



Mor Çatı Women's Shelter Foundation

Shadow Report to be submitted to the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

Second Periodic Review of Turkey

38th General Session - June 2024

About Mor Çatı Women's Shelter Foundation

Mor Çatı Women's Shelter Foundation was established in 1990 to combat violence against women. The experiences of women who applied to Mor Çatı demonstrate their needs and the barriers they face as they try to distance themselves from violence. Mor Çatı has a solidarity center and a shelter where women who experience violence are provided with social, psychological, and legal support and it is the only independent feminist shelter in Turkey with a capacity of 25 women and their children. Mor Çatı provides support not only to the Turkish citizens but women from several countries, both documented and undocumented. To combat violence against women and ensure gender equality, based on the information obtained from women, Mor Çatı monitors and reports on the implementation of laws, regulations and international conventions, including Istanbul Convention and CEDAW, providing policy recommendations to decision-makers such as the Ministry of Labour, Family and Social Services, the Ministry of Justice and the Ministry of Interior. Here is our website in English if you need further information: <https://en.morcati.org.tr/>

Mor Çatı Women's Shelter Foundation welcomes the opportunity to provide information to the second periodic review of Turkey with respect to the implementation of the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families during its thirty-eighth session. This submission focuses on the experiences of migrant/refugee women who experience violence against women at the protection and support mechanisms in Turkey.

Legislation, Policy and Coordination

1. According to current data dated April 2024¹, Turkey hosts the largest refugee population in the world, with 3.1 million Syrians with Temporary Protection Status (and stateless persons who came to Turkey from Syria after 2011) and approximately 320,000 migrants and refugees of other nationalities. In addition, there are 1,1 million foreigners living in Turkey with various types of residence permits. Although the exact number is not known, it is estimated that 300,000 migrants entered Turkey irregularly via different channels or became irregular migrants in Turkey for any reason.

2. The law that regulates the rights and responsibilities of all foreigners in Turkey, regardless of their status, is the **Law on Foreigners and International Protection (LFIP)**²,

¹ Presidency of Migration Management, April 2024, <https://goc.gov.tr/gecici-koruma5638>

² However, the decision of geographical restriction annotated by Turkey to the Geneva Convention, to which Turkey is a party, was retained in this Law. Accordingly, Turkey does not grant refugee status to persons from

dated 2013. This law defines the conditions of stay of foreigners in Turkey, as well as their rights and responsibilities and the services they can access during their stay. **The Presidency of Migration Management**, also established with (LFIP), has the authority to coordinate access to these rights and responsibilities.

3. The already restricted social support mechanisms in Turkey, which already hosts a large migrant and refugee population, cannot cover the migrants; this duty is assumed by the humanitarian aid organizations. However, the humanitarian aid organizations supporting the migrants do not provide specialized support concerning gender equality and violence against women. This results in **not providing any support for the migrant women trying to escape from violence**.

4. Considering the policies aimed at migrant women, **there is no regulation concerning women** in the Turkish legislation and directives concerning migration. The mechanisms for protecting migrant women against violence are in the scope of Law on Violence Against Women (The Law No. 6284), and the coordination of the mechanism for combating violence is assigned to the Violence Prevention and Monitoring Centers. In the five-year “**Adaptation Strategy Document and National Action Plan: 2018-2023**”³, it was stipulated to improve the social support programs to cover the migrants, particularly the women and children experiencing violence or run the risk of violence, and strengthen the coordination between all relevant institutions and organizations. However, no concrete steps were taken concerning this matter, especially in the area of violence against women.

5. **Article 34 of the Law on Foreigners and International Protection (LFIP)** regulates the conditions of family residence permits and, in the event of divorce, stipulates the issuing of residence permits for women “if it is established by the relevant court that the woman has been a victim of violence”, removing the condition of having resided in Turkey previously on a family residence permit for at least three years. Besides, under **Article 55 of LFIP**, it is possible to classify the women experiencing violence in the scope of “individuals exempt from deportation”. However, the Presidency of Migration Management, which is in practice in charge, does not have a separate unit providing counselling to such women. Therefore, it is observed in the applications of the women - who are in the country with family residence and who suffer violence - that they are not informed about their rights and the legal procedures, and they face the threat of losing the custody of their children and deportation when they want to move away from violence and get a divorce. Due to the lack of a specialized mechanism supporting women in the event of deportation, it is observed that the women are deported before reaching out to the relevant institutions, or they can complain only after returning to their countries since such women cannot reach or reach late to the authorities to apply, they are confined and restricted, do not speak the language, and do not have the data and evidence

countries other than the Council of Europe countries but defines temporary statuses like conditional refugee and subsidiary protection. Therefore, although Turkey hosts the largest migrant population in the world, the forced migrants, particularly from Turkey’s bordering countries or regions outside Europe, cannot get refugee status and are obliged to stay in Turkey with temporary status.

