

MAPPING OF POLICIES AND LEGISLATION ON VIOLENCE AGAINST WOMEN AND THE ISTANBUL CONVENTION IN **TURKEY**

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MAPPING OF POLICIES AND LEGISLATION ON VIOLENCE AGAINST WOMEN AND THE ISTANBUL CONVENTION IN TURKEY

INTRODUCTION

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention, IC) was opened for signature on 11 May 2011 in Istanbul, Turkey. Signing the Istanbul Convention on the same day (11 May 2011), Turkey was one of the first signatories. Turkey ratified the IC on 14 March 2012 without any reservations, and it came into force on 1 August 2014. The first state report of Turkey (hereafter 'state report to GREVIO') was received by GREVIO on 3 July 2017.¹ Shadow NGO report (hereafter 'shadow NGO report to GREVIO'), prepared by 8 women's and LGBTIQ organisations and endorsed by the IC Monitoring Platform, which has 81 member women and LGBTIQ organisations, was submitted to GREVIO in September 2017.²

This mapping report is based on a qualitative study that involves a desk review and semi-structured interviews with 7 women's CSOs in Turkey³. All the CSOs interviewed are either among the 8 organisations that drafted the shadow NGO report to GREVIO or members of the IC Monitoring Platform which endorsed the report. The interviewees work in diverse areas of work such as advocacy, campaigning and legal support for survivors of violence against women (VAW). The right of those interviewees who requested to remain anonymous was respected throughout the use of interview data in the report.

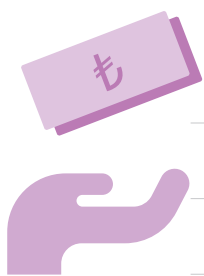
¹ Republic of Turkey, Report Submitted by Turkey Pursuant to Article 68, paragraph 1 of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Baseline Report), 2017, <https://rm.coe.int/turkey-state-report/1680737201> [accessed October 25, 2018].

² Istanbul Sözleşmesi Türkiye İzleme Platformu, Shadow NGO Report on Turkey's First Report on Legislative and Other Measures Giving Effect to the Provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, 2017, <https://rm.coe.int/turkey-shadow-report-2/16807441a1> [accessed October 25, 2018].

³ See Annex 1 for the list of women's CSOs interviewed.

Implementation and reporting on the IC in Turkey has been carried out by General Directorate on Status of Women (hereafter, 'GDSW') under the Ministry of Family and Social Policies⁴ (hereafter 'MoFSP'). GDSW is the coordinator institution in "combating violence against women and providing general services"⁵, including the preparation and implementation of the National Action Plan on Combating Violence against Women (hereafter 'NAP') (2016-2020). According to the state report to GREVIO, MoFSP is among five ministries with the largest budget in Turkey, with the proportion of MoFSP's budget (24,799,651,000 TRY) to the national budget being 15.2% in 2016⁶, while GDSW's budget was 9,501,000 TRY in 2016. Shadow NGO report to GREVIO points out that there is an "unequal distribution of resources" among different units within MoFSP with GDSW's budget making up 0.038% of the overall budget of MoFSP and that "a significant part of the budget of the ministry is allocated to social assistance".⁷

NAP (2016-2020)⁸ is the third national action plan on combating VAW in Turkey and was published in December 2016. In the NAP (2016-2020), VAW is described as a "human rights violation and a form of discrimination"⁹, and four types of VAW, namely physical, sexual, psychological and economic violence, are covered in line with the IC. The plan puts forward five major goals: 1. legislation change, 2. awareness-raising, 3. prevention and support services, 4. health services, and 5. cooperation among different stakeholders including NGOs; and lists various activities underneath them. Provincial Action Plans for Combating Violence against Women were also introduced in 26 pilot provinces in 2016. The Shadow NGO report to GREVIO states that some activities of the NAP (2016-2020) are vague, such as Activity 1.2 which stipulates that "necessary amendments will be made and secondary legislation will be enacted to improve the reinforcement of Law No. 6284"¹⁰, as it is not clear what these may be.¹¹ Regarding the previous action plan - NAP (2012-2015) - shadow NGO report to GREVIO states that "no feedback on ...the outcomes of its activities and goals...or whether or not its goals were achieved were shared either with the public or women's organizations".¹²



Distribution of budgets amount different units in Turkey

MoFSP's budget	24,799,651,000 TRY
GDSW's budget	9,501,000 TRY

There is an "unequal distribution of resources" among different units within MoFSP with GDSW's budget making up 0.038% of the overall budget of MoFSP.

⁴ On 9 July 2018, MoFSP was merged with the Ministry of Labour and Social Security, under the name of Ministry of Family, Labour and Social Services.

⁵ Republic of Turkey, Report Submitted by Turkey, p. 4.

⁶ Ibid., p. 5.

⁷ İstanbul Sözleşmesi Türkiye İzleme Platformu, Shadow NGO Report, p. 17-18.

