no age limit for the girls. There is age limit of 12 for boys due to living conditions and privacy considerations at women's shelters. However, if physical conditions of the shelter available, boys above the age of 12 can stay with their mothers. If

there is not a life-threatening situation, children can stay at a social facility with their mother or they are placed into a child institution affiliated with the MoFLSS



where they can receive services with their peers; and all type of support is provided to ensure that the child meets his/her mother and that mother-child relationship is developed.

Women over the age of 60 who are in need of women's shelter due to domestic violence can receive services from the women's shelter. However, women over the age of 60 who need only housing receive services via elderly residential houses affiliated with the MoFLSS. Mentally disabled women victims of violence can benefit from the services of women's shelters if their disability is below 40% according to medical board report; mentally disabled women victims of violence whose disability is above 40% according to medical board can benefit from the services of institutions affiliated with the MoFSP and serving to people with disabilities.

Turkey takes into account the recommendation of devising alternative filtering mechanisms allowing to identify victims of violence without delaying victims' immediate access to shelters. Women wishing to benefit from the services of women's shelters can apply to law enforcement units, violence prevention and monitoring centres (ŞÖNİM), social service centres, Provincial Directorates of the Family and Social Policies, women counselling centres affiliated with bar associations, legal assistance boards, municipalities, women counselling centres affiliated with non-governmental organisations and ALO 183 Social Support Line. Following the application, women victim of violence and their children are referred to the women's shelters offering first step services where they can stay up to two weeks and are admitted temporarily via ŞÖNİM and their first observations are made; medical check and treatment are provided; their psychosocial and economic situation is examined. In big provinces with large population where the number of applications is high, first step services are offered at shelters located at independent buildings whereas in small provinces with no dense applications, first step services are offered at reserved parts of the shelters. During this two- week period, women victims of violence and their children are assessed from various perspectives, their immediate needs are met, and women victims of violence and their children in need of longer sheltering are referred to available women's shelter.

Turkey offers all services to women and their children who need sheltering due to violence on the basis of human rights, and services are delivered without any discrimination on any grounds. Rules of shelters are set by taking women's needs and sensitivities into account.

## **183. GREVIO urges the Turkish authorities to set up or support the functioning of one**

## **or more dedicated telephone helpline(s) in all relevant languages covering all forms of violence within the scope of the Istanbul Convention run by specialist staff trained in all these forms of violence.**

Turkey show regard to the recommendation of GREVIO on the establishment of a telephone helpline dedicated to violence. However, staff working at ALO 183 Hotline giving service in Turkish, Kurdish and Arabic-as indicated in the GREVIO report- has received in-service training on Law No. 6284 and the Regulation, Violence Prevention Centres, women's shelters, institutional services such as first step units, services targeting women, gender equality, projects targeting women etc., and these training programmes are repeated each year by the MoFLSS. Privacy of those who call the helpline is respected, and the issue of privacy is especially underlined during the training. Sufficient number of staff works at the helpline, and required measures are taken to ensure that victims of violence are able to reach the helpline immediately without waiting.

### **188. GREVIO urges the Turkish authorities to:**

- a. set up rape crisis and/or sexual violence referral centres in sufficient numbers, recalling that one such centre should be available per every 200 000 inhabitants and that their geographic spread should make them accessible to victims in rural areas as well as in cities;*
- b. ensure that these centres provide both short-term support, forensic examination and medical care, as well as longer-term counselling and support;*
- c. further develop and enhance the capacities of Child Monitoring Centres (CMCs) to provide support to child victims of sexual violence and forced marriages;*
- d. ensure that cases of underage and possibly forced marriages are detected, namely by healthcare personnel, even in cases when birth takes place without*

***medical supervision and notifications are done verbally and measure progress in this field, in particular by collecting data regarding the number of cases of sexual violence and forced marriages registered by CMCs and other healthcare establishments.***

Across Turkey, 31 Child Monitoring Centres (CMCs) operate in 28 provinces. It is planned to establish CMCs in further 25 provinces. Plans have been revised so that 59 CMCs exist in total in 53 provinces. In the provinces not covered by the plan, it has been agreed to establish “Child Coordination Units” where security of the child and contact with CMC is ensured under the responsibility of deputy chief physician under social services unit within the hospital until the child victim of sexual abuse is taken to CMC nearest to the residence of the child, which has been furnished suitable for children, and where no interview is made with the child regarding the issue until the child is taken to CMC. Furthermore, in Child Monitoring Centres, professionals who have participated in training programme coordinated by General Directorate of Public Health are employed as Judicial Interviewer. In accordance with above-mentioned plans, the number of Certified Training Programme for Judicial Child Interviewer will be increased for the Judicial Interviewers to be employed at Child Monitoring Centres. The existing and planned Child Monitoring Centre staff needs were assessed, and studies were started. Multistakeholder scientific board has been set up pertaining to communicable diseases, and possible legal, medical and social actions are discussed. It is planned to establish Women Monitoring Centres affiliated with the Ministry of Health to prevent women victims of violence from suffering again. It is planned that these centres, similar to Child Monitoring Centres, will operate as 3 pilot centres.

In the Draft Law on Legal Assistance and Victim Services, it is stated that special centres will be set up with the aim of preventing repeated victimisation of the victims of sexual offence; ensuring that judicial and medical actions are carried out at a centre composed of trained staff and in one sitting; taking the statement of victims of sexual offence at the centres via experts under the supervision of public prosecutor; if consented by the victim, recording the images and sounds during the testimony; making it obligatory to record while taking the statement of victim children, except for cases where it is obligatory for the purposes of discovering material fact; not taking the statement of the victim again during investigation and prosecution and doing with the statement taken at the centre, and ensuring that physical examination and sample-taking from the body the victims of sexual offence will be conducted by forensic medicine expert or in his/her absence, specialist physician at these centres. Through this, it is aimed to establish and disseminate rape crisis centre and/or sexual violence application centre.

## **194. GREVIO strongly encourages the Turkish authorities to step up measures to:**

- a. increase awareness of the harmful effects of witnessing domestic violence on children;*
- b. ensure that the statutory agencies mandated to implement Law No. 6284 systematically examine the situation of the children of the victim, assess the risks to which they are exposed, and determine the measures to be taken to protect the best interest of the child;*
- c. guarantee a thorough monitoring and follow-up of any measure taken to protect child witnesses, paying attention as to whether custody and visitation arrangements and/or changes thereof may negatively affect children and their mothers;*
- d. enhance the capacity of service providers, including specialist women's support services, to protect and support child witnesses.*

Turkey is aware of the fact that one of the most significant groups affected by the violence against women is children. In accordance with the principle of “best interest of the child”, required by both international conventions and the laws, Turkey takes actions related to children. In the Child Protection Law No. 5395 which entered into force in 2005; health, education, counselling, care and housing measures have been defined with the aim of determining the needs of children identified to be in need of protection, and providing necessary support at early stage. Coordination Strategy Document for Child Protection Services covering the period 2014-2019 is implemented in order to ensure the implementation of the Child Protection Law effectively and efficiently by all institutions and to deliver preventive and protective services for children. Provincial-District Coordinators responsible for child protection services have been established in order to ensure effective implementation of the child protection system. Within this scope, required actions are carried out in 81 provinces related to child protection via inter-agency cooperation.

Preparations for National Child Strategy Paper and Action Plan (2018-2023) entailing child and family-based measures are maintained by the MoFLSS in order to protect the children from all types of violence.

## **197. GREVIO urges the Turkish authorities to take measures to raise the rates of reporting of incidents of violence against women, by conducting research into and addressing the underlying causes of underreporting in relation to all forms of violence covered by the Istanbul Convention, including in particular sexual violence.**

Turkey continues its initiatives so that more women victims of violence can report it to relevant units. Various visual and printed materials have been produced and disseminated by the MoFLSS within framework of initiatives towards raising awareness and consciousness level to combat violence against women.

Activities are carried out at ŞÖNİMs to guide women on victim's rights, institutions to get support, finding a job and similar issues and to refer them to vocational training courses in accordance with the provisions of the Law No. 6284.

Under "Awareness-raising and Transformation of Social Attitudes" objective of the 3<sup>rd</sup> National Action Plan on Combating Violence against Women, "In order to eliminate negative attitudes and behaviours giving raise to and reinforcing violence against women" various activities have been identified to "raise awareness and sensitivity concerning gender equality, violence against women and domestic violence". One of these activities is the development and dissemination/publication of television, radio programmes and visual, audio and printed materials aiming to raise sensitivity targeting policy-makers, decision-makers, service providers and the general public in collaboration. Within this scope, brochures developed by the MoFLSS in 2016-2017 and disseminated have been

updated. Of the brochures updated, ŞÖNİM, Violence Against Women and GDSW info brochures were printed in Turkish, English and Arabic and distributed to 81 provincial directorates. Every year, on the occasion of "International Day for the Elimination of Violence Against Women and Solidarity, November 25", meetings

are held, printed-visual materials are produced and disseminated, and public service announcements are shown with the aim of raising awareness and sensitivity among the general public about violence against women.

Ministry of Justice, Department of Victim Rights undertakes plenty of activities to inform the victims and produces brochures and leaflets about the provisions of the Law No. 6284 to be disseminated to the victims. In addition, an information web site has been developed about the provisions of the Law No. 6284.