³<https://www.goc.gov.tr/kurumlar/goc.gov.tr/Yayinlar/UYUM-STRATEJI/Uyum-Strateji-Belgesi-ve-Ulusal-Eylem-Plani.pdf>

to prove violence. In addition, **the Regulations No. 29656, dated March 17, 2016, on the implementation of the Law on Foreigners and International Protection (LFIP)**, defines a special circumstance under the title “people with special needs” and committed to consider the “(...) people who suffered sexual assaults or other severe psychological, physical or sexual violence” under this category. Accordingly, it is stipulated to prioritize persons with special needs in the procedures for getting legal status and to provide the necessary coordination for the elimination by public services of the damages suffered by such people due to the violence they experienced. However, in practice, the protection of people with special needs is not prioritized, or the inter-institutional coordination allowing these people’s access to social support mechanisms is not available.

6. Chapter VII, “Migration and Asylum” of the **Istanbul Convention**, stipulates that refugee women experiencing violence, regardless of their status, shall be able to access all the protection and support mechanisms provided by the member states and not be returned to any country where they are at the risk of violence. However, following the unilateral withdrawal of Turkey from the Convention in 2021, the migrant and refugee women face these risks more. Thus, especially unregistered migrant women abstain from applying to the public support mechanisms due to facing the risk of deportation when they apply to these mechanisms.

7. Upon the withdrawal of Turkey from the Istanbul Convention, **Law No. 6284** remained as the sole legal basis concerning combating violence against women. This Law regulates the measures to protect women against violence. The prominent measures are shelter and protection, restraining and confidentiality orders. The Law stipulates that these measures shall also be applied to migrant women by law enforcement forces, prosecution offices and Family Courts, relying on women's statements and without any discrimination. However, although Law No. 6284 does not include such a requirement, an in-house circular of the Presidency of Migration Management dated 2018 requires the complaint mechanisms that migrant women apply when they experience violence to ask for proof of violence, and this led to inequality due to enforcing the same law differently for different persons.⁴ Moreover, regarding **women’s access to justice**, individuals who cannot afford the attorney fees can directly apply to the legal aid offices of the bar associations. Under Article 176 of Law No. 1136 on Legal Practitioners, dated March 19, 1969, the legal aid units are liable to provide attorney services to individuals who cannot afford attorney’s fees and litigation expenses. However, in practice, since the legal aid units of the Bar Associations do not carry out any special activities aimed at migrant/refugee women experiencing violence, it is observed that the assignments of pro bono attorneys are predominantly made for administrative remedies for the individuals detained at removal centers, for objections against administrative surveillance decisions, and for objections against the rejection of international protection decisions, and that the access to justice of migrant/refugee women suffering violence is not ensured.

8. In the Concluding Observations of the **CEDAW Committee** dated July 4, 2022, the problems encountered by the migrant and refugee women living in Turkey were mentioned, and the Committee recommended the State of Turkey to establish specialized support

⁴ The said circular is presented in Annex-1.

mechanisms for the migrant and refugee women facing intersecting forms of violence. However, despite the two years passed, no action was taken concerning this matter. In the report she prepared in April 2023 after her visit to Turkey in July 2022, Reem Alsalem, **UN Special Rapporteur on Violence against Women and Girls**, also emphasized that the Syrian refugees, migrants, undocumented migrants or other women without regular migrant status, as well as Syrian women under temporary protection, are at risk of gender-based violence. The Special Rapporteur stated that the women abstain from reporting and using the protection and support mechanisms due to the migrant policies and the increasing racism and discrimination in Turkey.