⁸ T.C. Aile ve Sosyal Politikalar Bakanlığı Kadının Statüsü Genel Müdürlüğü, Kadına Yönelik Şiddetle Mücadele Ulusal Eylem Planı (2016-2020), 2016, Ankara, <https://kadininstatusu.aile.gov.tr/uploads/pages/dagitimda-olan-yayinlar/kadina-yonelik-siddetle-mucadele-ulusal-eylem-planı-2016-2020-icin-tiklayiniz.pdf> [accessed October 25, 2018].

⁹ Ibid., p. 2.

¹⁰ The full title of this law is 'Law No. 6284 on the Protection of Family and Prevention of Violence against Women'.

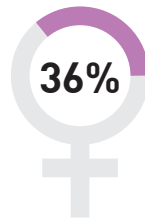
¹¹ İstanbul Sözleşmesi Türkiye İzleme Platformu, Shadow NGO Report, 16.

¹² Ibid.

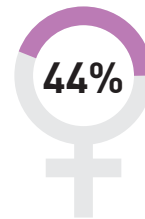
INTIMATE PARTNER VIOLENCE

RESEARCH AND DATA ● The last¹³ nationwide research on VAW was conducted in 2014 by Hacettepe University Institute of Population Studies in Ankara and financed by MoFSP, under the title 'Research on Domestic Violence against Women in Turkey'.¹⁴ The research covered the areas of physical, sexual, emotional (or psychological) and economic violence, as well as early marriages, stalking and constraints in women's exercise of their right to education and work. According to its findings, the proportion of ever-married women¹⁵ who reported having been subjected to physical violence is 36%¹⁶, while the proportion of lifetime emotional violence/abuse that women have been subjected to is 44%.¹⁷ The proportion of women who have experienced at least one act of economic violence (such as 'preventing the woman from working or causing her to quit her job, not giving money for household expenses and depriving her of her income') is 30%¹⁸ across Turkey. While there has not been any recent nationwide research on VAW, cases of femicide reported in the media are recorded by independent women's CSOs and Bianet,¹⁹ an independent media outlet. For instance, according to one such data, 409 women were murdered by men across Turkey in 2017.²⁰ Furthermore, independent women's CSOs provide data through their activity reports.²¹

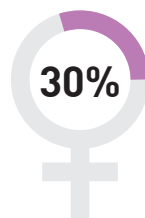
The proportion of ever-married women who reported having been subjected to physical violence is 36%.



the proportion of lifetime emotional violence/abuse that women have been subjected to is 44%.



The proportion of women who have experienced at least one act of economic violence is 30%.



409 women were murdered by men across Turkey in 2017.



¹³ The previous research was carried out by the same institution in 2008.

¹⁴ The Republic of Turkey Ministry of Family and Social Policies and Hacettepe University Institute of Population Studies, Domestic Violence Against Women in Turkey. Summary Report, 2014, Ankara, <http://www.hips.hacettepe.edu.tr/ingilizceozetraporweb.pdf> [accessed October 25, 2018].

¹⁵ 'Ever married women' refer to women who have been married at least once in their lives although their current marital status may not be 'married'.

¹⁶ The Republic of Turkey Ministry of Family and Social Policies and Hacettepe University Institute of Population Studies, Domestic Violence, p. 7.

¹⁷ Ibid., p. 11.

¹⁸ Ibid.

¹⁹ "Bianet Şiddet, Taciz, Tecavüz Çetelesi Tutuyor", Bianet, <http://bianet.org/kadin/bianet/133354-bianet-siddet-taciz-tecavuz-cetelesi-tutuyor> [accessed October 25, 2018].

²⁰ Kadın Cinayetlerini Durduracağız Platformu, Kadın Cinayetlerini Durduracağız Platformu 2017 Veri Raporu, January 1, 2018, <http://kadincinayetleriniurduracagiz.net/veriler/2845/kadin-cinayetlerini-durduracagiz-platformu-2017-veri-raporu> [accessed October 25, 2018].

²¹ Purple Roof Women's Shelter Foundation reported that in 2017, 1001 women and children applied to their Solidarity Centre. Source: Mor Çatı Kadın Sığınağı Vakfı, 2017 Yılı Faaliyet Raporu, <https://www.morcati.org.tr/attachments/article/451/mor-cati-2017-yili-faaliyet-raporu.pdf> [accessed October 25, 2018].

While VAW is now more publicly visible and there seems to be more sensitivity to it at the societal level, Turkey is not in a better state regarding prevention of VAW and support to survivors.

Most interviewees emphasized that, while VAW is now more publicly visible and there seems to be more sensitivity to it at the societal level, Turkey is not in a better state regarding prevention of VAW and support to survivors. Among the reasons stated are: *“increasing lack of prevention-focused policy-making and planning”*; *“lack of political will to eliminate VAW”*; *“policies that prioritize protection of the family rather than women’s rights and empowerment of women”*; *“reinforcement of a masculine culture that nurtures VAW”*, and *“incorrectly viewing VAW as the result of personality characteristics of perpetrators rather than as a societal problem arising from unequal power relations between women and men”*.