**200. GREVIO strongly encourages the Turkish authorities to take measures to ensure that prosecution is a central component of Turkey's response to violence against women and that measures of protection taken under Law No. 6284 are not viewed as replacing the need for prosecution.**

Turkey is aware of the importance of prosecution in combating violence against women. In Turkey, proceedings regarding suspects are carried out simultaneously in line with relevant articles of Turkish Criminal Code and Law No. 6284. In principle, acts of violence targeting women and classified as offence in Turkish Criminal Code (intentional killing, intentional wounding, torture, ill-treatment, sexual abuse of the child, sexual assault (other than the basic form), and deprivation of personal liberty...) are investigated ex officio. Regardless of whether the victim of violence lodges a complaint against the act or whether an restraining order has been issued or not, judicial authorities finding out about the incidence of violence initiates required procedures and actions to investigate and prosecute the act. In addition, in order to prevent that the victim is exposed to violence again, protective and preventive measures defined in the Law No. 6284 are applied.

**203. GREVIO urges the Turkish authorities to include in information provided to victims in pursuance of Article 19 of the**

**Istanbul Convention, elements regarding available remedies in case of public officials' failure to perform their statutory duties to diligently prevent, investigate and prosecute acts of violence covered by the convention and to monitor progress in this area by keeping data on the numbers of claims lodged by women victims of violence and their outcome. GREVIO further invites the authorities to assess which are the prevailing reasons preventing victims from accessing legal remedies against state authorities and, based on their findings, to take measures to address such causes.**

Information about the responsibilities of public officials including providing detailed information to victims has been given in the response of Turkey to the questionnaire and meetings with GREVIO. In accordance with the provisions of the Law No. 6284, activities are carried out to guide women on victim's rights and institutions to get support, finding a job and similar issues and to refer them to vocational training courses. Under the objective of "Delivery of Protective and Preventive Services and Empowerment of Victims" in the 3<sup>rd</sup> National Action Plan on Combating Violence Against Women, within framework of the activity "Increasing the capacity of Violence Prevention and Monitoring Centres and Standardisation of Services", it is planned to revise the scope of information activities towards the victims of violence in the light of the recommendations of GREVIO.

**205. GREVIO strongly encourages the Turkish authorities to adopt measures to**

## **facilitate and guarantee access to compensation for victims of all forms of violence against women, in particular by:**

- a. reviewing the civil procedures regarding compensation from perpetrators with a view to improving their effectiveness;*
- b. ensuring that victims are systematically informed of their right to claim compensation and of the relevant procedures to be followed;*
- c. strengthening the capacity of law practitioners and specialist women's support services to help victims claim compensation;*
- d. incorporating the issue of compensation in training programmes for the law enforcement agencies, the judiciary and victim support organisations;*
- e. setting up a state compensation scheme accessible to victims which complies with the requirements of Article 30, paragraph 2, for all forms of violence against women contemplated in the Istanbul Convention, paying due regard to the victim's safety;*
- f. monitoring progress in this area, by keeping data on numbers of compensation claims filed by victims and their outcome.*

Draft Law on Victims' Rights includes provisions stipulating the provision of financial assistance to vulnerable groups who are victims of crimes including violence against women. It is expected that the draft law will become a law in the near future. Once the Draft Law becomes a law, Legal Assistance and Victim Services Directorate will be established in 139 provinces and districts. It is considered that once the draft law becomes a law, provisions related to compensation stipulated in Article 30 of Istanbul Convention will be enforced effectively.

## **212. GREVIO urges the Turkish authorities to:**



***a. promote a greater use of the legal provisions in Law No. 6284 allowing the determination of custody related issues pending the application of emergency barring and restraining and protection orders, notably by training legal professionals and judicial officials including by developing protocols and guidelines;***

***b. take the necessary measures to ensure that incidents of violence are fully taken into account by courts when determining custody and visitation rights of children, in particular by seeking and taking into account the opinion of professionals such as social workers, child psychologists advising courts in matters pertaining to the best interest of the child;***

***c. uphold the principle enshrined in paragraph 2 of Article 31 that the exercise of any visitation or custody rights should not jeopardise the rights and safety of the victim and children, with reference in particular to the on-going examination of the draft law on victims' rights;***

***d. monitor the courts' practice in this field and measure progress.***

Turkey is aware of the importance of emergency barring orders in terms of the risk of women's exposure to violence. In order to ensure that these orders are enforced effectively, in-service trainings were delivered to law enforcement officers, judicial authorities and courthouse staff under the Law No. 6284, and the training programmes are ongoing at present. In addition, the Ministry of Justice maintains its activities regarding the objective "to exclude the verdicts on "child admission and personal relationship with the child" conducted through Execution Offices from the execution system and to conduct free of charge" within scope of "the 100-Day Action Plan" published on 3<sup>rd</sup> August 2018.

According to Article 5 of the Law No. 4787 on the Establishment, Duties and Rules of Procedures of Family Courts entitled "experts working within family courts"; a psychologist, a pedagogue and a social worker are appointed by the Ministry of Justice preferably married and have children, have completed thirty years of age and have completed postgraduate training in the field of family matters. These experts are appointed to investigate and examine the causes of the disputes between the parties concerning the matters requested by the court before each family court and to share his/her conclusions, before the merits of the case is addressed or during the hearing and to be present at the case where the court deems necessary, to work on the issues requested and to present views. Judges of family courts request the view

of experts in order to determine the best interest of the child in the resolution of conflict related to the custody of the child.

## **217. GREVIO encourages the Turkish authorities to:**

*a. take the necessary measures, including training and developing protocols and guidelines, to raise awareness of the professionals concerned, in particular law enforcement and judicial officers, of the relevance of psychological violence as one of the most widespread forms of violence affecting women's lives in Turkey;*

*b. make a thorough review of the current use of existing provisions of the TCC in judicial practice paying a due regard to requirements related to abusive pattern of coercion or threats;*

*c. investigate, prosecute and punish effectively cases of psychological violence by making full use of the available provisions in the Turkish Criminal Code, including in particular the offence of torment sanctioned under Article 96 of this code, or consider introducing a new provision that would better fit into Convention's framework.*

As indicated in the response of Turkey to the questionnaire, there is specialisation among law enforcement units. Organisation has been established by setting up Child and Woman Section Chief within Public Order Branch of Provincial Gendarmerie Command, and Juvenile and Female Offences Proceeding Sergeants has been assigned to District /Station Commands of Gendarmerie as twin officers "Bureau for Fighting Against Domestic Violence and Violence Against Women" was established within Public Order Branch of 81 Provincial Directorates of Security on November 11, 2015 to examine data related to incidence of domestic violence and violence against women in the province and to represent the institution by undertaking procedures and activities across the province.

Due attention is paid to ensure that staff with awareness of violence against women including gender equality and psychological violence is employed at these units. Actually, within scope of the Project for Combating Domestic Violence, relevant staff was trained. In addition, curriculum was developed to be used during training programmes to be organised by Turkish National Police Academy. Training is also delivered within scope of cooperation protocol signed in 2012 between Ministry of Interior, General Command of Gendarmerie and the MoFLSS (see the responses of Turkey to the questionnaire).

Even if the Law No. 5273 does not have a classification entitled “psychological violence”, sanctions are formulated regarding the nature and results of the type of violence. In general, psychological violence is addressed under the offences of threat (Article 106), blackmailing (Article 107), oppression (Article 108), slander (Article 125) and cruelty (Article 232). In case psychological and emotional health of the victim is impaired as a result of the act it is also possible to apply provisions of intentional injury regulated in Article 86 of the Law.

## **221. GREVIO urges the Turkish authorities to establish stalking as a separate offence and to subject it to an effective and dissuasive punishment, having due regard to its possible manifestations in the digital arena.**

As indicated in the response of Turkey to the questionnaire, the Law No. 6284 regulates the procedures and principles regarding protection of women, children, family members and the victims of stalking, who have been subjected to violence or at risk of violence, and the measures to be taken for prevention of violence against those people. Article 123 of Turkish Criminal Code No. 5237 classifies the offence of “disturbing people's peace and tranquillity”. Accordingly, if one person is called by phone, noise is made persistently just with the aim of disturbing peace and tranquillity of an individual or similar acts are conducted against the law with the same intention, the perpetrator is sentenced to 3 months to 1 year of imprisonment upon the complaint of the victim. While defining the offence, acts of offence have been exemplified as calling by phone, making noise; however, acts to be deemed as offense have not been restricted. It is possible to punish any act contrary to law which has the effect of disrupting the peace of the person under this article. In this context, under this article, victim of violence may demand the punishment of repetitive, intentional and threatening behaviours causing concerns about his/her security.

## **226. GREVIO invites the Turkish authorities to:**

***a. introduce criminal legislation that would specifically cover the intentional conduct set out in Article 36, paragraph 1c, of the Istanbul Convention, namely the conduct of causing another person to engage in non-consensual acts of a sexual nature with a third person;***

***b. carry out an analysis of courts' practice in respect of cases of sexual violence against former spouses, and based on the findings of such an analysis, take the appropriate measures to ensure that the provisions of the Turkish Criminal Code on sexual violence are applied in such cases.***

Turkey does not agree with GREVIO's recommendation within scope of paragraph 226. Hence, the act of violence described in Article 36/1 of the Convention is described as a crime in detail in Articles 102 and 103 of Turkish Criminal Code No. 5237. Paragraph 1 in Article 102 describes basic form of sexual assault act as well as description of commission of the offense by inserting an organ and in other forms as elements of aggravation of punishment in the second and subsequent paragraphs. Accordingly, any person who violates sexual immunity of a person is sentenced to imprisonment. In case of commission of offense by inserting an organ or instrument into the body, the offender is punished with imprisonment from seven years to twelve years. If the offense is committed against the spouse, it is also regulated as crime.

