



Mor Çatı Women's Shelter Foundation

Shadow Report to be submitted to the Committee against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment

Second Periodic Review of Turkey

80th General Session - July 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. To combat violence against women and ensure gender equality, Mor Çatı, based on the information obtained from women, 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.

Mor Çatı Women's Shelter Foundation welcomes the opportunity to provide information to the periodic review of Turkey with respect to the implementation of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment during its eightieth session. This submission focuses on the experiences of women who experience violence against women at the protection and support mechanisms in Turkey.

Protective and preventive measures and their implementation

In accordance with the Committee's concerns that is stated in the [Concluding Observations](#) (2016) after the fourth periodic review, women who experience male violence and who have received or applied for protection orders have not received effective protection from the State party's authorities in practice. Six years have passed and yet the State Party has not developed any measures to provide better protection and appropriate care for women who seek the assistance of authorities in protecting them from violence, including ensuring that women who apply for protective orders receive meaningful protection in practice and that officials who deny such women effective protection are disciplined.



Following the withdrawal of Turkey from the Istanbul Convention, the only remaining legal basis for combating violence against women is Law No. 6284. This law regulates the measures for protecting women from violence. The measures include women's shelters, restraining orders and confidentiality orders. The law stipulates that these measures should be taken by law enforcement officers, Violence Prevention and Monitoring Centers (ŞÖNİM), prosecutors and Family Courts based on women's statements and the principle of non-discrimination. However, the experiences of women seeking assistance from Mor Çatı and the experts working in this field point to problems in implementing these measures. The periods of cautionary orders issued under Law no. 6284 are so short that they do not allow women to distance themselves from violence. A review of these periods reveals the lack of a risk analysis about the threat of violence women face and/or the lack of consideration of a risk analysis when issuing these orders. Cautionary orders issued for 84 women who received support from Mor Çatı Solidarity Centre between 1 April 2023 and 1 April 2024 cover a period of a maximum of 6 months, even as short as 24 hours in some cases. Among women who receive support from Mor Çatı shelter, 15 women applied for 6-month cautionary orders 21 times; yet only 2 of them were granted 6-month cautionary orders.¹ Since protective measures are not granted based on risk and needs analysis, women are forced to repeatedly apply for extensions. The brevity of the periods compels women to seek cautionary orders repeatedly, sometimes resulting in lapses of time between orders. This situation generally leads to women striving to get cautionary orders, even putting their lives in danger in some cases. In some cases, when women apply to extend protection orders, their requests are denied with the reasoning that "there is no longer any violence." This situation forces women to live in fear and leads to some perpetrators resuming their violent behavior as soon as the protection order expires.

In addition, issuing cautionary orders has turned into an automatic action; copy-paste decisions neither respond to women's risk status nor satisfies women's needs. This situation is reflected in the press with news reports on women who had been granted an ongoing cautionary order at the time of their murders. For instance, the press covered the murder of Aslı Yılmaz by her husband in January 2023, reporting that the restraining order issued against the husband ended one month before the day of the murder. Still, Antalya 9th Family Court overruled the request to extend the restraining order because of a lack of evidence that the suspect would commit any act of violence.² Similarly, in the case of Dilek Uzelli, the perpetrator violated the restraining orders several times through various physical assaults including an acid attack against her; yet the woman's request for an electronic bracelet against the perpetrator was still denied, which led the perpetrator to kill their

¹ For detailed information please refer to Appendix 1.

² <https://www.birgun.net/haber/kirsehir-de-evli-oldugu-asli-yilmaz-i-katleden-polis-oldu-418882>



4 year old daughter and her mother, and to heavily injure the woman.³ According to media news reports,⁴ at least 46 women murdered in 2023 were under protection. A common fact that comes to notice in these murder cases is the failure to detain the perpetrators despite multiple complaints made against them before the murders.