9. In the List of Issues published in January 2024, the **UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families** asked the State of Turkey to share the disaggregated data expected to be kept concerning the migrant women suffering violence, and requested information on the support mechanisms established to protect and support the migrant women suffering violence and whether equal access to such mechanisms is ensured, and on the measures taken to ensure that migrant women can get support without fear by establishing firewalls between law enforcement and healthcare and support services. In the report of the State of Turkey, the responses to these issues are restricted to a superficial and general summary concerning the mechanisms for combating violence in Turkey. Although the report mentions equality in the law, it does not share any data concerning how this equality is ensured in practice. This clearly points out that an in-depth study is not carried out concerning the special needs of migrant women suffering violence.

Part III of the Convention - Implementation of the Laws on Violence Against Women and Experiences of Women/Refugee Women at the Public Support Mechanisms

10. This part of our report is prepared based on the data collected in Mor Çatı data system concerning 99 women from Afghanistan, Germany, United States of America, Australia, Austria, Azerbaijan, Belgium, United Arab Emirates, Bolivia, Brazil, Bulgaria, Algeria, Djibouti, Dominican Republic, Morocco, Philippines, France, Iraq, United Kingdom, Iran, Ireland, Spain, Cameroon, Canada, Kenya, Kyrgyzstan, Kuwait, Libya, Egypt, Uzbekistan, Pakistan, Peru, Serbia, Sierra Leone, Sudan, Syria, Tajikistan, Turkmenistan, Zimbabwe who applied to Mor Çatı in 2023 due to the violence they experienced, as well as the data obtained from the focus group meeting that 12 social workers from NGOs and municipalities participated in.

Effective Protection by the State Against Violence and Non-Discrimination (Article 16)

11. The experiences of Mor Çatı demonstrate that all the women in Turkey, albeit with different legal statuses, experience the impacts of violence similarly, and the women's need to get away from violence becomes common. However, the different statuses set out by the Law on Foreigners and International Protection differ concerning access to rights and services and **not every status can access equal rights or access them equally**. In addition, the

deficiencies⁵ in combating violence against women in Turkey affect the migrant and refugee women severely, and these women experience the impacts of violence exponentially.

12. **Discrimination and prejudices** are common problems that women encounter as they struggle to get away from violence. Discrimination against migrants in the country also complicates the access of women suffering violence to services. The most common forms of discrimination are service providers providing incomplete or no information, assuming that they cannot provide services after all since they do not speak the language, using discriminatory phrases or acting discriminatorily. The women, who are treated discriminatorily also by the general population in Turkey, have difficulties in shared spaces, such as shelters, and they cannot get support concerning conflicts due to the deficiencies of the social services available in Turkey.

13. Some migrant women also try to cope with various prejudices when they suffer violence. Law enforcement forces, which are responsible for providing preventive and protective measures **in the scope of Law No. 6284**, or the mechanisms for combating violence, such as the Violence Prevention and Monitoring Centers, to which especially Syrian women apply when they suffer violence, may propose intermediation and try to bring the women with the perpetrators of violence, assuming that violence is already a part of their culture.

The employees of the institution may say, “This is already in their culture; we take their statements, and they reconcile”. There are instances that they call the woman’s spouse and send them home or say, “You go back to your country”. ŞÖNİM, the police, the local people, they all do this. -Focus group participant

14. One of the biggest problems that migrant women experiencing violence in Turkey experience is the **inability to access services in their native languages**. Most of the institutions serving women suffering violence do not provide interpreters. During the focus group meeting held with the social workers working in this field, it was emphasized that the language barrier poses an obstacle in acute cases and in accessing social services in the long term. This may prevent women from accessing justice and lead to permanent rights losses. Some women wait for interpreters for hours to get acute services and wearily leave the police station or Violence Prevention and Monitoring Centers; even the women who were able to go to the shelters for long-term support cannot get support in their native languages and may leave the shelters voluntarily even after minor conflicts, without being empowered that is required for a violence-free life. Although some women try to get services - not provided by the State - using their own resources, this is not a sustainable solution and brings along other problems.