If the offense is committed; against a person who cannot protect himself because of corporal or spiritual disability; by undue influence based on public office; against a person with whom he has third degree blood relation or kinship, or by stepfather, stepmother, half-sibling, adopter or adopted child,; by using arms or participation of more than one person in the offense, by using the opportunity of compulsory communal life, the punishments imposed according to above subsections are increased by one half.

In case of use of force and violence during sexual assault in such a way to result in serious consequences of intentional injury, the offender is additionally punished for intentional injury. In case of death or vegetative state of a person as result of the offense, the offender is sentenced to heavy life imprisonment.

Moreover, if the offense defined under the article is committed against an ex-spouse, the act is also punished.

Article 103 is about "child sexual abuse". Accordingly, "Any person who abuses a child sexually is sentenced to an imprisonment from eight years to fifteen years. In case of performance of sexual abuse by inserting an organ or instrument into a

body, the offender is sentenced to a term of imprisonment no less than sixteen years”.

If the offense is committed by involvement of more than one person; by using the advantage of the environment where people have to live together collectively, against a person with whom he or she has third degree blood relation or kinship, or by stepfather, stepmother, half-sibling or adopter; by his/her guardian, tutor, instructor, caregiver, custodial parents or by those who provide him/her with health care or are under an obligation to protect, look after or supervise him/her; by undue influence based on public office or employment relationship, the punishment to be imposed according to the above subparagraphs is increased by one half.

In cases where sexual abuse is conducted by use of arms, the punishment to be imposed is increased by one half. In case of use of force and violence during sexual abuse in such a way to result in serious consequences of intentional injury, the offender is additionally punished for intentional injury. In case of vegetative state or death of a person as a result of the offense, the offender is sentenced to aggravated life imprisonment.

## **234. GREVIO urges the Turkish authorities to:**

*a. amend their legislation on sexual assault of children older than 15 having due regard to the requirement of the Istanbul Convention to criminalise all forms of non-consensual acts of a sexual nature, including rape;*

*b. conduct studies on the implementation by courts of the criminal provisions regarding sexual violence against girls.*

Paragraph 1 and 2 of Article 103 on Turkish Criminal Code (TCC) on “Child sexual abuse” was amended in 2016. The reason for amending the text in the article is the decision of Constitutional Court. With the decisions concerned, Paragraph 103/1 and 103/2 were revoked on the ground that determination of the punishment requires stratification according to age and with other justifications. Following the enactment of decisions, reformulation was made in order to avoid impunity for the offense and prevent legal gap. While making reformulation, the original forms of the text of the article was preserved and lower limit of the punishment was increased in case the victim is below 12 years old.

In its current form, any person who abuses a child sexually is sentenced to an imprisonment from eight years to fifteen years in accordance with Article 103. If the said sexual abuse ceases at the level of sexual importunity, the term of

imprisonment shall be from three years to eight years. If the victim has not yet completed the age of twelve, the punishment to be imposed cannot be less than ten years in case of sexual abuse, and cannot be less than five years in case of importunity.

Sexual abuse covers any kind of sexual attempt against children who are under the age of 15 or attained the age of 15 but lack of ability to understand the legal meaning and consequences of such act as well as sexual behaviours against other children by force, threat, fraud or another reason affecting the willpower.

In case of performance of sexual abuse by inserting an organ or instrument into a body, the offender is sentenced to a term of imprisonment no less than sixteen years. In case the victim is under age 12, the punishment to be imposed shall not be less than eighteen years.

The text of the article considers abuse of any child under age 18 as a criminal act. The punishment is increased solely based on the age of the victim. To the contrary of what was indicated in GREVIO report, Turkish Criminal Code established the basis for the offense of sexual abuse on `the absence of consent`. Consent is not sought for any kind of sexual acts against children who are under the age of 15 or attained the age of 15 but lack of ability to understand the legal meaning and consequences of such act. Conducting the act against other children under the age of 18 by use of “force”, “threat”, “fraud” or based on any other reason “affecting the will” is regulated as an offense.

Turkey does not agree with GREVIO’s comment on the failure of legislator to protect minimum age for free consent on sexual assault. Article 104 of TCC is about sexual intercourse with persons not attained lawful age and accordingly any person who had a sexual intercourse with a child who completed the age of fifteen, without using force, threat and fraud, is sentenced to a term of imprisonment from two years to five years. The legislator regulated this to protect the children above 15 but lacking the necessary emotional and intellectual maturity to understand the consequences of the act.

Moreover, Turkey does not agree GREVIO’s comment on where the offence is deemed not to have overstepped the level of importuning and the perpetrator is a child, the investigation into and the prosecution of the offence is made dependent upon a complaint filed by the victim or the victim’s parent or guardian and that this provision might have been intended to avoid prosecution in cases involving underage marriage. Paragraph 1 of Article 103 reads as “If offender of the offence ceased at the level of importunity is a child, commencement of an investigation and prosecution depends on the complaint of the victim’ parents or guardian”. “Offence

ceased at the level of importunity” may apply when the sexual immunity of the child is violated for a very short period with interrupted behaviour. For instance, stroking the cheek of the victim, kissing once on the cheek, touching the body with a sexual expression or indication is considered as importunity. Early and forced marriages create major sexual abuse of the child and these acts are investigated and prosecuted ex officio.

## **245. GREVIO urges the Turkish authorities to:**

- a. recognise forced marriage as an offence under criminal law in its own right;*
- b. take the necessary measures to ensure that no victim of rape or harassment is forced into marriage with the perpetrator and that marriage does not nullify the violent act ;*
- c. enforce, including by means of sanctions, the responsibility of all state officials entitled to perform civil marriages, including muftis, to prevent the conclusion of illegal child and forced marriages;*
- d. promote the development and use of reliable birth registration systems to circumvent any attempt to conceal the age of spouses;*
- e. adopt the necessary legislative measures allowing forced marriages to be voidable, annulled or dissolved without any undue financial or administrative burden placed on the victim and introduce programmes aimed at addressing economic and social needs of women whose marriages have been rendered voidable, annulled or dissolved due to being concluded under force;*
- f. collect data on child and forced marriages and follow trends in this area;*
- g. develop comprehensive policies and measures to prevent and combat child and forced marriages, including amongst the refugee population. Such policies should address the underlying social, economic and cultural drivers of child and forced marriages and include information campaigns amongst parents, in schools and communities, centred on the right to freely choose one’s partner and the unlawfulness of child and forced marriages.*

Reviewing in the framework of Turkish Civil Code and TCC, marriage between the offender and the victim of sexual violence does not remove criminal liability; and Turkish Civil Code regulates the favourable environment for the annulment of such marriages. In other respects, forced marriages can be considered within scope of

human trafficking in accordance with the Regulation on Combatting Human Trafficking and the Protection of Victims and in case of the existence of criminal elements regulated in Article 80 of the TCC, support services are provided for such persons.

Turkey does not agree the explanations in Paragraph 242 of GREVIO report and the subsequent comment on concerns that in taking on their new responsibility, the authorities presiding over religious marriage rites might be unprepared to stand by the standards of the law. The said legal arrangement in paragraph 243 regulates that provincial and district muftis might be assigned with the authority to perform marriages but marriage registry has not been transferred to these officials utterly. As indicated in the Report, the said officials are responsible for officiating at civil marriages in the framework of Turkish Civil Code and other related legislation.

The Press Release published by the Presidency of Religious Affairs dated January 2, 2018<sup>3</sup>, it was pointed out that, there is no good will in creating a claim with twisting the definitions and articles in Religious Glossary, and also forcing girls into marriage without attaining the responsibility of being a mother and establishing a family, without attaining psychological and biological maturity does not comply with the religion of Islam which requires free consent and free will in marriage. Indeed, it was announced by the Presidency of Religious Affairs that they do not allow for early marriages in any case, as reported many times in the final declarations of high level meetings such as Religion Forums and Provincial Mufti Seminars, that early marriage of girls can never be supported by religious references, and that Higher Council for Religious Affairs is of the same opinion.

In addition, Article 230 of the TCC which regulates punishment for the persons who hold a religious marriage ceremony without an official marriage was revoked in 2015 on the grounds that it is against equality principles and the freedom of adults who live together only under religious marriage (based on the fact that individuals living together without religious marriage are not punished). The said decisions do not imply that forced marriage is tolerated. Forced marriage is not considered as a separate crime under the TCC. However, sexual acts against the victim as a result of forced marriage are considered in scope of sexual violence and they correspond to the offenses in Articles 102, 103 and 105 of the law. In addition, even if there is not such a sexual act, it is possible that deprivation of liberty offense may arise according to Article 109 of the same law based on concrete case.

Article 151 of the Turkish Civil Code has regulated the provision for annulment of marriage due to intimidation. The person has the right to file a law suit for the annulment of the marriage under the said provision.