Data regarding VAW (such as incidents of DV and protective and preventive injunction orders) is gathered in the UYAP (National Judiciary Informatics System) of the Ministry of Justice, POL-NET (Police Information System) of the Ministry of Interior and Gendarmerie Incidents Information System of the General Command of Gendarmerie.²² However, gendarmerie and the police records are kept separate and the records of the latter on intimate partner violence (hereafter ‘IPV’) are not publicly available.²³ Furthermore, while criminal justice statistics are publicly available, criminal cases involving IPV

are not regarded as a separate category vis-à-vis other criminal cases, rendering some cases invisible in the statistics. For instance, cases of DV may be documented as divorce cases, if they are taken to family courts. As such, no data is available on the number of cases of IPV brought to court.²⁴

LEGISLATIVE FRAMEWORK ● The major legislative tools in combating IPV and VAW in Turkey are Law No. 6284 on the Protection of Family and Prevention of Violence against Women (hereafter, ‘Law No. 6284’) and Turkish Criminal Code (hereafter ‘CC’). While various acts of IPV are criminalised under the latter, the aim of Law No. 6284 is stated as *“to protect the women, the children, the family members and the victims of stalking, who have been subject to the violence or at the risk of violence, and to regulate procedures and principles with regard to the measures of preventing the violence against those people.”*²⁵

²² Republic of Turkey, Report Submitted by Turkey, p. 12.

²³ Rachel Palmén, Nuria Francoli, Angela Genova, Asuman Göksel, Laura Sales, Silvia Sansonetti and Çiğdem Tozlu with Duygu Güngör and Astihan Öztürk, WAVE: Violence against Women Comparative Report: Italy, Spain and Turkey, 2016, p. 30, <http://notus-asr.org/wp-content/uploads/2016/05/WAVECRFinal.pdf> [accessed October 25, 2018].

²⁴ Ibid.

²⁵ Law No. 6284 on the Protection of Family and Prevention of Violence against Women, Article 1-1[1], <http://www.evicsiddet.adalet.gov.tr/en/dosya/up/icerik/1-6284-sayili-kanun.pdf> [accessed October 25, 2018].

LAW NO. 6284 (8 MARCH 2012)	
DEFINITIONS	<p>DV: Any physical, sexual, psychological and economical violence against a family member and the persons who are considered as a family member whether they live in the same house or not (Article 2-(1) Clause b).</p> <p>VAW: The gender-based discrimination directed against a woman just because she is a woman or that affects women disproportionately and any attitude and behaviour violating the human rights of women and defined as violence in this Law (Article 2-(1) Clause ç).</p>
PROTECTIVE* MEASURES FOR THE SURVIVOR AS STIPULATED IN THE LAW	<p><u>The civilian authority may issue the following measures:</u> Shelter to the person and the person's children; financial aid; psychological, professional, legal and social guidance and counselling services; temporary protection upon a request of the relevant person or ex officio if there is a life threatening danger for the person; temporary day care for children.</p> <p><u>The judge may issue the following measures:</u> To change the workplace; to decide a house settlement different from the shared one if the person is married; to put an annotation to the title deed as a family house; to change the identification and other related information and documents based on the informed consent of the relevant person.</p>
PREVENTIVE* MEASURES ISSUED BY THE JUDGE TO THE PERPETRATOR AS STIPULATED IN THE LAW	<p>Preventive measures include barring order; restraining order; supervised child contact or revoking of visitation rights; prohibition of harassment by means of communication instruments or alternative channels; handing over officially permitted and authorised weapons to the law enforcement officials; order not to use alcohol, drugs or stimulants in places where the protected people are present or not to approach the protected people and whereabouts while under the influence of these substances and to ensure to have a medical examination and treatment including in-patient treatment in case of the addiction; applying to the health centre for examination or treatment and to ensure having a treatment.</p>
DURATION OF MEASURES	Up to 6 months.
SANCTION FOR VIOLATION OF MEASURES	Preventive imprisonment from 3 to 10 days.

* In cases where delay is considered to be risky, some of the protective and preventive measures shall be taken by relevant law enforcement chiefs as well.

From 2014 to 2016, over 1.2 million preventive measures and over 160,000 protective measures were issued, illustrating the wide use of Law No. 6284.²⁶ Still, women's CSOs report problems in imple-

mentation. Some of the problems cited are: some judges requesting women to make a new application with the new evidence in order to grant an extension of the duration of existing injunction orders;²⁷

²⁶ Republic of Turkey, Report Submitted by Turkey, p. 51.

²⁷ İstanbul Sözleşmesi Türkiye İzleme Platformu, Shadow NGO Report, p. 55.

some judges requesting evidence in order to issue an injunction order, particularly a barring order (although the law states that no evidence is required for any injunction order);²⁸ and some law enforcement agencies being reluctant to take action, belittling the violence or showing disbelief in the survivor's account of the incident.²⁹ Purple Roof Women's Shelter Foundation's volunteer noted that: "In the text of Law No. 6284 the link between gender and VAW is acknowledged. However, in practice it has turned into a gender-blind law. For instance, in order to force their wives to give in, perpetrator husbands may also apply for protective and preventive measures under the law. There was one case where both the wife and the husband applied for and got issued barring orders and neither of them were able to go home."