A client was suffering sexual violence. I somehow convinced her; she did not want to complain. When she went to the prosecution office, 800 TL was demanded as interpreter’s fee. She found the money from a friend and paid for it. She sent us a printout of her statement at the prosecution office. There were significant differences

⁵ Mor Çatı Women’s Shelter Foundation, Shadow Report for the Committee of Ministers for the implementation of the judgment Turkey v. Opuz Group of Cases 2023, <https://en.morcati.org.tr/reports/shadow-report-for-echr-opuz-v-turkey-group-of-cases-2023/>

between what she told us and what was in the statement. The interpreter used phrases such as 'do not tell so much; I cannot translate these'. The differences were so significant that maybe the man would get punished. -Focus group participant

The women went to the police station; they said things like, “There is no interpreter now, come back tomorrow morning”. They did not direct her to get an assault report. They neither listened to the women nor made any security plan. This leads to permanent rights losses for women; they go back to the environment where they suffer violence. -Focus group participant

15. The Alo 183 Social Support Line, which is responsible for supporting women experiencing violence and provides support also in Arabic as cited by the State of Turkey in the response report to the Committee’s questions, is not an emergency hotline service providing specialized support concerning combating violence against women. This line operates as a 24/7 accessible call line. When the line is called, the telephone interview is carried out not by the experts providing specialized supports. Therefore, these employees do not carry out a professional intervention, they only direct to services or provide information during the interviews.

16. The gender identities and sexual orientation of the migrant women are also causes for discrimination in accessing State services in Turkey. The LGBTI+ migrant and refugee women cannot access the existing support services equally when they suffer violence.

17. Therefore, due to the discrimination and the language barrier, the migrant women experiencing violence have **difficulties in accessing information**. Especially the uncertainty of the judicial processes and the difficulties experienced by women in accessing pro bono attorney services (because the Bar Associations provide this service for short terms in the frame of various projects) prevent women from taking steps to get away from violence since they cannot access information. It is striking that the women do not know what they will encounter since they are unregistered, or even if they have legal status, that they do not have information concerning what that status provides. It is also observed that the men, who are perpetrators of violence, prevent women’s access to information and getting away from violence. These difficulties in accessing information prevent women from filing complaints and bring along the lack of evidence in instances where the women commence a judicial process.

The Temporary Protection status (granted to Syrian refugees), being guests, leads to a contradiction in terms. I determined the most common feedback from women. The women ask the most, “I am not a citizen; can I access the rights and services? Can I file a complaint if I go to the police?”

-Focus group participant

18. Coupled with discrimination, **because of bureaucracy**, women cannot access the services they need against violence, and they have difficulties, especially concerning divorce. Due to registration based on declaration, the Syrian women who are registered as married although they were not officially married in their countries, cannot get a divorce officially in Turkey. Especially the women who were abandoned by their husbands or do not hear from

their husbands cannot start a new life since the children are directly registered in the name of the father.

19. Another source of the difficulties in accessing information is **the lack of knowledge or incomplete knowledge of the employees of public institutions on the rights of migrant women and the legislation on migration**. Public employees who do not know the practices may arbitrarily prolong the access to services that women need to access urgently or confiscate their passports improperly.

20. The women's need for advocacy and translation, even in accessing the most basic services, leads to women not being able to access public services, or even if they go, not being able to access the services or access them partially. It is observed that the women who were able to access the services needed against violence were generally able to access such services through the support of advocacy services provided by NGOs.

21. **The unregistered women** suffering violence cannot enjoy most of the services; even if they can, they do not make applications due to the fear of deportation thereafter. It is observed that the unregistered women are even afraid of getting out of their houses, let alone filing complaints to the police about their husbands. The women cannot use the complaint mechanisms, either. Although the unregistered women may enjoy some services, they abstain from applying to the institutions because they are informed incorrectly at the institutions or due to fear of deportation. It is observed that similar problems exist for women who do not live in the province where they are registered. **The women suffering violence who came to Turkey with a tourist visa cannot access many services, either**. The migrant and refugee women suffering violence who reach out to ŞÖNİM for shelter support are directed to Provincial Migration Management Offices due to the necessity of getting an identity card first. The Provincial Migration Management Offices send these women to Removal Centers, and the women are isolated without accessing any of the services they need after incidents of violence; they may even be deported to their countries where their lives are at risk.