In accordance with the Code of Civil Procedure, people who cannot afford the litigation and prosecution costs without causing considerable difficulty for the livelihood of oneself or family may benefit from judicial assistance in their allegation and defence, temporary legal protection requests and executive proceedings. Judicial assistance provides for the beneficiary woman “temporary exemption from all trial and prosecution costs”, “exemption from putting collateral for trial and prosecution costs”, “all costs needed during trial and execution proceedings are paid by the State in way of advance”, “if the case is to be proceeded by a lawyer, provision of lawyer on subsequent payment” and judicial assistance continues until the final judgment. The fee of the lawyer who is assigned by the Bar upon the request of the court for the beneficiary of judicial assistance is covered by the Treasury as trial cost.

“Social Adaption Programme” is organised with the cooperation of UNICEF Turkey for the purpose of ensuring social adaptation of Syrian children living in non-camp settings through Children Rights Provincial Child Committees and establishing a platform that will allow mutual dialogue and exchange of knowledge between Turkish and Syrian children. The program aims at minimizing social adaptation problems of those children, increasing their level of awareness about the risks and resources in the society, ensuring that they live a life in line with their rights and also improving mutual understanding and tolerance between cultures. Within scope of the programme, the topic of “Prevention of Early Marriages” is included in the social adaptation training given by the Turkish and Syrian children registered to Provincial Child Rights Committees through peer training technique.

The preparatory works of “the Strategy Paper and Action Plan on Combatting Early and Forced Marriages (2018-2023)” have been conducted by the GDSW with the contributions and participation of NGOs and universities. With the introduction of the Action Plan, it will be ensured that the identified problems in Turkey are eliminated and necessary actions are taken by all parties.

## **248. GREVIO strongly encourages the authorities to:**

*a. consider introducing in their criminal legislation an offence specifically targeting all forms of female genital mutilation contemplated in Article 38 of the Convention;*

***b. raise awareness and knowledge amongst the professionals concerned and society at large regarding this specific form of violence against women.***

In paragraph 249 of the Report, it was stated that judicial statistics are not available on forced abortion and forced sterilisation. However, in line with the Articles 99 and 101 of TCC, statistics are collected with a breakdown of filed suits in Chief Public Prosecutor's Office and criminal courts, number of persons and crimes, courts, type of decision by region, province, age, and sex within scope of Judicial Data Bank.

Female genital mutilation is not a practice in Turkey. However, in case of violation by the refugees from Syria and other countries, it is possible that the responsible people are sentenced in the framework of existing legislation.

## **256. GREVIO urges the Turkish authorities to:**

***a. dismantle the concept that the honour and prestige of a man or the family are intrinsically associated with the conduct or presumed conduct of women related to them, which is based on patriarchal attitudes and serves to control women and curb their personal autonomy;***

***b. ensure that women who are under pressure from their families and those around them receive the necessary help and support, including by women's NGOs, with a view to preventing situations in which women accused of having transgressed norms are pressured into committing suicide;c. ensure that suicides, accidents and deaths of women which might disguise killings in the name of so-called "honour" are effectively investigated and prosecuted;***

***d. ensure, including through training of judicial professionals, that on no grounds whatsoever, claims that the victim has transgressed cultural, religious, social or traditional norms, custom or so-called "honour" translate into sentence reductions in courtpractice;;***

***e. amend the Turkish Criminal Code, with a view to excluding explicitly crimes, including murders, committed in the name of so-called "honour" and not merely "custom" from the application of Article 29 of the Code on unjust provocation;***

***f. closely monitor judicial practices against the requirements of Article 42 of the Convention, including by gathering data on convictions in cases of murders committed in the name of so-called “honour”.***

Training and awareness rising activities conducted for the actors involved in combatting violence and proceeding of violent acts are mentioned in detail in both Turkey’s response to the questionnaire and in meetings with GREVIO.

On the other hand, TCC of 2005 is codified in a more sensitive way to gender equality and gives importance to the individual rights and freedoms, as opposed to the old law No. 765. Many criminal acts which are not in line with gender equality reflect gender stereotypes, which put the personal rights of the woman in the background and which do not correspond to principle of legality have been repealed.

Under the law, it is not possible to apply mitigating reasons such as customs, culture, tradition religion or so-called honors justification of crime in Turkish Law, and the close relationship between the perpetrator and the victim is also considered as a cause of the aggravation of the sentence.

According to the criticism in the recommendation, the actual unjust provocation of the person does not cause any reduction in the unfairness of the concrete event. The legislator emphasizes that this provision will apply if the offender is under the influence of anger due to unfair (unlawful) acts of violence.

It is not required for the unjust act to carry criminal nature and it is sufficient for it to present a legal unfairness. The justification for not seeking the realisation of “unjust act” is presented as to prevent that kin killing crimes called as ‘honor killings’ in the country are considered within scope of the provisions of unjust act. For the purposes of the article, for example, to prevent that intentional killing against the descendants who are victims of sexual offense are considered in this way, it was regulated this way and unjust act was sought.

Within this scope, it does not apply in cases which include acts of violence in the name of so-called honor.

Within scope of the activity conducted to investigate acts of violence against women resulting in death on which information was also given under the Paragraph 36, it was examined the articles applied in punishment of the suspect and whether discretionary mitigation regulated in the Article 62 and unjust provocation regulated in the Article 29 of the Turkish Criminal Code were implemented; and if

implemented, taking into consideration the issues including justification of the court in particular. The information to be obtained as a result of this study will be efficient in determination of whether there is a need for regulation in this field, developing policies on popularization of trainings for judges and prosecutors etc. in the upcoming period.

In addition, in the framework of “research on suspected women suicides and killing under the name of so-called honor” activity under the 3<sup>rd</sup> National Action Plan on Combatting Violence against Women (Activity 5.7), it is planned to conduct a study on determining the dynamics of this case.

## **258. GREVIO strongly encourages the Turkish authorities to take measures which are based on a close analysis of courts’ practice and the collection of relevant judicial data, to ensure that no sentence reductions are granted based on justifications which mirror victim-blaming attitudes and a lack of gendered understanding of violence against women.**

Training and awareness rising activities conducted for the actors involved in combatting violence and proceeding of violent acts are mentioned in detail in both Turkey’s response to the questionnaire and in meetings with GREVIO.

In addition, the Article 230 of Law No. 5271 on Criminal Procedures regulates “the issues to be demonstrated in the justification for judgement”. In this scope, the reasons for the judgment on the conviction of the accused shall contain the following issues: the opinions submitted during the prosecution and defence; the discussion and evaluation of evidence; the description of the evidence on which the judgment is based and those that had been rejected; in this sense, evidence obtained by illegal methods that are included in the file shall be indicated separately and clearly; he reached opinion, the criminal conduct of the accused, that had been deemed as proven, and the definition of it; determining the punishment according to the order and principles which are defined in Articles 61 and 62, taking into account the motions that had been put forward; again according to the provisions of Article

53 and the subsequent articles, determining the measure of security instead of, or along with, the punishment; grounds for suspending the punishment, admonition of imprisonment into a judicial fine or measure, or decisions on applying additional measures instead of them, or ground for the approval or denial of such motions; the reasons for an acquittal shall contain an explanation thereof on which of the points that are indicated in Article 223. The reasons for a judgment related to no need to inflict punishment shall contain an explanation thereof on which of the points indicated in Article 223.

Within this scope, it is not possible that sentence reduction is implemented by the judicial authorities without justification and legal basis.

**263. Whilst respecting the principle of the independence of the judiciary, GREVIO urges the Turkish authorities to take measures to ensure that judicial sanctions in cases of violence against women are effective, proportionate and dissuasive. In determining judicial sanctions, precautions should be taken to avoid victims being re-victimised by the imposition of fines on their husbands or partners. The suspension of sentencing should be the result of a careful balancing act between the need, on the one hand, to promote the social reintegration of first offenders, and on the other, to contain the danger of recidivism, avoid undue delays in criminal proceedings and uphold the**

# **principle of accountability under criminal law.**

As explained under the recommendation in the paragraph 258 of GREVIO report, judicial authorities shall contain the following in the justification for the judgment in accordance with the Code on Criminal Procedures; determining the punishment according to the order and principles which are defined in Articles 61 and 62, taking into account the motions that had been put forward; again

according to the provisions of Article 53 and the subsequent articles, determining the measure of security instead of, or along with, the punishment; grounds for suspending the punishment, admonition of imprisonment into a judicial fine or measure, or decisions on applying additional measures instead of them, or ground for the approval or denial of such motions.

For ensuring social integration of the offender, the judicial authority may decide suitable measures for the status of the offender when judging on suspension. In accordance with Article 51 of the TCC No. 5237, a probation period which is not less than one year and not more than three years shall be imposed for an offender whose sentence has been suspended. The lower limit of this period shall not be less than the term of sentence. Within the probation period, the court may decide that an offender, who does not have a profession or trade, shall attend an educational program for educational purposes; an offender, who possesses a profession or trade, shall work in a public or private institution under the supervision of another person who has the same profession or trade in return for remuneration; an offender, who is under the age of eighteen, shall attend an educational institution, which provides accommodation when necessary, in order to acquire a profession or trade.

The court may assign an expert to counsel the offender within the probation period. This expert shall: give guidance to the offender designed to aid the person to act responsibly and refrain from negative behaviour; meet and discuss with the authorities of the educational institution or work place of the offender; every three months prepare a report on the development, behaviour, social adaptation and sense of responsibility of the offender and convey these reports to the judge. The court, by considering the personality and social status of the offender, may decide not to impose any obligation or authorize an expert for the probation period.

Within this scope, it is considered that there are measures envisaged ensure social integration of offenders and eliminate the state of being dangerous.