The fact that women who request restraining orders and confidentiality orders cannot obtain these orders for their children and/or fail to obtain temporary custody of their children continues to pose a severe security risk. Women who are granted restraining orders are compelled to come together with the perpetrator for him to see the children because of the judgments of Family Courts, which prioritize the relationship between the father and the child over security. Particularly in cases where the woman subjected to violence is not a Turkish citizen, this situation creates a fear that they cannot access justice in Turkey and that their children will be taken away if they do not return to the perpetrator. For example, D.K., who received support from Mor Çatı, had obtained a protection and confidentiality order due to the psychological and physical violence she endured. However, despite the confidentiality order, the Family Court ruled in favor of the father having visitation rights with the child. D.K., despite the confidentiality order, felt compelled to take the joint children to meet their father, and as a result of the fear and helplessness she felt, she made the sudden decision to leave the shelter and return to the perpetrator.

Problems in accessing protective and preventive measures exacerbate in the case of **migrant women**. When migrant women seek assistance from law enforcement units because of the violence they experience, their complaints may not even get recorded; they can get a protective cautionary order only when a persistent official accompanies them. They cannot reach social services; social services for migrant women are provided by humanitarian aid organizations. NGO's project based and very limited services are not enough to combat violence against them. For instance, a migrant woman who received support from Mor Çatı shelter had filed multiple requests in various forms (first, she objected to the court decision granted by Gaziosmanpaşa 2nd Family Court in Istanbul, then filed a request at the same court, followed by a request filed in Bakırköy 1st Family Court in Istanbul), including a confidentiality order, temporary custody of children and temporary alimony; however, her requests were dismissed every time. As a result of her persistent applications, she was granted a confidentiality order for three months; however, this order did not extend to her children. She tried for as long as a year to get a confidentiality order for her children, who could not enroll at a school for a year due to security risks.

³https://www.ntv.com.tr/galeri/turkiye/ogretim-gorevlisi-katliaminda-yeni-ayrinti-esini-vurmadan-once-yuzune-kezzap-atmis,pCauGx5leUa3VbDVO_Us5g/qawV9G7-XEWBQF_ZJb888Q

⁴ <https://bianet.org/haber/erkekler-2023te-en-az-333-kadini-oldurdu-290675>



In the aftermath of the **earthquakes of 6 February 2023**, which affected 10 provinces, the status of anti-VAW mechanisms and the women and children experiencing or at risk of violence in affected provinces shows that existing problems have been exacerbated.⁵ There has not been any urgent plan of action to resolve the problems faced in the notification and implementation of cautionary orders obtained by women living in tents/containers. The earthquakes affected the buildings and staff of ŞÖNİM (Violence Prevention and Monitoring Centres) responsible for following up on cautionary orders. Again, due to the lack of an urgent plan of action, there have been major setbacks in their work and women have faced even more challenges than ever in distancing themselves from violence.

Issues with the law enforcement and impunity against officials who deny effective protection

Law enforcement units are defined by legislation as the frontline authority for women seeking assistance and thus these units are the most contacted institution by women experiencing violence and where one most frequently comes across bad practices. However there is a prevalent atmosphere of impunity for the bad practices of the law enforcement officials that causes these practices to continue without any consequences.

For most women who consult Mor Çatı, deterring attitudes and behaviors of law enforcement staff are among the factors that make it difficult for them to ask for help, go to a shelter and file an official complaint in order to distance themselves from violence. Practices that deter women from getting away from violence include rude behaviors, sexist and judgmental rhetoric, trying to talk the woman out of going to a shelter by providing false information or deterring women from filing a complaint by telling her that it would not yield any results even if she filed a complaint. For instance a woman applied to the police to be taken to the shelter but was deterred by dissuasive, incomplete, and inaccurate information suggesting that she couldn't be accommodated due to having children. She said "I asked for shelter. I wanted to bring my children with me. The police told me, 'Is this a kindergarten? You cannot take your children with you. If you come, the only option is to come alone.' Today, I learned that this information was incorrect. I have endured this torment for years because of this misinformation. I could have taken my children and left then."⁶ These deterrent behaviors are often combined with reconciliation attempts by the law enforcement. In one case, a woman who was subjected to violence by her husband contacted law enforcement