The Removal Centers always pose an uncertainty. Instead of dealing with this process, they focus on staying in the environment of violence or finding other alternatives. - Focus group participant

22. Although not specified in the legislation, the shelters are open only to women who have an identity number issued by the Migration Management in Turkey. Therefore, the women staying in Turkey with a tourist visa or **the unregistered migrant women are accepted neither to the shelters of ŞÖNİMs or the shelters of the municipalities**. Other than the shelter of Mor Çatı⁶, there is no place where they can get shelter support.⁷ Regarding equal access to public shelters, there are barriers to admitting women without an identity card. The registered women are forced to apply for shelter in their place of residence, where the threat of male violence is highest. Women either do not apply to the support services at all or the barriers at the support services cause them to live in danger by going back to the violent environment to live with the perpetrator. If a refugee woman isn't exposed to physical

⁶ The total capacity for women and children of Mor Çatı shelter, which provides support for all women, is 25 persons. Among 58 women and children who stayed at the shelter in 2023, 17 were migrant and refugee women and children.

⁷ Based on the information that we receive from migrant/refugee women, three shelters providing shelter support for migrant/refugee women previously were closed down.



violence doesn't have any evidence of violence, doesn't want to file an official complaint about the perpetrator, or was exposed to violence a while ago, she is not admitted to the public shelters. Violence Prevention and Monitoring Centers (ŞÖNİM) where women apply to seek refuge in a shelter do not refer to any other alternatives for women and children whom they don't accept.

23. **The women who are unregistered or do not reside in the province where they are registered cannot enjoy any of the services provided by the municipalities.** This results in women's inability to enjoy socio-economic support, which is already restricted.

Especially in the recent period, migrant/refugee women, particularly unregistered migrant women, are sent to the removal centers illegally by the law enforcement forces which they apply to get support against the violence they suffered in the house or on the streets, held at these centers arbitrarily for periods between six months to one year or sent to their countries where their lives are at risk.⁸ The possibility of being sent to removal centers prevents women from filing complaints about violence. At the removal centers, the women may suffer torture and ill-treatment, fail to access legal support and be exposed to the discrimination and violence of the employees. In addition, women cannot access healthcare services at the Removal Centers, and the children - who should not be held under administrative detention in normal circumstances - are held at removal centers together with their mothers and are deprived of their rights, such as the rights to education and health.

24. The experiences of the women who applied to Mor Çatı and the social workers who participated in the focus group meeting show that the migrant women have severe difficulties in accessing economic resources and that they even cannot access the resources to meet their basic needs. The difficulties concerning employment, the insufficient number of kindergartens and the virtual impossibility of accessing free kindergarten services lead women to apply for social aid. On the other hand, accessing social aid mechanisms is quite difficult for women who are not citizens of Turkey. It is observed that the state institutions direct even the women applying for services to the NGOs. Access to social services, which is already rather weak in Turkey, is more difficult for women suffering violence.

25. Furthermore, migrant/refugee women may become more susceptible to violence against women not only in the house but also on the streets due to being a foreigner.

Access to healthcare services and violence against women (Article 28)

26. **The issue of unregistered migrant women not being able to access to the healthcare services** is one of the most common problems. Other than the migrant health centers that provide primary healthcare services, even the NGOs do not provide any services most of the time. Thus, women with severe health problems cannot get healthcare services, and pregnancy care services cannot be provided for pregnant women. Although women can enjoy healthcare services for a fee, these fees are generally too high, or the women have the fear of being reported to law enforcement forces in hospitals. The unregistered women cannot get their children registered after birth, either.

⁸ A sample case which also covers this circumstance is shared in Annex-2.



A woman shared that she could not access the interpreter when she took her child to the hospital, that she was handed a note in Turkish but could not go to the relevant department since she could not understand the note, and that her child died due to lack of treatment. - From Mor Çatı data system

Unsafe work conditions and violence against women (Article 25)

27. In Turkey, there is another migrant women profile, who mostly come from Turkic Republics, the Balkans and Asia and are employed for household and care work. These women - staying in Turkey with a tourist visa in some cases or by falling behind their visa period - have preferred to migrate to Turkey due to the challenging economic conditions in their countries. The women in this group generally encounter unsafe work conditions and a heavy work burden in Turkey. The fact that the regulation of the working conditions in Turkey favors the employers, not the employees, renders these women dependent on their employers and exposes them more to the risk of violence. In addition, these migrant women frequently suffer male violence, including sexual violence, due to their legal and economic insecurity and the provision of care labor in private spaces.