## **266. GREVIO strongly encourages the Turkish authorities to fill the remaining gaps in their criminal legislation so as to fully comply with the requirements of Article 46 of the Convention on aggravating circumstances.**

Although aggravating circumstances of punishment in Article 46 of Istanbul Convention are not listed under a special article in TCC No. 5237, they are seen as a major elements in the description of crime which comply to the actions of violence in the Convention. For instance, in case of intentional killing (Article 82 in TCC), if the offense is committed wilfully, ferociously or brutally, by use of nuclear, biological or chemical weapons which cause explosion or result with fire, flood, destruction, sinking etc., against any one of the antecedents or descendants, or spouse or sibling, against a child or a person who cannot protect oneself due to corporate or mental disability, against a pregnant woman, by virtue of public office, with the intention of concealing or facilitating commission of an offense, or destroying the evidences, with indignation of not being able to commit a crime, or by blood feud, in the name of so called honor; the punishment for the offender is aggravated.

## **270. GREVIO strongly encourages the Turkish authorities to:**

- a. take measures to ensure that in cases of an offence of violence against a woman, mediation does not apply where the victim has not or is not able to freely consent to the procedure, having regard to the imbalance in power relations between the victim and the perpetrator;*
- b. ensure that all women victims of violence are informed about the non-mandatory nature of mediation in criminal proceedings;*

***c. introduce safeguards aiming at guaranteeing that only those women victims of violence who can exercise their free will to accept or decline the procedure enter mediation;***

***d. train judges and legal professionals on the need to ensure that victims freely consent to mediation and are not exposed to further re-victimisation;***

***e. consider expanding the inapplicability of criminal mediation in cases of intentional wounding to other categories of victims, such as for instance former spouses, current and former partners.***

Only compulsory alternative dispute resolution procedures and provisions are banned with the Convention. However, mediation, which takes place in Turkish Criminal Law system, is not a compulsory alternative dispute resolution method. On the other hand, 1st Clause of Article 253 of Criminal Procedure Law, it is clearly stated that the crime of intentional wounding committed against the spouse, is not within scope of mediation and mediation provisions shall not be applied. In other words, an exception is provided with the aforementioned clause for the crime of intentional wounding committed against women in terms of mediation. Regardless of characteristic of wounding in intentional wounding crimes committed against lineal kinship, spouse or sibling, the way of mediation cannot be applied.

On the other hand, Turkey has promulgated Regulation on Mediation in Criminal Procedure in August 2017 with the aim of effective and efficient implementation of mediation, as a part of restorative justice approach. All provisions within the regulation are related with protection of rights and interests of all parties within the progress. Mediation bureaus are established within the office of chief public prosecutor with the aim of founding a department to deal with crimes within scope of mediation and also mediation works and procedures, paying all due attention to mediation and ensuring institutionalisation and professionalization. Upon legislative amendmend, mediation works and procedures are carried out by mediator assigned by the public prosecutor. In this new period, mediators are provided with a comprehensive training about rules of approach and attitude towards victims and offenders, communication and negotiation. And they are regularly supervised during their term of office. Mediators are responsible for acting in conformity with basic principles of mediation during this term and fulfilling their duty by obeying principles of ethics. Principles of mediation within the regulation are ensured by pursuing principle of protection of vulnerable groups (such as children and women) and individuals in this progress. Mediators, whether they are in investigation or prosecution process, must obey these principles during mediation process because it is indicated in the regulation that those who have attitudes and behaviours that are not in accordance with mediation duty may be suspended from this duty. Mediation



is primarily based on free wills of parties. This is one of the basic principles of mediation and in 1<sup>st</sup> Clause of Article 5 of the Regulation it is ensured that “Mediation is realised when suspect or defendant and victim or one that suffers from crime accepts and decides to it with his/her free will. These persons may give up their free will”. Mediator assigned by mediation bureau, which is established within the office of chief prosecutor, initiates mediation process by offering mediation upon receipt of file sample. At this stage, mediator informs parties of nature and legal results of mediation, and upon being sure that parties properly understand the process, he/she leaves the decision to free will of parties. Victim or individual who suffered from the crime and suspect or defendant may always refuse mediation offer and bring criminal dispute to trial. Upon accepting offer, they may give up their free will at negotiation phase. According to our regulation, “volunteering” principle is one of the valid and essential principles for the whole mediation process. Mediation works and procedures are carried out in accordance with free will of parties and are initiated with the acceptance of parties. Whether these parties accept the aforementioned offer, whether they attend to mediation negotiations even if they accept the offer, and whether they mediate

after mediation negotiations completely depend on their free will. Besides if the victim does not want, he/she does not have to meet or come across with the suspect during mediation negotiations. In other words, decisions as to the accusations are given by parties during mediation and the fact that the victim accepts mediation and he/she makes mediation negotiation does not mean that he/she gives up his/her rights. Law-makers also give great importance to the necessity that the process should be based on free will of parties and ensure that if victim or individual suffering from crime does not convey his/her decision within three days after mediation offer is made to him/her, it will be considered that the offer is refused. The aforementioned adjustment is clearly emphasised in the Regulation. It is even stated that in this situation mediation offer will not be made to other parties, without prejudice to the provision related with the Law, and one party’s remaining silent against the process is appreciated, and it is clearly expressed that other party of the mediation will not be approached. In this respect, it is observed that the office of “mediation”, which takes place in Turkish law system, is not a compulsory alternative resolution method but an establishment beginning with acceptance of parties and operating in accordance with free will.

If one of the parties does not accept mediation offer or for some reason mediation does not result in positive outcomes, mediation provisions will not be applied once again during the processes of investigation and prosecution carried out for the same crime. If this is the case at investigation stage, a criminal case against the suspect is filed, and if it is the case in prosecution process, his/her conviction is ordered.

Requirement of protection of basic rights of parties, as another basic principle of the mediation establishment, is settled in the Regulation. Another basic principle of mediation is that parties and their legal representatives should have basic guarantees ensured by criminal procedure law. The fact that the file is sent to mediation bureau does not mean that parties cannot exercise their rights given by criminal procedure. The requirement to take special situations of parties into account during mediation process is settled as another basic principle. Confidentiality of information and documents in mediation negotiations is of crucial importance. Thanks to settled provisions, it is ensured that information and documents obtained shall not be disclosed without approval of its owner or unless there is a legal obligation. Principles of ethics that mediators need to obey while fulfilling their duties are also regulated; mediator should create a safe and comfortable environment for mediation, should be aware of possibility of damage and injury of parties, and take utmost care to ensure that parties behave respectfully to each other. These principles are regulated especially taking vulnerable groups like women into consideration and with the aim of protecting all parties taking place in the process. An effective investigation about the relevant crime is carried out by public prosecutor conducting the investigation in terms of crimes within scope of mediation, files are not automatically sent to mediation bureau. Files are sent to mediation bureau after due investigation is conducted, and protection measures are taken if there is any protection measure to be applied, and if there is sufficient suspicion to initiate a criminal case. Thus, there is no obstacle to apply for protection measures against suspect at the investigation phase, and there is no objection to take and implement protective and preventive injunctions in conformity with relevant provisions of Law No. 6284 on Protection of Family and Prevention of Violence against Women. In this respect, sending the file to mediation bureau with the aim of implementing mediation provisions does not prevent taking out and implementing an injunction order against suspect in accordance with Law No. 6284. Because mediator is always in communication with public prosecutor about related points, and he/she follows public prosecutor's advice. In the aforementioned process, it is not the offender to reach the victim but the mediator himself/herself assigned by the office of chief public prosecutor. During mediation process, the victim does not have to come across with the offender. Even the victim may not want to meet the

mediator as well. The mediator reaches parties and makes mediation offer by explaining nature and legal results of mediation.

**272. GREVIO strongly encourages the Turkish authorities to effectively enforce the ban of reconciliation in family disputes and divorce proceedings where there is a history of domestic violence, within the meaning given to this term by Article 3, indent b, of the Convention. To this end, mediators should receive adequate training on methods for screening family law cases for domestic violence.**

Turkey has clearly identified fields of reconciliation. According to 2<sup>nd</sup> Clause of 1<sup>st</sup> Article of Law No. 6325 on Reconciliation in Civil Disputes, reconciliation is applied in resolving special legal disputes, including those possessing the element of alienage, arising from the affairs and actions on which parties may freely have a disposal. According to 1<sup>st</sup> Clause of the Law, "...disputes including claims of domestic violence are not suitable for reconciliation". Therefore it completely leaves even domestic violence claim out of reconciliation. In this respect, when there is a dispute (within scope of Article 3 of the Istanbul Convention), reconciliation activity shall be terminated as per paragraph (d) of 1<sup>st</sup> Clause of Article 17 of the Law No 6325. Mediators must have 5-year professional experience, be graduates of faculty of law and receive specialisation training including reconciliation regulation within scope of Law No 6325. During these specialisation trainings, training module prepared within scope of "The Project on The Development of Reconciliation Practices in Civil Disputes in Turkey", which is carried out by the Council of Europe and Reconciliation Department is utilised. In this module, disputes including domestic violence are given enough room. Besides, educational institutions providing these trainings and mediators due to their reconciliation activities are under the supervision of Reconciliation Department and due diligence is exercised.