⁵<https://en.morcati.org.tr/reports/experiences-of-women-in-the-earthquake-affected-region-in-support-mechanisms-and-in-their-attempts-to-distance-themselves-from-violence/>

⁶ Mor Çatı 2023 Activity Report <https://en.morcati.org.tr/reports/mor-cati-2023-activity-report/>



to file a complaint and demand access to a woman's shelter. Although she said she did not want to go to her family home, law enforcement officers called her family, telling them to come over and, together with her family members, tried to talk the woman into making up with her husband. Other women shared their experiences where law enforcement officers brought them and their husbands together, encouraging them to make it up, or they were manipulated into consent or intimidated into making up with their husbands. When another woman was beaten by her husband, her neighbors called the police. When the police arrived, they did not confiscate the man's weapon, remove him from the house, or inform the woman about possible protective measures.⁷

The misinformation and intimidation tactics of law enforcement officials have made it impossible for women to exercise their rights against violence, and in some cases, lead to irreversible and serious loss of rights. In Annex 2, a complaint letter by a woman who is supported by Mor Çatı has been submitted regarding law enforcement officers. The woman who experienced sexual violence suffered evidence loss and consequently, loss of rights due to the lack of English translation in the hospital initially and the failure of the police officer to take urgent actions required in cases of sexual violence.

Access to shelters, medical care, psychological support and other support mechanisms

In regards to **shelters and alternative solutions** in case it is necessary, according to the regulations that determine the operation of shelters in Turkey, women with sons over the age of 12 or disabled children and women over the age of 60 cannot benefit from shelter services. Furthermore, the alternatives offered to these women do not encompass specialized services for combating violence, and in practice, it is observed that the alternatives outlined in the regulations do not work effectively. For women with sons over the age of 12, an alternative is often suggested that they place their children in state care to be able to go to a shelter. However, both the child and the woman entering the protection system do not receive any specific support in this special situation, and women also have to fight to meet the conditions required to retrieve their children from the institution. In Turkey, existing services for the elderly are already quite inadequate, so there is no equivalent alternative offered for women over the age of 60. In addition to the common violations seen in the admission of shelters, there are also violations that are accepted as norms and are repeatedly committed. It is observed in practice that migrant and refugee women, as well as women residing in other cities, are not systematically admitted to shelters, although it is not specified in the regulations. As an alternative for women residing in other cities, they are often advised to

⁷ Mor Çatı Women's Shelter Foundation, Law Enforcement Practices In Turkey To Combat Male Violence, 2023 <https://en.morcati.org.tr/reports/law-enforcement-practices-in-turkey-to-combat-male-violence/>



return to the cities where the abusers are located, from which they have escaped. There is no alternative provided for migrant and refugee women. Women who go to shelters cannot access the social services they need to build new lives free from violence. Security measures are taken in shelters that restrict women's freedoms and create conditions that make it impossible to start a new life. Conditions such as security personnel and cameras both outside and inside the building, strict monitoring of entry and exit times, prohibition of phone use, and body searches upon entering the building are often likened by women to prison conditions. On the other hand, individual security risk analysis and security plans are not prepared for women. The accounts of women who receive support from Mor Çatı while staying in shelters affiliated with ŞÖNİMs (Violence Prevention and Monitoring Centers) show that the shelters do not offer any support in helping them rebuild their lives. When their term of stay is over, they are dismissed from the shelter without any risk analysis.