Recommendations

As an indicator of the resolution to eliminate domestic violence and violence against women, the decision to withdraw from the İstanbul Convention must be cancelled and Turkey should sign and ratify the Istanbul Convention.

After the expiry of the duration of the Adaptation Strategy Document and National Action Plan: 2018-2023, the social support programs not included in the previous program must be improved to cover the migrants, especially the women and children suffering or at risk of suffering violence and the activities aimed at strengthening the coordination between all relevant institutions and organizations must be carried out in the scope of the strategy document and action plan to be re-prepared as of 2024.

A separate regulation for the migrant/refugee women and children suffering violence, as well as the amendments to protect and support these people, must be made in the Law on Foreigners and International Protection.

A multilingual and efficient unit that carries out specialized activities concerning violence against women must be established under the Presidency of Migration Management, which is responsible for coordinating the implementation of the rights and liabilities imposed by the Law on Foreigners and International Protection.

A widespread awareness activity must be carried out for migrant women in their native languages concerning the rights they have and the support mechanism they can apply when they suffer violence.

Employees of the protection and support mechanisms (ŞÖNİM employees, law enforcement forces, prosecutors and judges) must be trained to prevent discrimination. Mechanisms that facilitate the filing of complaints by women in case of discrimination shall be developed, and

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such mechanisms must cover unregistered women in particular. The persons who discriminate shall be punished.

Quality and swift interpreter support in every language must be provided in the mechanisms for supporting the combat against violence.

Measures must be taken to ensure swift admission to shelters without any discrimination (against migrant women, trans women, etc.).

Necessary mechanisms required for providing long-term quality and free legal support to migrant women must be established at the legal aid units of the bar associations, and the necessary financial resources must be allocated accordingly. Legal aid must not be restricted to the issues concerning migration law; it must be expanded to cover issues such as violence against women and civil code (divorce, marriage, alimony, custody, etc.) that might lead to permanent rights losses for migrant women.

Measures must be taken to ensure equal access for migrant women suffering violence to quality healthcare services free of charge.

Measures must be taken to ensure equal access of migrant women suffering violence to social aid.

Sending migrant/refugee women to removal centers when they file complaints due to the violence they suffer results in women not reporting violence, thereby violating their right to move away from violence and jeopardizing their life safety. This practice must be abolished.

Specialized data concerning migrant women must be kept, and information and/or disaggregated periodic data must be provided concerning the following topics:

How many migrant/refugee women have filed complaints because of the male violence they suffered?

How many migrant/refugee women applied for protective and preventive measures in the scope of Law No. 6284 for protection against violence? What are the measures that the migrant/refugee women apply for, how many women accessed the injunctions they applied for and for how long? What is the number of women monitored by ŞÖNİM?

What is the number of investigations carried out concerning public employees because of their discriminatory or negligent attitude toward migrant women, and how did these investigations turn out?



Annex-1

Ministry of Family and Social Services: PRINCIPLES FOR ACTIONS AND PROCEDURES FOR FOREIGN NATIONAL WOMEN WHO ARE VICTIMS OF VIOLENCE⁹

Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), Law No. 6284 on the Protection of Family and Prevention of Violence against Women and other relevant legislation are taken as basis for the execution of the services in Violence Prevention and Monitoring Centers (ŞÖNİM) and women's guesthouses affiliated to our Ministry (*Ministry of Family and Social Policies*) under the scope of combating violence against women.

The aim of Law No. 6284 is described in Article 1 as “to protect women, children, family members and the victims of stalking, who have been subject to violence or are at the risk of violence, and to regulate procedures and principles with regards to the measures of preventing violence against said people” and the victim of violence is defined as “the person who is directly or indirectly subject to or at the risk of the attitudes and behaviours which are defined as violence in this Law and the people who are affected by violence or at the risk of being affected by violence.”

Violence Prevention and Monitoring Centers (ŞÖNİM) and women's guesthouses provide services to individuals who are defined as victims of violence under Law No. 6284.