**282. Having in mind the need to foster victims' trust in the law enforcement**

## **institutions, GREVIO urges the Turkish authorities to:**

*a. ensure the swift and impartial response of all law enforcement officers to cases of domestic and other forms of violence against women, in their homes as well as in public spaces, on the basis of full respect for women's human rights, in particular, the right to life and physical integrity;*

*b. pursue practical steps, such as on-the-job training developed in co-operation with specialist women's NGOs and mentoring schemes, to overcome persisting attitudes, beliefs and practices that stand in the way of a police response to domestic violence which is based on an understanding of the gendered nature, impact and consequences of violence, and which focuses on the victim's safety, the collection of evidence, the full accountability of the perpetrator and the inappropriateness of efforts to reconcile the victim with the perpetrator;*

*c. promote effective and pro-active law enforcement investigations and evidence collection, including photographic documentation of injuries and other evidence in alleged cases of violence against women;*

*d. provide law enforcement agencies with the requisite means and capacity to assist effectively and without delay all victims, from the moment they report the violence, including by expanding existing efforts to establish specialised "bureaus" within the police and gendarmerie;*

*e. entrust an independent body with the mandate of examining alleged cases of violence against women committed by members of the law enforcement and ensure that law enforcement agencies,*

*prosecution services and the disciplinary bodies carry out effective investigations and subsequent action in such cases;*

*f. pursue their efforts to attain a gender-balanced workforce in law enforcement by considerably increasing the numbers of female officers, with a view to guaranteeing the possibility for victims to be assisted and interviewed by female officers, including in emergency callinterventions.*

Turkey sustains and will continue to sustain efforts for effective, fast and accurate provision of all services and interventions for the victims of violence in line with the provisions of Istanbul Convention. For this purpose, training for professionals

working in tackling violence against women will be sustained and the services will be monitored.

As indicated in Turkey's Responses to the Questionnaire, "Police Officer Guide" covering the issues including basic concepts, techniques of interview with the victims of violence, roles and responsibilities of police officers in combating violence, workflow etc. was prepared for police officers and distributed to 81 provinces within scope of "the Project on Combating Domestic Violence" conducted by MoFLSS between 2014 and 2016; and Interactive Workflow Charts were prepared for MoFLSS, General Directorate of Turkish National Police, Ministry of Justice and Ministry of Health within this framework.

In accordance with Article 35 of the Implementing Regulation on the Law No. 6284 "...A reconciliation or mediation between the victim of violence and the perpetrator of violence shall not be recommended at the stage of taking and implementing the protective and the preventive injunction orders." Violation of the said provision creates 'misconduct in office' defined in Article 257 of the TCC. Accordingly, excluding the acts defined elsewhere as a separate offence in law, any public officer who secures an unjust financial benefit for others or causes any loss to the public or an individual by acting contrary to his duty shall be punished with imprisonment from six months to two years."

Following any application, the law enforcement officials proceeding to on-scene firstly stops the violent incident; separates the parties; interviews with both parties separately to identify the offense and shed light on the incident. Before the victim and the complainant are heard, her rights are explained. The interview takes place in a setting suitable for privacy and respectful for the rights of the victim and the offender. The law enforcement officers listen the incident from both parties and investigates whether the parties are married or not, if they live separately and if there is any court decision on the custody of children and personal relation (visiting rights for the mother and the father), if the parties have committed any crime in the past, if there any other victims in the incident (parents, child, etc.) and takes the minutes on the findings. If, during the interview, it is detected that the parties possess weapons, the law enforcement approaches to the chief prosecutor's office for a search warrant if the weapon is not registered, and delivery of the weapon to the law enforcement if it is registered.

During on-scene investigations, the law enforcement takes necessary measures for preventing any difficulty or loss of evidence due to arrival of curious citizens or unauthorised officials. Law enforcement takes maximum care and attention for keeping unauthorised officials away from on- scene. The principles and procedures on Regulation on Judicial and Preventive Search are followed on scene when taking

all evidence and offensive weapons under protection properly. Speed action is taken and all evidence including offensive weapons are filed in minutes.

The act of public official who fails to carry out the preventive and protective measure in his/her authority creates the offense of misconduct in office. Misconduct in office is an offense which is

prosecuted ex officio separately from the discipline process for the actions and proceedings of the official. It is defined under Article 257 of the TCC. When an official fails to do something that he/she is obliged to perform, the offense of misconduct in office emerges. Trial of the official for this offense is carried out by Turkish Criminal Courts.

Besides the trial in Criminal Courts, the victims who suffered from this offensive act may file a suit for compensation against the administration for not performing a service or failing to perform accurately or late performance.

The claim for compensation is regulated as full remedy action in Code of Administrative Procedure (IYUK) and managed by Administrative Jurisdiction authorities. There is no requirement for the victim of the violence for having serious physical injury to file this suit. In order to file a full remedy action, it is sufficient that the personal rights are harmed directly.

According to Article 20 of Law No. 6284, MoFLSS can, if deems necessary, participate in an administrative, punitive and judiciary lawsuit or ex parte proceeding opened due to the violence or violence threat against women, children and family members. In this scope, MoFLSS lawyers involved in 11.477 law suits in 2016 in 46.880 law suits in 2017 and 69.337 law suits as of August 16, 2018 which constituted a crime under Law No. 6284. With this practice, it is assessed that the victims feel safer during the court proceedings and are encouraged to report the crime in Turkey.

On the other hand, the victim of domestic violence may apply to the Ombudsman Institution if she experienced any unjust treatment within scope of services (protection/prevention activity, attitudes and behaviours of the officials, etc.).

**286. With a view to achieving a more balanced approach between the civil and criminal remedies against violence against**

**women, GREVIO urges the authorities to take measures to ensure that the implementation of protective measures under Law No. 6284 does not replace the need to establish and deal with the criminal liability of the perpetrator, especially in cases of repeat and more serious violence. Progress in this area should be measured through the collection of publicly available data illustrating prosecution and conviction rates for the different forms of violence covered by the scope of the Convention, respecting the requirements defined in Article 11 of the Convention, in particular, that recorded data on victim and perpetrator should be disaggregated by sex, age, type of violence as well as the relationship of the perpetrator to the victim, and geographical location.**

As comprehensively presented in Turkey's Responses to Questionnaire, the MoFLSS continues efforts to record the injunction orders ruled under the Law No. 6284 in a common data system through an integration activity between the institutions within scope of the activity that "Inter-institutional database will be built with the aim of effective monitoring of data on violence against women." in the 3<sup>rd</sup> National Action Plan on Combating Violence Against Women.

Data received from statistics produced within the scope of Law No 6284, is compiled upon gathering it from UYAP environment within scope of Judicial Databank. Statistics are produced according to breakdown of protective and preventive measures taken within scope of Law No 6284, whether these measures are taken upon demand or ex officio, in what capacity these measures are taken, reason of cancellation of these measures, department cancelling these measures, duration of measure, date of decision and measure cancellation decision. And with regards to system improvement works, Turkey will take into consideration GREVIO's recommendations regarding carefully monitoring and analysing information based on appropriate data collection including for which types of violence measures are taken, whether any measure is demanded by the victim or not, average period of

protection order issued ex officio, renewal number of protection orders demanded by the same victim (or upon demand of authorities), number of protection orders given by law enforcement in case of an emergency, violation of protection orders (each of which are regulated by the Law No 6284) and whether sanctions are duly applied for all violations or not.

## **292. GREVIO urges the Turkish authorities to improve its practices of risk assessment and risk management for all forms of violence against women, including domestic violence, by:**

- a. maintaining systematically all records of reports of violence to allow the evaluation of the risk of repeat and escalating violence while ensuring respect for the principles of personal data protection;*
- b. developing a risk assessment system which incorporates a form of multi-agency response, in particular in cases of high risk, and which associates the victim to this process so as to empower her;*
- c. assessing and managing risk by thoroughly reviewing on a case-by-case basis the risk factors and by adopting measures which are tailored to the individual situation of each victim and aim at ensuring respect for her safety and humanrights;*



*d. stepping-up efforts to train all statutory agencies working with potential victims in risk assessment, risk management and the need for these processes to be supported by multi-agency working;*

*e. pursue efforts to improve risk management.*

Turkey is well aware of the fact that risk assessment is one of the indispensable and significant elements of response to violence against women. With this awareness, works regarding data sharing have primarily been accelerated. Data Sharing Protocol was signed between MoFLSS and Ministry of Interior General Directorate of Security in September 2017. With this Protocol, it is planned to ensure electronical sharing of the “Registration Form for Incidents of Domestic Violence and Violence against Women within Scope of the Law No 6284” arranged by General Directorate of Security and “Data regarding injunction orders issued under the Law No 6284” with MoFLSS. Data integration works are maintained by the IT departments of MoFLSS and Ministry of Interior.

With “Registration Form for Incidents of Domestic Violence and Violence against Women within Scope of the Law No 6284” arranged by law enforcement for victims of violence and those committing violence, law enforcement is conducting risk analysis with the aim of issuing injunction order in non-delayable cases. In order to investigate and evaluate risk factors based on incidents; works regarding electronical sharing of this form with MoFLSS are underway within framework of the protocol signed. It is expected that the aforementioned data integration work will shorten the period of reaching victims of violence, and enhance efficiency of protection.

An important element of risk assessment and management practices is, as understood, data integration. Within this context, data integration works, which ensure electronical automation of injunction orders issued within scope of Law No 6284 from UYAP system into data system of our Ministry were completed in 2016; and following the pilot scheme, “6284 Order Follow-up System” was extended throughout 81 Provincial Directorates of the MoFLSS and all ŞÖNİMs in 2017. Training activities were carried out for the users of Follow-up System.