ŞÖNİMs are defined as the centers where supportive and empowering consultancy, guidance, referral, and monitoring services are provided for the prevention of violence and the effective implementation of protective and preventive measures. However, in the 12-year period since the establishment of ŞÖNİMs, there are still difficulties in the functioning of these support mechanisms. One of the major issues is that the law enforcement and the prosecutor's office are defined as the first point of application and that ŞÖNİMs are placed in the secondary position and are not defined as an institution that will provide holistic and specialized support through listening to the story of violence against women.⁸ Women do not apply to ŞÖNİMs for purposes such as consultancy, guidance, psychological support, legal support etc. and, in fact, that they were not even aware that ŞÖNİMs exist. Since the reception into shelters are de facto done by law enforcement and women are referred to law enforcement even when they reach out to ŞÖNİMs, directing women to ŞÖNİM in cases of emergency causes them to repeatedly recount their experiences and, therefore, is not preferred. Other common problems encountered by women applying to ŞÖNİMs is that they get incorrect or incomplete information; ŞÖNİM employees attempt conciliation and they have a deterrent, accusatory, and judgmental attitude toward women. An 18-year-old woman stated that she sought assistance from ŞÖNİM due to the familial pressure to abandon her education. However, she was told "You are young, your family will be upset, so go back home, prepare for your exam at home and go to university. Anyway, you cannot come to the shelter here, you need to go somewhere else. They will find about you anyways". She was not informed that she could go to a shelter in a different city.⁹ Thus, ŞÖNİMs do not ensure the necessary inter-institutional coordination and provide holistic support to women.

⁸ The Effective Struggle against Violence against Women/Stages Chart: <https://en.morcati.org.tr/reports/the-monitoring-report-on-coordination-in-combating-against-male-violence-in-turkey/>

⁹ Mor Çatı Activity Report 2023 <https://en.morcati.org.tr/reports/mor-cati-2023-activity-report/>



Women require psychological support as they recover from violence and its consequences. However, accessing professionals within public institutions presents significant challenges due to limited capacities and a lack of understanding regarding women-centered approaches and expertise. Despite seeking assistance from municipal and public institutions, women face lengthy wait times and barriers to accessing psychological assistance. Although ŞÖNİMs are mandated to provide this support, they frequently fail to do so. Furthermore, financial constraints often prevent many women from affording paid psychiatric and psychological services.

In Turkey, everyone can receive healthcare services from hospital emergency departments. However, when women seek help after being subjected to violence, they often encounter poor practices such as not being issued a medical report despite their request, lack of detailed documentation of injuries, and accusatory attitudes. Following incidents of sexual violence, emergency departments do not routinely offer preventive services for pregnancy and sexually transmitted infections as a standard procedure, and evidence is not collected with due diligence. Despite the right of women in Turkey to terminate pregnancies within 10 weeks, they are often forced to continue the pregnancy due to denial of care in state hospitals¹⁰.

Turkey still lacks a hotline service that specifically supports combating violence against women. The State points to Alo 183 Social Support Line as a hotline that provides support in this regard. However, this hotline serves as a 24/7 call center. When a call is made, it is the call center staff, not specialized in violence against women, pick up the line. Therefore, call center staff cannot respond professionally but can only forward tips or make a referral by providing information to the caller. The lack of a hotline service that supports women in emergencies or serves as a first step support remains a barrier to effectively combating violence against women.

Women's Emergency Support Application (KADES) is a smartphone application developed by the Ministry of Interior to speed up emergency response. In recent years, the state has often referred to this application vis-à-vis the efforts to combat violence against women; however, the application could only resolve a small part of the problems and hardly eliminated any of the challenges faced in law enforcement practices. The application basically offers to call the police quickly in one move. A report by Mor Çatı published in August 2023 identifies problems with KADES, including that the application is not accessible to all women and the swiftness of law enforcement officers' arrival at the scene varies according to the area. Other problems include that law enforcement