The following procedures shall apply to the services provided by our Ministry to the foreign national women who are victims of violence:

1. The procedures related to registration procedures of all foreign persons in our country, their residence permits and determining their status, as specified under Law No. 6458 on Foreigners and International Protection, shall be performed by the Directorate General of Migration Management/Provincial Directorates of Migration Management.
2. All foreign national female victims of violence in our country, for whom residence permit is issued upon their registration and those for whom protective and/or preventive measure decisions have been taken or deemed appropriate to be taken under Law No. 6284, shall be provided with the services of ŞÖNİM/guesthouses.
3. The foreign national female victims of violence, who have been exposed to violence in our country and request for services from ŞÖNİM/Provincial Directorates of Family and Social Policies, women's guesthouses, shall initially be registered to the system with their ID numbers during their admission to our service units.
4. During the stay of foreign national female victims of violence at ŞÖNİM/women's guesthouses, whose victim status is considered within the scope of the Law No. 6284, interpreter assistance shall be requested from the Provincial Directorate of Migration Management/Governorate when needed.

⁹ The Ministry of Family and Social Services Internal Service Directive

5. Foreign national women who are not victim of violence and apply only for their accommodation needs shall be referred to the relevant Provincial Directorate of Migration Management.
6. Of the foreign national female victims of violence referred to ŞÖNİM/Provincial Directorate of Family and Social Policies by institutions and organizations (Hotline 183 / Provincial Directorate of Migration Management/law enforcement agencies/NGOs), those for whom residence permit is issued upon their registration and those for whom protective and/or preventive measure decisions have been taken shall be provided with the services. If the applicant does not have an ID certificate, she shall be referred to the Provincial Directorate of Migration Management and if no protective and/or preventive measure decisions have been taken, then she shall be referred to law enforcement agencies.
7. The procedures for security clearance check (GBT) of the foreign-born female victims of violence and health report as to whether she has infectious diseases shall be initiated urgently before she is placed in the guesthouse.
8. If the registration and identification procedures for foreign national female victims of violence cannot be completed by the Provincial Directorate of Migration Management during the office hours or if she applies out of the office hours, the application shall be received by ŞÖNİM/ Provincial Directorate of Family and Social Policies. If she needs accommodation, she shall be placed in the guesthouse temporarily and her proceedings shall be completed immediately in the first workday following her application.
9. If needed, necessary protective and preventive measure decisions shall be taken for foreign-born female victims of violence placed in women's guesthouse by ŞÖNİM/Provincial Directorate of Family and Social Policies and such decisions shall be monitored. It shall be ensured that the woman placed in women's guesthouse and, if any, the children accompanying her enjoy all the services applicable to their conditions under the relevant legislation.
10. A special importance shall be attached to referring the women who cannot speak Turkish to language courses in the first place so that they can benefit from the services effectively.
11. The principal of confidentiality shall be observed in all proceedings and procedures and issuing of documents. The relevant person shall be informed about the services to be provided and the rules to be obeyed (by an interpreter for those who cannot speak Turkish). "The Written Commitment for the Rules to be Observed in Women's Guesthouses" shall be signed by both the foreign national women and the interpreter. Interpreter assistance shall be requested from the Provincial Directorate of Migration Management/Governorate when needed during the proceedings.
12. The requests for transfer by foreign national female victims of violence who must be transferred to another province due to high risk on their safety of life or lack of facility capacities etc. shall be reported urgently to the Directorate General on the Status of Women. They shall then be transferred to the province deemed appropriate by our Directorate General observing the principles of confidentiality and safety. The relevant Provincial Directorate of Migration Management shall be informed about such transfer.
13. If the foreign-born female victim of violence wants to leave the institution at her own will, the procedures for their leave shall be carried out by informing her as required