As a result of the recent UYAP integration works, protective and preventive injunction orders issued under the Law No 6284 have electronically been forwarded to Provincial Directorates and ŞÖNİMs

and duration of accessing violence victims has been shortened. Improvement works for the given data integration are underway.

One of the areas on which data integration is expected to have a positive impact is the implementation of confidentiality orders with the aim of, ensuring security of victim and data, and making speedy risk assessment. In cases confidentiality order is taken in order to protect women victims of violence more effectively, due action is carried out under the coordination of ŞÖNİM, and all information of victim, for whom there is a confidentiality order, is concealed in all records of public institutions and organisations, banks, health institutions and organisations, etc.

All activities and operations carried out in Women's Shelters are performed in conformity with the principle of confidentiality. In this framework, correspondences do not include name of women, children and employees; where necessary, agreed-upon codes are utilised. Identity information and addresses of women and children as well as third persons regarded as necessary are kept confidential in all official records. For those violating confidentiality rules, relevant provisions of Turkish Criminal Code No. 5237 and dated 26/9/2004 are applied.

Within scope of the activity of "establishing a joint inter-institutional database" covered in 3rd National Action Plan on Combating Domestic Violence Against Women for effective and speedy implementation of confidentiality orders given for a particular person, in a coordinated manner and in conformity with the principle of confidentiality; data integration works initiated with Ministry of Justice will be completed in cooperation with Ministry of Health, Ministry of Interior and Ministry of Family, Labour and Social Services in the fields of education, health, social security, banking, etc.

And thus, recording, processing and concealing processes will be implemented without waiting for physical notification of confidentiality order issued by the court to relevant institution and any further delay.

## **305. Whilst respecting the victims' informed choices, GREVIO urges the Turkish authorities to:**

- a. uphold the principle that the victim's statement is evidence for the purposes of issuing protective measures under Law No. 6284;*
- b. ensure that protective measures are issued for adequate periods of time, having regard to the prime consideration of the victim's safety, and the need for her empowerment and recovery which can only be achieved by offering her counselling and the necessary support services;*

*c. encourage further law enforcement agencies to make a pro-active use of their prerogatives under Law No. 6284 to issue protection orders, including emergency barring orders, themselves;*

*d. encourage further law enforcement agencies to engage in thorough evidence gathering and recording, in support of the victim's statement;*

*e. ensure that protection orders are notified to the perpetrator diligently and without delay, namely by clearly identifying the statutory agencies' responsibility to this end;*

*f. react diligently to breaches of protection orders, in particular by effectively enforcing the sanction of preventive detention especially in situations of high risk;*

*g. hold to account and sanction officials who fail to act diligently in enforcing protection orders.*

*Progress in this area should be carefully monitored and analysed relying on appropriate data collection highlighting, in particular, for which forms of violence protective measures are issued, whether a measure was requested by a victim or issued ex officio, the average duration of protection orders, the number of renewals of protection orders sought by the same victim (or for her upon a request of the authorities), the numbers of protection orders issued by law enforcement in emergency situations, the number of breaches of protection orders (separately by each type of orders issued in line with Law No. 6284) and whether all breaches were appropriately sanctioned. Analyses should be carried out at regular intervals and be made available to the public.*

As it is indicated in responses of Turkey to the questionnaire and interviews conducted with GREVIO, Law No. 6284 has defined violence and regulated “protective and preventive injunction orders” having the characteristics of “urgent protection order” as per the Convention. It is possible to issue injunction orders out of working hours, during weekends and holidays since the Law has authorised law enforcement to take injunction orders in non-delayable cases. In this respect, without any delay and seeking evidence and document for those women victims of violence and their children in life- threatening situations, a shelter is provided and they can be taken under temporary protection.

Besides, preventive orders such as those ruling for the perpetrator not to approach the women victim of violence, to be suspended from the residence, not to approach the victim's work place or school, can be implemented without any delay.

In order for the provisions of this regulation to be implemented efficiently, existence of Specialised Service Units is of crucial importance. In this respect, specialised institutional mechanisms such as Investigation Bureaus of Domestic Violence Crimes affiliated with 257 Family Courts Public Prosecution Offices, Department of Combatting Domestic Violence and Violence Against Women within Public Security Branch Offices of 81 Provincial Directorates of Security , units of “Child and Woman Sections” within Provincial Gendarmerie Commands, Violence Prevention and Monitoring Centres provide risk assessment oriented services and accomplish measures necessary for effective protection for victims of violence .

In fact, one of the effective tools utilised in order to prevent recurrence of violence and acts of violence against women, which result in death, is the monitoring of protected persons within scope of Law No. 6284 and perpetrators or potential perpetrators through technical means and methods.

In Turkey, electronic surveillance and monitoring systems for effective protection of victims have been implemented as pilot scheme since 2012 and investigations about similar implementations abroad have been carried out.

Currently, in cooperation with Ministry of Justice, Ministry of Interior, Ministry of Family, Labour and Social Services, pilot scheme of electronic bracelet has been implemented. According to this system, victim of violence is given “a victim unit” and the perpetrator is tagged with an “electronic bracelet”, and they are simultaneously monitored by Electronic Monitoring Centre on a 7/24 basis. And if there is a case of violation, the victim is protected with the intervention of relevant law enforcement.

In this respect, it should be paid special attention to use surveillance practices through technical methods in cases with high risk of life safety and frequent recurrence of violation. System of surveillance through technical methods is being implemented in most populous cities, namely Ankara, Izmir, Istanbul, Bursa, Gaziantep and Antalya, and within framework of assessments to be conducted; we are planning to extend this system to all provinces in the following years.

On the other hand, in-detail data was shared about training and awareness-raising activities carried out in order for law enforcement units to duly fulfil their duty responses of Turkey to the questionnaire and during interviews conducted with GREVIO.

Data received from statistics produced within scope of Law No 6284, is compiled upon gathering it from UYAP within scope of Judicial Databank. Statistics are

produced according to breakdown of protective and preventive measures taken within scope of Law No. 6284, whether these measures are taken upon demand or ex officio, in what capacity these measures are taken, reason of cancellation of these measures, department cancelling these measures, duration of measure, date of decision and measure cancellation decision. Also, it should be stated that within scope of system improvement works, Turkey will take into consideration the recommendations of GREVIO regarding carefully monitoring and analysing data in conformity with appropriate data collection emphasis related with information such as for which types of violence measures are taken, whether any measure is demanded by the victim or not, average period of protection order issued ex officio, renewal number of protection orders demanded by the same victim (or upon demand of authorities), number of protection orders given by law enforcement in case of an emergency, violation of protection orders (orders, each regulated by the Law No 6284) and whether sanctions are duly applied for all violations or not.

## **309. GREVIO strongly encourages the Turkish authorities to take measures to:**

*a. bar the admissibility and/or consideration of previous sexual history evidence in courts, as a means to combat the perpetuation of damaging stereotypes of victims as being promiscuous and, by extension, immoral and not worthy of the protection provided by civil and criminal law;*

*b. ensure that no genital examinations can be carried out without the free informed consent of the woman concerned.*

According to 287th Article titled “Genital controls” of Turkish Criminal Code No. 5237, “the offender who sends a person to a genital control or personally undertakes such control without obtaining the decision of the judge and prosecutor, is punished with imprisonment from three months to one year.

Practices like “virginity test” are not included in Turkish Criminal Procedure Law. Genital controls conducted within the framework of Criminal Procedure Law No. 5271 are not intended for determining whether victim has previously had a sexual intercourse but obtaining evidence and signs regarding act of sexual violence performed against the victim. And yet, the decision of genital control is stipulated under strict rules. It is the verdict of the judge whether such control is necessary or not.

Criminal Procedure Law No. 5271 entitles victims with several rights during investigation and prosecution of crime. According to 1<sup>st</sup> clause of 76<sup>th</sup> Article of the

Law, “The judge or the court upon the motion of the public prosecutor or on their own motion or, in non-delayable cases, the public prosecutor, may decide to conduct external or internal physical bodily examination on the victim or taking blood or similar biological samples from the body of the victim, as well as hair, saliva, nail in order to obtain evidence of a crime, so long as this shall not create a danger to the subject’s health and there is no surgical intervention: the decision of the public prosecutor shall be forwarded to the judge or the court for approval within 24 hours. Unapproved decisions shall be invalid, and evidence so obtained shall not be used.” According to 77<sup>th</sup> Article, examination of women victim shall be conducted by a woman doctor upon her request and if it is possible.

“Regulation on Physical Examination, Genetic Investigations and Physical Identity Fixation in Criminal Law” has been issued with the aim of obtaining trace, sign, mark or evidence regarding

crime, also conducting physical examinations of suspects, perpetrators, victims and other persons in order to reveal material fact, taking blood and similar biological samples as well as nail, saliva and nail from the body in order to conduct medical examinations, and regulating procedures and principles regarding determination of necessary physical characteristics for recognition of suspect and perpetrator through molecular genetic investigations.

According to Article 80 of the Law, the outcome of the analysis on samples obtained in accordance with the provision included in the Articles 75, 76 and 78 are considered as personal data and shall not be used for another purpose; the individuals, who have access to the files, shall not disclose the information to unauthorised persons.