¹⁰ Legal But Not Necessarily Available: Abortion Services at Public Hospitals in Turkey - 2020
<https://gender.khas.edu.tr/sites/gender.khas.edu.tr/files/inline-files/Abortion-Report-2020-ENG-new.pdf>



officers responding to the call are not equipped to combat violence against women and that any random law enforcement officer may respond to the call. This causes the perpetuation of bad practices by law enforcement officers, including incomplete and wrong practices, deterring attitudes and coercion into reconciliation even when the KADES application is used.¹¹

In access to justice, the hierarchy observed among types of violence and the consequently inadequate conduct of risk analysis bring about vital consequences. Although stalking is defined as a crime in the Turkish Penal Code, there is an absence of any action about cyberstalking in the digital medium. The press also covered cases of stalking that started in the digital medium, where the complaints were left unresolved and, in some cases, even resulted in murder. In one case, the several different official complaints of a 15-year old girl against the perpetrator who stalked her were ignored, which then followed by the same perpetrator stalking another 16 year old girl who then was killed by him.¹²

Issues with investigation, prosecution and impunity

In accordance with the Committee's [concerns](#), the conviction rates for violence against women are low and there are major issues with the investigation of the cases of violence against women and the prosecution of the perpetrators.

First of all, although in Turkey the investigations are usually launched into charges in connection with violence against women after a complaint is filed that is informing authorities that a crime has been committed, the vast majority of women who apply to Mor Çatı have not filed a complaint for the violence inflicted on them and those who have filed a complaint have gone to the police stations rather than the prosecutor's office.¹³ Women are quite hesitant about filing a complaint for several reasons including their distrust of the system, their fear that the perpetrator may do more harm if a complaint is made, their hesitation that the divorce proceedings will be prolonged or the perpetrator will not pay alimony and the influence of family dynamics. Women in Turkey also face other barriers to taking action, including their lack of information about the complaint procedure, the very lengthy legal procedure that follows the complaint, inadequate services for preventing violence during the investigation/lawsuit and the challenge to afford the financial burden of legal proceedings.

¹¹ <https://en.morcati.org.tr/reports/law-enforcement-practices-in-turkey-to-combat-male-violence/>

¹² <https://www.evrensel.net/haber/468130/beyza-dogani-katleden-salim-tek-in-daha-once-de-baska-bir-cocuguistismar-etmis>

¹³ This information is collected from the experience of Mor Çatı and from its database covering the time frame between April 2023-April 2024.



Secondly, the investigation process is not conducted in reasonable time in most cases, unless the suspect can be reached or even if the suspect is reached, the procedure does not move forward if the suspect does not show up to give a statement in a reasonable time. In a similar vein, the process of collecting evidence may draw out.

The trial process is also very lengthy. After the local court proceedings, that take up to 1-2 years, are over, it can take up to 2-3 years on average to conclude appealed case decisions. It can take approximately 2-3 more years for cases before the Court of Cassation. If the decision is overturned by the appeal or the Supreme Court and sent to the local Court again, the process can almost start from the beginning and sometimes the finalization of the files can take more than 10 years.

Besides, the Penal Code does not include a specific regulation for risk assessment in the context of domestic violence offense and security measures, these measures are only available in the Law No. 6284 (Law to Protect the Family and Prevent Violence against Women, adopted in 2012 to implement the Istanbul Convention). Prosecutor's Offices, Criminal Courts and Family Courts fail to conduct risk assessment about the perpetrators who repeatedly commit violent crimes against women.

The failure or inability to execute the courts' sentences on account of fugitive defendants results in de facto impunity. Perpetrators can easily turn fugitive after committing a crime and during the trial. Law enforcement forces do not conduct an effective search to execute the arrest warrants; arrests are made if the perpetrator is found by coincidence during a general search made via the General Information Gathering System (GBT) or while the perpetrator is accommodating at a hotel or departing from the country. Arrests for warrants are sometimes never executed and years may go by. Those who are not arrested until the statute of limitations expire have their sentence repealed.