An interviewee from Foundation for Women's Solidarity also noted that: "The main problem in legislation on VAW in Turkey is regarding its implementation. There are no adequate mechanisms for its implementation. Adequate budget is not allocated. There is no adequate staff. This is because combating VAW is not a priority for the state."

In a report they published, Purple Roof Women's Shelter Foundation shared that in one case they dealt with, a woman who made a complaint regarding the perpetrator's violation of the measures issued under Law No. 6284 was told that "he seems to be a nice guy and he is responsive to his children" by a law enforcement officer.³⁰ Not only that it takes a few months for the jail sentence to be issued following the violation depending on the date of the trial date, but also survivors are forced to see the perpetrator during the trial.³¹



The wide use of Law No. 6284 from 2014 to 2016

Preventive measures	1.2,000,000
Protective measures	160,000

"The main problem in legislation on VAW in Turkey is regarding its implementation... This is because combating VAW is not a priority for the state."

There is no crime defined under the banner of IPV in the CC. However, some acts of IPV are criminalised in the CC and they are classified as petty offenses, minor criminal offenses or serious offenses depending on the nature of the act of violence. Although stalking and psychological violence are covered in Law No. 6284, they are not criminalised as such in the CC, but may be covered under criminal offenses such as threat or blackmail. Purple Roof Women's Shelter Foundation's volunteer pointed out that "women have to go through burdensome bureaucratic processes to end types of violence that are defined as VAW in Law No. 6284, but not covered under CC as specific crimes, such as stalking".

²⁸ Ibid.

²⁹ Açelya Uçan, Damla Gürkan, Deniz Bayram, Hazal Günel, Martina Patrizia Gaidzik, Perihan Meşeli and Selin Kaner, Türkiye'de Erkek Şiddetiyle Mücadele Mekanizmaları İzleme Raporu, 2016, İstanbul: Mor Çatı Kadın Sığınağı Vakfı, pp. 48-54, <https://www.morcati.org.tr/attachments/article/364/erkek-siddetiyle-mucadele%20mekanizmalarini-izleme-raporu.pdf> [accessed October 25, 2018].

³⁰ Mor Çatı Kadın Sığınağı Vakfı, 6284 Sayılı Kanun Uygulamaları İzleme Raporu, 2014, p. 11, https://www.morcati.org.tr/attachments/article/255/6284_Kanun_Uygulamalari_Raporu.pdf [accessed October 25, 2018].

³¹ İstanbul Sözleşmesi Türkiye İzleme Platformu, Shadow NGO Report, p. 56.

CC

CRIMINAL OFFENSES IN DOMESTIC RELATIONS

Felonious homicide; felonious injury; soliciting or encouraging another person to commit suicide; torment; threat; blackmail; deprivation of liberty; violation of the immunity of domicile; prevention of communication; defamation; damage to property; ill-treatment of a person sharing the same dwelling as the perpetrator; breach of obligations conferred upon by family law (including abandoning pregnant wife or partner); multiple or fraudulent marriage; sexual assault; sexual abuse of children; sexual intercourse with minors; sexual harassment; genital control without the decision of judge and prosecutor.

OTHER RELATED CRIMINAL OFFENSES

Failure to report an offense; failure by public officers and members of medical profession to report an offense; solicitation (punishment increased if the power originating from antecedent and descendent relation is used).

CRIMINAL OFFENSES FOR WHICH THERE ARE AGGRAVATED FORMS IF COMMITTED IN DOMESTIC RELATIONS

Felonious homicide* (including when committed for reasons of traditions and customs); felonious injury*; torment; deprivation of liberty.

Sexual abuse of children and sexual assault (when committed against a person or a child with whom one has third degree blood relation or kinship).

*Contrary to Article 46 of IC, in the CC, aggravated circumstances are only present in case of felonious homicide and felonious injury against antecedents, descendants, wife and siblings, and not against extra-marital partners or ex-wives/partners.³²



While felonious injury of wife and members of the first bloodline are not subject to dispute resolution, there is no legislation that prohibits dispute resolution in cases of such violence to ex-partner/wife, existing partner and others living with her. Thus, it is reported that dispute resolution may be offered in the latter cases.³³

³² Ibid., p. 49.
³³ Ibid., p. 52.

DIVORCE CASES ● According to the Law on Mediation in Civil Disputes, “*disputes containing domestic violence are not suitable for mediation*”.³⁴ Thus, in line with Article 48 of IC, mediation is prohibited during divorce in cases of IPV. During divorce, survivors may apply for protective and preventive measures under Law No. 6284. While it is legally possible for survivors to testify and give evidence without the perpetrator’s presence and to prevent contact between the victim and perpetrator when possible, in many cases this is not taken into consideration. Shadow NGO report to GREVIO also notes that, contrary to Article 31 of IC, women survivors of VAW are being “*subjected to secondary victimizations in custody and visits*”.³⁵ Survivors are not informed of the perpetrator’s escape or temporary or permanent release from prison, even in cases of danger for the survivors or their family members (Article 56 of IC).³⁶

SERVICES ● By law, anyone who cannot afford legal aid is entitled to free legal aid from bar associations in Turkey. Some of the problems identified with this procedure in the shadow NGO report to GREVIO are: inconsistency in the type of documents required by the different bar associations; denying of free legal aid to women who earn minimum wage and to unemployed women who have property registered under their name; scarcity of lawyers in certain cities; and inadequate knowledge of some lawyers on protective and preventive measures under Law No. 6284.³⁷