- (with an interpreter for those who cannot speak Turkish) and having her sign an informed consent form. The relevant Provincial Directorate of Migration Management shall be informed about such leave.
14. Article 89 of Law No. 6458 on Foreigners and International Protection titled “Access to Assistance and Services”, Article 27 of Temporary Protection Regulation titled “Health Services” and other secondary legislations regulate how the registered persons under international protection and temporary protection shall benefit from emergency, primary, secondary and tertiary health services.
 15. In this scope, the foreign national female victims of violence who receive service from women’s guesthouses shall benefit from health services with the identity documents issued by the Provincial Directorate of Migration Management.
 16. Foreign national women who are to be deported as per Article 54 of Law No. 6458 shall not be accepted to the women’s guesthouses on the grounds of having been subjected to violence. As the deportation processes and procedures are performed by the Provincial Directorates of Migration Management, the women whose statuses are considered within the scope of the law above shall be notified to the relevant Provincial Directorate of Migration Management and law enforcement agency.
 17. As the processes and procedures for voluntary return of foreign national women are performed by the Provincial Directorates of Migration Management, the foreign national women shall be referred to the relevant Provincial Directorate of Migration Management for such processes and proceedings.
 18. For women under these circumstances and for women whose application for international protection is accepted to be resettled to a third country, their travel expenses shall be covered by themselves. If this is not possible, then the foreign-born women shall be referred to the related Provincial Directorate of Migration Management.
 19. **Foreign national women who are victims of human trafficking or deemed potential victims of human trafficking** are placed in shelter houses operated/subcontracted by the Directorate General of Migration Management. However, in the provinces where no such shelter houses are available, foreign national women who are victims of human trafficking shall be admitted temporarily to the women’s guesthouses affiliated to our Ministry until the completion of their referral procedures by the Provincial Directorates of Migration Management. Necessary follow-up shall be carried out to ensure that their referral proceedings are completed as quickly as possible by the related Provincial Directorate of Migration Management (the first workday following).

Hence, I hereby kindly request that utmost care and attention be attached to the above explained issues in all proceedings and procedures related to foreign national women and that necessary efforts be made to prevent possible problems.



Annex-2

We believe that the violence experienced by A., one of the women whom we provided support at Mor Çatı since 2022, is a good example in terms of the problems encountered by migrant and refugee women in Turkey in case of violence. Therefore, we considered citing the anonymous violence and solidarity process of A. would be appropriate.

A. was born in Syria and had to flee to Turkey together with her family because of the war in Syria, suffering physical, psychological and economic violence by her father and other family members for two years. After her family noticed her trans identity, A. was threatened with death by her family. When she was 17, she ran away from her home and had a restraining order issued concerning his father. However, after her family reported A. to the police as missing, she was detained by the police, and she was threatened with being sent back to the family home despite the restraining order concerning her father.

Although she was not sent back to the family home thanks to the support of lawyers, she suffered humiliating, homophobic and discriminatory treatment by the police. After being placed under the State's protection, A. suffered many discriminatory treatments at these places; she was prevented from attending school, prohibited from establishing contact with her peers, and she was not allowed to stay together with her peers at the dormitory due to her gender identity. When she turned 18 in 2022, she had to leave the State's protection and go back to her family home and the environment of violence. After the violence she suffered at her family home became aggravated, she applied to Mor Çatı and began getting support.

Last year, a couple of men assaulted A. on the street, and she suffered violence due to her ethnicity and gender identity. Later, while she was being taken to the police station where contacted Mor Çatı. She told us that her injuries were serious, and that she did not know where the perpetrators were. A. then suffered police violence at the police station; she was choked, pushed around and dragged on the floor by the police. In addition, she stated that the police said, "Then, you should not have become a homosexual" during physical violence. Although A. wanted to file a complaint, she was treated like a criminal due to her gender identity and Syrian nationality, waiting for the process in fear.

In this process, the Mor Çatı volunteers who came to the police station for solidarity with A. were removed from the police station. The law enforcement officers said that A., who had temporary protection status and did not have any deportation decision issued about her, would be sent to the removal center for purposes of administrative detention. The grounds for the administrative detention decision were cited as "immoral" behaviors of A. and "constituting a threat to public order". While A. was at the removal center, we reached out to the Violence Prevention and Monitoring Center, which is responsible for coordination the combat against violence against women. However, ŞÖNİM did not take any action to ensure A.'s access to her rights. A. was detained at the repatriation center for six months.

No lawsuit was brought against the perpetrators of violence and the police. During our solidarity process, we learnt that she suffered different forms of violence at the removal center due to her migrant status and her gender identity. Such experience of violence is not peculiar to A. Many migrant women suffering violence during their stay in Turkey encounter the risk

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of deportation when they go to the police. We also observe in other applications that especially unregistered migrant women avoid going to law enforcement or are sent to the removal centers. Although it is mentioned in the legislation and the adaptation strategy plan that it is necessary to legalize the stay in Turkey of women suffering violence and to establish inter-institutional coordination, the gaps in practice prevent the migrant and refugee women's access to social support mechanisms.