Sentences are usually imposed at the lower limit and a discretionary mitigation (mitigation for good conduct) is applied.¹⁴ In Turkey, the wrongful implementation of discretionary mitigation based on general grounds and on the conduct of perpetrators during court hearings led to an amendment to the law on 12.05.2022.¹⁵ However, the amendment is symbolic and there is no data

¹⁴ With the legal amendment on 27.05.2022, the lower limit has been increased from 4 months to 6 months if the crime is committed against women. Additionally, if the crime is committed with a gun, it is now a reason for arrest. However, this legal amendment was not effectively implemented in practice.

¹⁵Article 62/2 of Turkish Penal Code: Grounds for discretionary mitigation may take the following into account: offender's background, social relations, the behavior of the offender displaying remorse after the commission of the



collected yet on how the mitigation is applied after the amendment took effect. Besides, the mitigation of sentences on account of unjust provocation results in a significant reduction in sentences based on a sexist practice. Although women's decline of offers to reconcile or marry does not constitute an unjust action, sentences can be commuted due to unjust provocation for such reasons.

Court decisions are also influenced by the appearance and economic standards of the perpetrator. Well-dressed perpetrators with "a pleasant face" who can express themselves well or who are rich and influential observably tend to get impunity, whereas perpetrators who have an unkempt appearance and are unable to express themselves easily receive sentences.¹⁶ It is observed that the grounds for acquittals often refer to expressions such as "defendant's persistent denial of charges"; and the presumption of innocence is used as a legal cover-up for impunity.

Mitigated sentences given for the offenses of bodily harm with intent, threat and insult are usually commuted to a fine, followed by a deferment of the announcement of the verdict, as a result of which even the fine is not paid de facto. Perpetrators who do not meet the requirements of the deferment of the announcement of the verdict frequently have their sentences suspended, again resulting in de facto impunity. In the case of more serious offenses where the convict has started to serve the sentence, the full term of imprisonment is not served due to the practice of conditional release; due to legal regulations such as suspension of sentence, de facto impunity takes place even when the convict has started to serve the sentence. Unfortunately, detailed forensic statistics are not kept regarding the execution of sentences for violence against women. According to the Judicial Statistics published in 2023, the rate of deferment of the announcement of the verdict in crimes against bodily immunity is 39.5%, the rate of conviction including judicial fines and postponement provisions is 48.5 %.¹⁷

Lastly, crimes that carry more severe sentences are usually accompanied by other acts of crime; however, the courts prefer to ignore these other crimes as they are relatively minor. For example, there is a tendency not to punish crimes that are committed alongside the offense of attempt to kill,

offense and during the trial, and the potential effects of the penalty on the future of the offender (...) (4). (Additional sentence: 12/5/2022-Article 7406/1). However, the perpetrator's attitude and conduct which are an attempt to influence the court during trial are not taken into account as a ground for discretionary mitigation. Grounds for discretionary mitigation are stated in the judgment.

¹⁶<https://www.hurriyetdailynews.com/man-gets-reduced-sentence-of-25-years-for-murder-of-ugandan-woman-in-turkey-99654>

¹⁷https://adlisicil.adalet.gov.tr/Resimler/SayfaDokuman/22042024115644ADalet_ist-2023CALISMALARI59.pdf



such as the offenses of insult and threat. It may even be sometimes the case that no legal action is taken against offenses of insult and threat that are committed alongside the offense of bodily harm with intent.