MoFSP operates a national hotline (Alo 183) to provide social support to women, children, elderly and disabled people. While this hotline operates 24/7, is free of charge, multilingual and geared toward the needs of hearing and speech impaired people³⁸, it is not specialised for VAW. In 2016, while 40,830 of the 241,027 calls received were related to support services for women, how many of these calls concerned VAW is not known.³⁹ There is also an Emergency Assistance Hotline operated by an independent women’s CSO, which received 2,277 calls in 2016.⁴⁰ This line is not free of charge, multilingual and 24/7, and does not receive any funding from the state. Recently, it was reported that the Ministry of Interior launched a mobile app called ‘Women Emergency Assistance Notification System’ (KADES in Turkish).⁴¹ It is stated that the app will enable women facing violence to notify the police faster through their smartphones.⁴²



³⁴ Law on Mediation in Civil Disputes, Article 1-[2], <http://www.judiciaryofturkey.gov.tr/English-version-of-Law-on-Mediation-in-Civil-Disputes-is-available-on-our-website> (accessed October 25, 2018).

³⁵ İstanbul Sözleşmesi Türkiye İzleme Platformu, Shadow NGO Report, p. 44.

³⁶ Ibid., p. 57.

³⁷ Ibid., p. 59.

³⁸ Republic of Turkey, Report Submitted by Turkey, p. 41.

³⁹ Stephanie Futter-Orel and the WAVE Team, WAVE Country Report 2017: The Situation of Women’s Specialist Support Services in Europe, 2017, Vienna: WAVE – Women against Violence Europe, p. 99, http://files.wave-network.org/researchreports/WAVE_CR_2017.pdf (accessed October 25, 2018).

⁴⁰ Ibid.

⁴¹ “New App Allows Victims of Domestic Violence to Notify Turkish Police with Single Button”, Daily Sabah, March 25, 2018, <https://www.daily-sabah.com/turkey/2018/03/25/new-app-allows-victims-of-domestic-violence-to-notify-turkish-police-with-single-button> (accessed October 25, 2018).

⁴² Ibid.



Independent women's CSOs and some municipalities also run Women's Counselling/Solidarity Centres to provide psychological and legal support to survivors of IPV.

Violence Prevention and Monitoring Centres (hereafter 'VPMCs') were introduced in 2012 in 14 pilot provinces as 24/7, one-stop centres that “run services for prevention of violence and monitoring of injunction orders, as well as the services for victims of violence and for perpetrators and potential perpetrators.”⁴³ There are currently 68 of them across Turkey. Applications for shelters are assessed by VPMCs, and Provincial Directorates of Family and Social Policies in provinces where VPMCs do not exist. Women's CSOs report a number of problems associated with VPMCs, such as staff not informing survivors of their rights and available protection mechanisms; staff providing survivors with incorrect or dissuading information; refusal of requests for referral to the shelter or for support in cases such as when there is no injunction order under Law No. 6284, and staff forcing survivors to return home or reconcile with the perpetrators.⁴⁴

Independent women's CSOs and some municipalities also run Women's Counselling/Solidarity Centres to provide psychological and legal support to survivors of IPV. Shadow NGO report to GREVIO notes that in areas largely populated by Kurdish people, mayors of various municipalities have been dismissed and replaced by trustees since 2015, and many Women's Counselling Centres run by these municipalities were shut down by the appointed trustees.⁴⁵

In September 2018 MoFSP (i.e. the newly established Ministry of Family, Labour and Social Services as of 9 July 2018) announced that in 81 provinces of Turkey there are 110 women's shelters operated by MoFSP with a capacity of 2,697; 32 women's shelters operated by municipalities with a capacity of 725; and 1 women's shelter operated by a women's CSO (Purple Roof Women's Shelter Foundation) with a capacity of 20, in addition to 1 women's shelter operated by Directorate General of Migration Management with a capacity of 12.⁴⁶

Numbers of women's shelters and their capacities in Turkey in September 2018

	 Numbers of shelters	 Capacity
MoFSP	110	2,697
Municipalities	32	725
Women's CSO	1	20
DGMM	1	12

⁴³ Republic of Turkey, Report Submitted by Turkey, p. 10.

⁴⁴ Aslı Elif Sakallı, Duygu Doğan, Hazal Günel, Zühal Güreli, Mor Çatı Deneyimi Kadına Yönelik Şiddete Dair Neler Anlatıyor? Kadına Yönelik Şiddet Değerlendirme Raporu, 2017, İstanbul: Mor Çatı Kadın Sığınağı Vakfı, p. 34, <https://www.morcati.org.tr/attachments/article/467/kadi-na-yonelik-siddet-degerlendirme-raporu.pdf> [accessed October 25, 2018].

⁴⁵ İstanbul Sözleşmesi Türkiye İzleme Platformu, Shadow NGO Report, p. 14.