In cases the period given for objection expires, the objection has been rejected , the court gives a final judgement on acquittal or a judgement is rendered on not punishing the accused and those judgements are made final, this information shall be destroyed immediately in the presence of the public prosecutor, and this fact shall be documented and its document shall be kept in the file.

**313. GREVIO urges the Turkish authorities to amend their legislation so as to bring it in conformity with the rules regarding ex parte**

## **and ex officio prosecution set in Article 55, paragraph 1 of the Convention.**

The Istanbul Convention envisages that for investigation and prosecution of acts such as physical violence, sexual violence including rape, forced marriage, female genital mutilation, forced abortion and forced sterilisation, no complaint condition shall be sought. When TCC is evaluated in this regard, it is observed that for investigating and prosecuting crimes including acts of physical violence such as intentional killing (Article 81, Article 82), intentional wounding (Article 86 – apart from Article 86/2) and torture, sexual assaults including acts of sexual violence such as rape (Article 102 – Article 102/1 apart from basic state of crime) and crimes of child sexual abuse (Article 103), crime consequential heavy injure due to the result of female genital mutilation act (Article 87), and crimes of causing abortion which includes forced abortion (Article 99) and forced sterilisation (Article 101) including acts of forced abortion, no complaint condition is sought and action is taken ex officio.

## **316. GREVIO encourages the Turkish authorities to take measures to promote the widespread availability, during investigations and judicial proceedings concerning the offences covered by the Convention, of victims' support and/or assistance services by specialised women NGOs and domestic violence counselors.**

In Turkey, during investigations and legal proceedings regarding crimes included within the Convention, there are practices where specialised Women's NGOs and domestic violence consultants provide support and/or aid for victims. GREVIO's recommendations about this matter will be taken into consideration while regulating the future strategy and policy documents.

**318. GREVIO strongly encourages the Turkish authorities to ensure the availability of the necessary victim protection measures, in accordance with Article 56 of the Convention. Such measures should be based on a gendered understanding of violence against women and value specialist women's organisations' role in supporting victims to express their views, defend their interests and exercise their rights.**

It is planned to found victim support unit in a total of 150 courthouses, 139 of which are assize courts and the rest is in big districts, with the Draft Law on Legal Assistance and Victim Services. In this respect, it is planned that as a result of individual evaluation to be conducted by psychologists,

pedagogues and social workers for victims, including women victims of crime, a needs analysis will be carried out and subsequently support and aid services will duly be provided, efficient notification and direction activities will be performed, victims will effectively be protected ensuring cooperation and cooperation with relevant public institutions and NGOs.

On the other hand, it is necessary to make the following explanations about in the Paragraph 317 of GREVIO's report regarding keeping victims informed when the imprisoned perpetrator escapes or is released temporarily or definitively. As required by the procedure, when the imprisoned perpetrators of domestic violence or assault escape from prison or are permitted during their imprisonment; victims are informed and necessary measures are taken by the judicial, law enforcement and social service units in Turkey in order to avoid the risk of revictimization. Within this scope, Turkey will continue to work proactively to increase the protection measures for victims.



**320. GREVIO strongly encourages the Turkish authorities to improve access to legal aid for victims of the various forms of violence covered by the Convention, in particular by promoting, in co- operation with women’s specialist organisations, the training in violence against women of lawyers appointed to the Legal Aid Offices. GREVIO further invites the authorities to consider ways to simplify and streamline the procedures for accessing legal aid and to sensitise the Legal Aid Offices to the needs of victims of violence against women.**

Activities performed by the Ministry of Justice, MoFLSS and Bar Associations and legal supports to ensure victims’ easy access to justice have been explained in detail in responses of Turkey to the questionnaire and interviews conducted with GREVIO.

**335. GREVIO invites the Turkish authorities to extend the possibility for victims to obtain an autonomous residence permit in case of divorce irrespective of the duration of the relationship, whatever the nationality of the sponsoring spouse.**

In Paragraph 324 of GREVIO’s Report, the comment that current temporary protection status does not provide a safe and long term solution for ensuring

security of Syrian refugees in Turkey, is completely unacceptable. As it is known, Turkey has accepted Geneva Convention of 1951 and its Additional Protocol dated 1967 with “Geographical Limitation”. Therefore, foreigners coming from countries other than member countries of the Council of Europe are granted conditional refugee status rather than refugee status even if they possess the required conditions. And foreigners possessing conditional refugee status have the right to stay in our country until they move to a third country. Besides, being a refugee or a conditional refugee, possessing a secondary protection status is not a permanent situation. When conditions requiring granting status to foreigners disappear, their status may be expired. Syrians under temporary protection in our country can access rights and services after their registration, and as long as they do not pose any threat for public order and security, they are not deported forcibly. In the forthcoming period, if temporary protection regime is terminated, it may be decided that by complete termination of temporary protection, those under temporary protection shall go back to their countries, the status they bear the requirements shall be granted collectively, application of those applied for international protection shall be evaluated individually, those under temporary protection may stay in Turkey according to conditions determined within scope of the law. Syrians who were taken under temporary protection in our country as per Regulation on Temporary Protection issued in 2014 have been living in Turkey since 2011 and none of the Syrians has been deported forcibly.

Turkey does not agree upon the comment “There are 1.632.508 registered Syrian women citizens. However, when unregistered Syrians are considered, it is thought that number of women is far more

than this figure” in Paragraph 326 of GREVIO’s Report. Almost all Syrians in our country are registered.

Responsibility of temporary protection centres mentioned in Paragraph 327 of the Report and coordination duty regarding provision of rights and services to population outside these centres is granted to Directorate General of Migration Management with an amendment made on 16<sup>th</sup> March 2018 in the Regulation on Temporary Protection.

On the other hand, Turkey is well aware of the importance of GREVIO’s comment mentioned in Paragraph 335. According to 6<sup>th</sup> Clause of 34<sup>th</sup> Article of Law on Foreigners and International Protection, “In the event of divorce, a short-term residence permit may be issued to a foreign spouse of a Turkish citizen, provided that he/she resided on a family residence permit for at least three years. However, in cases where it is established by the relevant court that the foreign spouse has been a

victim for reasons of domestic violence, three-year residence condition shall not be sought.” In addition to this, within scope of Article 46 of the aforementioned Law, upon the approval of the Ministry of Interior, a humanitarian residence permit may be granted and renewed by governorates without seeking the conditions for other types of residence permits.

**345. GREVIO encourages the Turkish authorities to develop, in co-operation with specialist women NGOs, gender-sensitive procedures, guidelines and support services to allow all women asylum- seekers, including applicants under administrative detention, to disclose instances of violence against women. Progress in this field should be measured by collecting relevant data on the number of claims granted on the basis of gender-based violence related motives. GREVIO invites the authorities to consider developing similar procedures and guidelines with respect to the registration processes applying to persons of Syrian or other origin falling under the temporary protection scheme.**

Turkey is taking all necessary measures to protect all asylum-seekers from violence against women. Directorate General of Migration Management is providing an intensive training programme for all of its employees. One of the most significant titles among these trainings subjects is “Interview Techniques for People with Special Needs”. During registration process and subsequent interview process

conducted for determining refugee status of foreigners applying for international protection, it is very important to identify vulnerable groups and treat them according to their special needs.

In this respect, vulnerable groups include foreign women victims of violence as well. Trainings is provided with the aim of identifying these foreign women victims of violence and conducting their interviews being aware of their special situations. And these trainings are periodically repeated. These training programmes are not only provided for assistant experts, sociologists, psychologists and social workers but also for interpreters. Special cases of foreign women victims of violence are also recorded to GöçNet, institutional information system. However, in Turkey, being a victim of violence is not sufficient alone for possessing an international protection status. For identifying status, interviews are conducted, and all data and claims presented by foreigner are evaluated as a whole.

Additionally, Turkey gives due importance to GREVIO's recommendation that systematic and compulsory in-service training for all types of violence included within the Istanbul Convention should be initiated, and we are planning to diversify and improve our training programmes in this aspect.

## **348. GREVIO strongly encourages the Turkish authorities to take all necessary measures to ensure that the principle of non-refoulement enshrined in the law is respected in practice, so that women**

*victims of violence who are in need in protection, regardless of their status or residence, are not returned under any circumstance to any country where their life would be at risk or where they might be subject to torture or inhuman or degrading treatment or punishment.*

Turkey has been dealing with procedures of all foreigners coming to our country individually or in mass and seeking asylum without discrimination based on religion, language, gender, etc. Considering the number and diversity of foreigners seeking protection from our country, it can be easily observed that open door policy is valid not only for Syrians but also for all foreigners fleeing from violence and cruelty. Furthermore, no foreigner, except for those posing a threat for public order, public safety and public health as well as being a member of international terrorist

groups, is forcibly being sent to any other country where they may have no security of life or be exposed to torture, inhumane and/or humiliating treatment or penalty. Besides, there is a provision in Law on Foreigners and International Protection specifying that humanitarian residence permit may be granted to foreigners for whom deportation decision cannot be taken.

- **Factual errors need to be corrected in the Report:**

- ✓ *It is seen throughout the report that “combating” was removed from “the National Action Plan on Combating Violence Against Women (2016-2020)”. In the report text and footnotes, “National Action Plan on Violence against Women” should be revised as “National Action Plan on Combatting Violence against Women”,*
- ✓ *The name of the Ministry should be changed because the Ministry of Family and Social Policy was restructured as the Ministry of Family, Labour and Social Services.*