



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the sixth periodic report of the Republic of Turkey at the Committee's forty-sixth session, held in July 2010. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/TUR/CO/6). You may recall that in the concluding observations, the Committee requested the Republic of Turkey to provide, within two years, further information regarding the specific areas of concern identified by the Committee in paragraphs 17 and 23 of the concluding observations.

The Committee welcomes the follow-up report (CEDAW/C/TUR/CO/6/Add.1) received on time, in September 2012 and the additional information (CEDAW/C/TUR/CO/6/Add.2) received on time, in October 2013, under the CEDAW follow-up procedure. At its fifty-eighth session, held in February 2014 in Geneva, the Committee examined the additional information and adopted the following assessment.

Regarding the recommendation made in **paragraph 17** of the concluding observations that the State party “provide additional information on steps taken to finalize the study aimed at evaluating the impact of the ban on wearing headscarves in the fields of education, employment, health and political and public life”: The State party indicated that Law Nr. 6495, which was adopted on 12 July 2013, introduced a new provision which enables civil servants, who were previously not appointed to positions principally on account of the legal provisions pertaining to the appearance of civil servants, to return to their previous positions or similar ones. Similarly, in the context of an “academic amnesty”, those who were discharged from higher education, due to disciplinary actions taken against them by University authorities, were allowed to return to their former undergraduate or graduate student status and were exempted from any age restrictions in entry into public service for a period of two years. Additionally, individuals who were deprived of their right to education or work due to the headscarf ban are granted individual access to the Constitutional Court. The Committee notes that the adoption of Law No. 6495 and the launching of the “academic amnesty” lift the ban on wearing headscarves. The Committee considers therefore that, after the adoption of this law and the existence of the “academic amnesty”, it is no longer necessary to conduct the study aimed at evaluating the impact of the ban on wearing headscarves in the fields of education, employment, health and political and public life.

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Regarding the recommendation made in **paragraph 23** of the concluding observations that the State party “provide additional information on steps taken to amend Law No. 6284 on the “Protection of Family and the Prevention of Violence against Women” to ensure that it contains provisions for prosecution and adequate punishment of perpetrators, that it covers all forms of violence against women, including rape, marital rape, sexual harassment and other forms of sexual violence, and that it focuses on violence against women”: The State party indicated that, according to Law No. 6284 on the “Protection of Family and Prevention of Violence against Women”, in the event that the perpetrator of violence acts in violation of a preventive injunction, he/she is sentenced to coercive imprisonment. It added that acts such as injury, killing, sexual assault and harassment, marital rape, menace and coercion are set forth as crimes basically in the Penal Code. The Committee considers that, while the breach of the preventive injunction is criminalized, the State party failed to criminalize the act of domestic violence itself. The Committee also considers that the State party failed to ensure that law No. 6284 covers all forms of violence against women, including rape, marital rape, sexual harassment and other forms of sexual violence, and that it focuses on violence against women. The Committee considers that the recommendation **has not been implemented**.

Regarding the recommendation that the State party “provide additional information on steps taken to conduct a study on the implementation of the law, including with regard to the implementation of the protection orders and the remaining practice of mediation in cases of domestic violence”: The State party indicated that preparatory work for an “Impact Analysis of the Implementation of the Law No. 6284” has been started. It added that mediation in violence in the family and violence against women cases is inapplicable in the domestic law. The Committee considers that the State party took some steps by starting preparatory work for an impact analysis of the Law No. 6284. The Committee notes, however, that while mediation is not in the domestic law, the State party failed to indicate the measures taken to eliminate the reported remaining practice of mediation in cases of domestic violence. The Committee considers that the recommendation **has been partially implemented**.

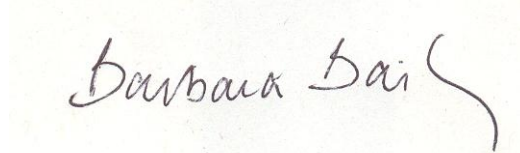
Regarding the recommendation that the State party “provide additional information on steps taken to establish additional counselling and other support services for victims of violence, including shelters, and ensure that adequate resources are allocated in order to implement the necessary measures in this regard”: The State party indicated that the Violence Prevention and Monitoring Centres (VPMCs), put into service within the scope of Law No. 6284, have been operating in 14 pilot cities since December 2012. It indicated that the VPMCs provide various services, which are particularly aimed at prevention of violence and follow-up of the injunctions, and oriented at the victims of violence. The State party added that, among others, the VPMCs coordinate the accommodation, tentative financial aid, health care and legal support services. These centres offer housing facilities, temporary financial assistance counselling and guidance services, follow-up and surveillance regarding the provisional protection of victims and potential victims in case of a life risk, day-care aid, legal support, medical support, support for employment, scholarships for their children, training and education support for victims of violence. The Committee considers that, for the period under consideration, the recommendation **has been implemented**.

The Committee recommends that, in relation to paragraph 23 of the concluding observations, the State party provide, **in its next periodic report**, information on new actions taken to amend Law No. 6284 on the “Protection of Family and the Prevention of Violence against Women” to ensure that it contains provisions for prosecution and adequate punishment of perpetrators; that it covers all forms of violence against women, including rape, marital rape, sexual harassment and other forms of sexual violence; and that it focuses on violence against women.

The Committee looks forward to pursuing its constructive dialogue with the authorities of the Republic of Turkey on the implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



Barbara Bailey  
Rapporteur on follow-up  
Committee on the Elimination of Discrimination against Women