⁴⁶ “137 Sığınmaevi Yetmiyor” Başlıklı Haberle İlgili Basın Açıklaması”, T.C. Aile Çalışma ve Sosyal Hizmetler Bakanlığı, September 6, 2018, <https://www.csgb.gov.tr/home/news/137-siginma-evi-yetmiyor-baslikli-haberle-iligili-basin-aciklamasi> [accessed October 25, 2018].

Boys over 12 years old are not received in shelters, restricting their mothers' access to the shelters. Survivors over 60 years of age are referred to senior care centres, rather than the shelters.

State-run shelters operate on a 24/7 basis and survivors stay there for 3 to 6 months. Some problems identified by women's CSOs regarding access to state-run shelters are as follows: Boys over 12 years old are not received in shelters, restricting their mothers' access to the shelters.⁴⁷ Survivors over 60 years of age are referred to senior care centres, rather than the shelters.⁴⁸ Shelters are reported to lack the physical conditions suitable for the disabled.⁴⁹ It is also reported that lesbian and bi-sexual women have access to the shelters only if they conceal their sexual orientation.⁵⁰ Other problems identified with the state-run shelters are: insufficient number of shelters in proportion to country's population, staff encouraging women to reconcile with their husbands, inadequacy of psychological support, lack of access to food at other than designated hours, restrictions on the use of mobile phones and internet, lack of conformity between shelter entry and exit hours and official business hours preventing women to hold their jobs while staying there.⁵¹



⁴⁷ İstanbul Sözleşmesi Türkiye İzleme Platformu, Shadow NGO Report, p. 36.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Ibid., p. 69.

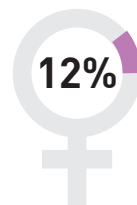
⁵¹ Açelya Uçan, Damla Gürkan, Deniz Bayram, Hazal Günel, Martina Patrizia Gaidzik, Perihan Meşeli and Selin Kaner, Türkiye'de Erkek Şiddetiyle Mücadele, pp. 32-38.

SEXUAL VIOLENCE

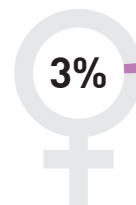
RESEARCH AND DATA ● In the 'Research on Domestic Violence Against Women in Turkey' conducted in 2014, 12% of ever-married women reported being subject to lifetime sexual violence.⁵² The most commonly cited act of sexual violence is "*having sexual intercourse when the woman did not want to because she was afraid*".⁵³ Across Turkey, 3% of women reported having been subjected to sexual violence after the age of 15 by people other than their intimate partners.⁵⁴ 9% of women reported being subject to sexual abuse during childhood (before the age of 15).⁵⁵ Furthermore, according to data gathered from the media reports by an independent women's CSO, 332 women were subject to sexual violence in 2017.⁵⁶

LEGISLATIVE FRAMEWORK ● The CC is only partially aligned with the IC when it comes to sexual violence. In the CC, sexual crimes, including rape, are defined as "*crimes against sexual inviolability*", and they are classified as "*crimes against individuals*". In Article 102 of CC, sexual assault is defined as "*any sexual behaviour violating a person's bodily integrity*" and it is prosecutable upon survivor's complaint. However, when the offense is committed by means of inserting an organ or an object into the body, it is prosecuted ex officio with imprisonment no less than 12 years. In certain cases, such as the offense being committed against a person who cannot protect themselves because of corporal or mental disability or by undue influence based on public office, the punishment is increased by half. While marital rape is criminalised in Turkey, it is prosecutable only upon survivor's complaint. In the CC, the use of force is not required to constitute rape, but the law does not expressly state that lack of consent is enough, so whether this is aligned with the IC or not depends on the imple-

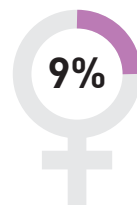
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mentation. An interviewee from Foundation for Women's Solidarity pointed out that: "*Despite deficiencies in legislation on sexual violence, judges may still interpret existing legislation on the basis of the principles of international conventions, but this is not done. The judicial system ignores the gender-based aspect of violence against women and girls*".

Sexual harassment, defined as "*any act of harassment with sexual intent*", is criminalised with imprisonment of 3 months to 2 years or a judicial fine upon survivor's complaint. If the harassment is deemed to have occurred by undue influence based

⁵² The Republic of Turkey Ministry of Family and Social Policies and Hacettepe University Institute of Population Studies, Domestic Violence, p. 8.

⁵³ Ibid.

⁵⁴ Ibid., p. 16.

⁵⁵ Ibid., p. 35.

⁵⁶ Kadın Cinayetlerini Durduracağız Platformu, Kadın Cinayetlerini Durduracağız Platformu 2017 Veri Raporu, January 1, 2018.

on public office or by using the advantage of working in the same place or by using the advantage of inter-family relations, the punishment is increased by half (Article 105 of CC). While forced marriage is not a crime in the CC, it can be punished in case it includes sexual crimes, or crimes in relation to threat and restriction of personal freedom.