This problem has been further exacerbated because of a new legal regulation. Law no. 7456, The Law on the Execution of Sentences¹⁸, published on 15 July 2023, introduced a new regulation on the execution of sentences,¹⁹ as an extension of the 2020 law on the execution of sentences, which is known in public as Covid Pardon. Under this law, the periods required for entitlement to a transfer to an open prison or probation are shortened by three years. The purpose of the law on the execution of sentences is reportedly to reintegrate offenders into society; nevertheless, there are no ongoing efforts by the state, neither in theory nor in practice, to reintegrate ex-convicts into society. It is apparent that the law serves to forgive the crimes committed against women, in other words, grants offenders impunity. A case in point of how the new regulation leads to impunity in cases of violence against women is that a person convicted of sexual assault and sentenced to 13 years of imprisonment on 1 January 2023 would be entitled to be transferred to an open prison in 2029 or be placed under probation in 2031 under the previous regulation; however, according to the new regulation, the convict can be transferred to an open prison in 2026 and can be placed under probation in 2028. Another case in point concerns the offense of bodily harm with intent. Before this new law, a convict sentenced to 8 years for physical harm with intent spends only one month in a closed prison. According to the new regulation, the same convict will now be entitled to probation only after three months of jail time instead of 3 years.

Consequently, women face difficulty in filing a complaint for the crimes that fall under violence against women; they are left alone in the trial process as they do not receive the social/psychological/ legal support they need when they file a complaint. Lack of access to information and support required to achieve a “worthwhile” outcome after filing a complaint and the lack of cooperation between institutions in combating male violence lead to secondary victimization. Women who struggle to free themselves of male violence endure psychological, social and economic damages when they attempt to initiate a legal procedure. This results in these crimes going even unrecorded despite the repeated violence inflicted by the perpetrators, ultimately paving the way for perpetrators to attempt to kill women.

¹⁸ <https://www.resmigazete.gov.tr/eskiler/2023/07/20230715-2.pdf>

¹⁹ Persons who are convicted and serving time in prison as of 31 July 2023 are entitled to invoke this law. In other words, this law on the execution of sentences will not be invoked for persons whose sentences are not final and fugitive perpetrators whose sentences are final. However, there is a possibility that the law may be invoked for those who are not convicted if they apply to the Constitutional Court.



Threat of Removal Center for Women/Refugee Women

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.²⁰ 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.

Cruel, Inhuman or Degrading Treatment or Punishment and Torture against Activists in Public Space

In Turkey, there are significant restrictions on street protests, and arbitrary detentions of activists are common. Almost every protest takes place under heavy vehicular and pedestrian traffic obstruction and police encirclement, with the police sometimes detaining activists immediately without allowing them to assemble. In addition to the detention of activists at the protest sites, their subsequent arrests from their homes, often in the very early hours of the morning, also stand out as another method of mistreatment. It has been observed that strip searches are used as a method of torture during detentions²¹. During last year's pride marches, at least 11 protests and events were physically intervened with force, and 1 event was obstructed. A minimum of 241 people, including 4 children and 7 lawyers, were detained, and at least 2 individuals were injured. Five foreign nationals detained in Istanbul were taken to Removal Centers. Detainees were subjected to reverse handcuffing²². In Turkey, it is standard procedure for detainees to undergo a medical examination before and after giving their statement to the police. During these examinations, violations such as law enforcement officers entering the doctor's room and the doctor's refusal to remove them despite objections, and the failure to properly document signs of assault, have been reported. Additionally, detentions during protests have become a standard practice. These detentions, sometimes lasting

²⁰ A sample case which also covers this circumstance is shared in Annex-3.

²¹ <https://t24.com.tr/haber/van-protestolarinda-gozaltina-alinanlara-ciplak-arama-ve-iskence-iddiasi,1165034>

²² <https://tihv.org.tr/wp-content/uploads/2023/06/2023-Onur-Ayi-Etkinlikleri-Hak-ihlalleri-TiHV.pdf>



up to 12 hours, often result in acquittal at the first hearing if a case is filed, as the right to freedom of assembly is constitutionally protected. Nevertheless, the systematic nature of these detentions indicates that detention is being used as a form of torture.