Sexual intercourse with a girl child is criminalised in Article 104 of CC, which states that any person who has sexual intercourse with a child who completed the age of 15 without using force, threat and fraud, is sentenced to imprisonment from 2 to 5 years upon filing of a complaint. All kinds of sexual attempts against children under the age of 15 or against those who attained the age of 15, but lack the ability to understand the legal consequences of such an act, and abuse of other children sexually by force, threat or fraud are defined as sexual abuse punishable by imprisonment from 8 to 15 years (Article 103 of CC). In a recent amendment to Article 103 of CC, punishments for sexual attempts against children under 12 years old are increased, causing concerns among women's CSOs that this will have the effect of lowering the age of consent to 12 in practice.⁵⁷

The statute of limitation for most sexual violence crimes is 15 years (Article 66). In offenses committed against minors by the antecedents or the persons who hold control or power on these minors, the statute of limitation starts to run as of the date on which the minor attains the full age of 18 (Article 66 of CC).

SERVICES ● There are no rape crisis or sexual violence referral centres in Turkey. Survivors of sexual violence apply to police stations, health institutions or public prosecutor's office, along with women's CSOs.⁵⁸ Şehlem Kaçar from Association for Struggle Against Sexual Violence sum-

marized the state's policy towards sexual violence as follows: "*Incidents of sexual violence are viewed as singular events, and the systematic character of sexual violence is ignored. In fact, if the latter is acknowledged, the state has to develop a comprehensive policy to prevent and eliminate sexual violence and to support survivors. Primarily because of this, following each high-profile incident of sexual violence, chemical castration and execution are re-brought into public agenda.*"

Women's CSOs report that survivors of sexual violence are faced with judgmental attitudes of law enforcement officers,⁵⁹ and that evidence is not collected properly due to disbelief in women's accounts of the incident and the assumption that women may have consented to the mentioned sexual acts.⁶⁰ An interviewee from a women's CSO which requested to remain anonymous pointed out that: "*When women and children survivors of sexual violence go to police stations on their own, it is horrifying. They may face repeated questions about the incident in the presence of a crowd of officers, who would say: 'Where did this happen? How did this happen? Tell us. ... When the survivors are accompanied by us in the police stations, the officers are more careful.*"



⁵⁷ İstanbul Sözleşmesi Türkiye İzleme Platformu, Shadow NGO Report, p. 43.

⁵⁸ In 2012 Child Monitoring Centres were introduced to prevent re-traumatization in children survivors of sexual abuse by requiring them to repeatedly tell the incident to different institutions. There are currently 31 such centres in Turkey. Source: "İstismar Mağduru Çocuk Artık Karakolda Sorgulanmıyor", Hürriyet, August 13, 2018, <http://www.hurriyet.com.tr/istismar-magduru-cocuk-artik-karakolda-sorgulan-40926858> [accessed October 25, 2018].

⁵⁹ İstanbul Sözleşmesi Türkiye İzleme Platformu, Shadow NGO Report, p. 39.

⁶⁰ Ibid., p. 53.

VIOLENCE AGAINST MIGRANT AND REFUGEE WOMEN



Turkey is reported as 3,589,327, of which 1,641,844 are women.⁶³ Overall, only 157,958 Syrians live in camps.⁶⁴

A quantitative research carried out by Disaster and Emergency Management Presidency of Turkey (AFAD) in 2013 revealed that 77.5% of Syrian women living outside of camps lacked food items and 73.4% lacked heating, while 50.2% reported that they had difficulty obtaining feminine hygiene products.⁶⁵ In a qualitative research carried out by a human rights organisation in Turkey, 8-9% of the Syrian women interviewed reported that they encountered sexual harassment.⁶⁶ The report also pointed out that early marriage, as well as being forced to marry a local man as his second or third wife, were other forms of sexual violence faced by Syrian women.⁶⁷ In a research with 1,138 Syrian women conducted by Women's Center Foundation in 5 cities in South Eastern Turkey, 22.5% of respondents cited harassment and exclusion, when asked about the most difficult part of living in Turkey as women.⁶⁸ There have also been news reports of sexual abuse of children in a camp run by AFAD.⁶⁹

RESEARCH AND DATA ● While it is party to the 1951 Refugee Convention, Turkey retains a geographic limitation, which means that only those fleeing from Europe can be accepted as refugees.⁶¹ As of January 2017, 45,383 refugees and 250,018 asylum-seekers (from Afghanistan, Iran, Iraq, Somalia and others) are in Turkey.⁶² This number does not include the Syrians who have fled from the Syrian Civil War, and who reside in Turkey under the status of 'Temporary Protection' and are officially referred to as "*guests*". As of 24 October 2018, the number of Syrians in

LEGISLATIVE FRAMEWORK AND SERVICES ● By law, refugee women who live in Turkey and who are subject to VAW can benefit from Law No. 6248, including its protective and preventive measures, as well as shelters and legal aid.⁷⁰ However,

⁶¹ UNHCR, Turkey, <http://www.unhcr.org/474ac8e60.pdf> [accessed October 25, 2018].

⁶² UNHCR, Turkey's Monthly Statistics as of January 2017, <http://www.unhcr.org/tr/wp-content/uploads/sites/14/2017/02/eng671.pdf> [accessed October 25, 2018].