Recommendations

We request the Committee to request the following from the State Party to:

Ensure that all cases of violence against women are thoroughly investigated, that perpetrators are prosecuted and that victims obtain redress, including fair and adequate compensation;

Provide better protection and appropriate care for women and their children who seek the assistance of authorities in protecting them from violence, including ensuring that women who apply for protective orders receive meaningful protection in practice and that officials who deny such women effective protection are disciplined;

Ensure that all women victims of violence are able to access shelters and receive necessary medical care and psychological support;

Conduct effective training on gender-based violence for law enforcement personnel, judges, lawyers and social workers who are in direct contact with victims.

Ensure that health workers provide adequate support to document violence and deliver necessary treatments and preventive care to women.

Ensure that women who need psychological or psychiatric help can access it easily and free of charge.

Ensure the protection of the right to assemble and stop using arbitrary detention as a form of violence. Additionally, it should investigate law enforcement officers who inflict violence and mistreat activists, such as using reverse handcuffing.

ANNEX I – Data based on Mor Çatı Women's Shelter Foundation Database

Between the dates April 1 2023-April 1 2024, among the women who receive support from Mor Çatı shelter:



- 15 women were granted protection orders.

- **The duration of the orders:** 2 women received a cautionary order for 1 month; 2 women received orders for 2 months; 1 woman received an order for 3 months (after which she then needed to reapply 3 times and received 3 months of orders in each of her application); 7 women received orders for 3 months; 1 woman received an order for 4 months; and 2 women received orders for 6 months.

- **Number of women who applied to extend their orders and number of denied requests:** 4 women had to apply to extend their orders. 3 women's requests for temporary custody and alimony were denied. 5 women's requests for temporary custody and alimony are not responded by the Court. After one woman objected to the rejection of her temporary custody request, custody was granted to the woman.

- Number of women who were able to receive the orders for themselves but their requests for protection orders for their children are denied: For 1 woman, a confidentiality order was not granted for her child.

ANNEX 2

12.09.2023

**To the Republic of Turkey Ministry of Justice

Istanbul Courthouse

Bureau of Offenses Committed by Civil Servants**

Dear Sir/Madam,

While in Turkey for tourism, on the night of September 3, 2023, I was assaulted and forced into a sexual relationship by ~~Halil Abdullah~~, whose Turkish Identification Number is ~~9942592412~~. Following this incident, I immediately went to the Taksim police station on the day of the event to file a complaint. My complaint was registered under the number 2023/441 for Sexual Assault –

Mor Çatı Women's Shelter Foundation
Kocatepe Mah. Cumhuriyet Caddesi, Cumhuriyet Apartmanı No.:17 Kat 5 – D: 11. Beyoğlu /
İstanbul-Turkey Tel: 0212 292 52 32 morcati@morcati.org.tr



Intentional Injury. Based on my complaint, I was taken to a hospital for an examination. However, due to the lack of a translator and the presence of a male nurse, my statement was taken only verbally. I was informed that I needed to be examined by a female doctor, but no assistance was provided. The police officer in charge, Ogün, gave me his number and told me to come to the station on Tuesday.

Despite my request, I was not given a medical report, and my clothes, which could serve as evidence and had fluid contact, were not collected. My statement was written as if I had a medical report, and despite my request, it was recorded in my statement that I did not want a restraining order under Law No. 6284.

When I went to the police station on September 4, 2023, I was not assisted because Officer Ogün, who was in charge, had taken leave. Despite experiencing pain and discomfort in my stomach, finger, and nose, no medical examination or injury report was filed. My complaint regarding the attempted rape was not properly evaluated, and my clothing, which contained critical evidence, was not processed.

Due to the mishandling of evidence that could support my complaint and the lack of a physical examination, along with the insufficient information provided by public officials that delayed the process, I am filing a complaint against the responsible officers.

The necessary documents and correspondence are presented to you in Annex 1.

****CONCLUSION AND REQUEST:**** As explained above, I request that the suspects be identified, prosecuted, and punished for the crimes committed.

Respectfully.

Annex 3

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 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

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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.