⁶³ T.C. İçişleri Bakanlığı Göç İdaresi Genel Müdürlüğü, Yıllara Göre Geçici Koruma Kapsamındaki Suriyeliiler, http://www.goc.gov.tr/icerik3/gecici-koruma_363_378_4713 [accessed October 25, 2018].

⁶⁴ Ibid.

⁶⁵ AFAD Prime Ministry Disaster and Emergency Management Presidency, Syrian Women in Turkey, 2014, p. 46, https://www.afad.gov.tr/upload/Node/17935/xfiles/afad-suriye-kdn_eng_1_.pdf [accessed October 25, 2018].

⁶⁶ MAZLUMDER, The Report on Syrian Woman Refugees Living out of the Camps, 2014, p. 32, <http://world.mazlumder.org/en/main/yayinlar/reports/11/the-report-on-syrian-women-refugees-living-out/1164> [accessed October 25, 2018].

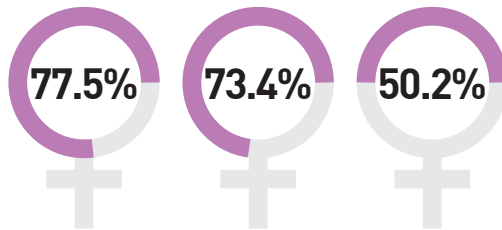
⁶⁷ Ibid., p. 34.

⁶⁸ KAMER Vakfı, Sığınmacı Kadınlar 5 İl Raporu, pp. 16-17, http://www.kamer.org.tr/menus/kamer_vakfi_siginmaci_kadinlar_5_il_raporu.pdf [accessed October 25, 2018].

⁶⁹ "30 Syrian Children 'Sexually Assaulted' in Turkey Refugee Camp", Hürriyet Daily News, May 12, 2016, <http://www.hurriyetdailynews.com/30-syrian-children-sexually-assaulted-in-turkey-refugee-camp-99117> [accessed October 25, 2018].

⁷⁰ Istanbul Sözleşmesi Türkiye İzleme Platformu, Shadow NGO Report, p. 61.

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lack of capacity of personnel in relevant public agencies, language barriers and inadequacy of translation services, lack of awareness on VAW in NGOs providing services to Syrians, Syrian women's insecurity and poverty (including sexual harassment at work) as barriers to reporting of VAW to authorities are among some of the

problems identified by women's CSOs in the shadow NGO report to GREVIO.⁷¹ Özgül Kapdan, Program Coordinator of Women's Solidarity Foundation which provides services to both nationals of Turkey and refugee women, stated that: "When it comes to Syrian refugee women, public authorities are a bit more sensitive and the door is more open, as refugees are under international attention. But when you go deeper into the cases, the problems in implementation of the relevant legislation on VAW that we encounter for nationals of Turkey, also exist in the case of refugee women."

Shadow NGO report to GREVIO notes that the process of receiving asylum-seekers' applications is not gender-sensitive, involving a "judgmental and discriminative attitude" towards women and LGBTIQ refugees.⁷² Furthermore, it is noted that transgender refugees who are subject to violence have access to neither refugee camps nor shelters.⁷³ Shadow NGO report to GREVIO states that many women and LGBTIQ refugees in the deportation centre in İstanbul are kept there with charges of prostitution awaiting deportation.⁷⁴ They have difficulties in accessing translation services and legal aid, and women and LGBTIQ refugees who are subject to VAW, facing inhuman treatment or at risk of death in their home countries are pressured to sign "voluntary return forms".⁷⁵ Amnesty International claims that with the statutory decree No. 676 issued on 29 October 2016, Turkey can deport refugees deemed as "posing a threat to public health",⁷⁶ violating the non-refoulement principle, while shadow NGO report to GREVIO notes that there have been cases in which HIV-positive women and LGBTIQ refugees were deported.⁷⁷

⁷¹ Ibid., pp. 61-63.

⁷² Ibid., p. 63.

⁷³ Ibid., p. 62.

⁷⁴ Ibid., p. 64.

⁷⁵ Ibid.

⁷⁶ Volkan Görendağ, "676 Sayılı KHK ile Mülteci Hukukunun Temel İlkeleri Askıya Alınıyor", Uluslararası Af Örgütü, November 3, 2016, <https://www.amnesty.org.tr/icerik/676-sayili-khk-ile-multeci-hukukunun-temel-ilkeleri-askiya-aliniyor> (accessed October 25, 2018).

⁷⁷ İstanbul Sözleşmesi Türkiye İzleme Platformu, Shadow NGO Report, p. 64.

WOMEN'S CSOS

Turkey has a vigorous feminist movement, which has, over the last two decades, led various successful campaigns to publicise and raise awareness on VAW and gender inequality, as well as to enable the passing of laws to combat both. With respect to funding, public voice and safety, and cooperation with the state, interviewees have identified the following issues in the current work of independent women's CSOs in Turkey.

FUNDING ● It is not a common practice for the state to provide funding to women's CSOs in Turkey, contrary to Article 9 of IC. None of the interviewees reported to have received funds from the state. Available funds for women's CSOs are EU funds, funds from private international and domestic foundations, and individual donors in Turkey and abroad. Some of the interviewees stated that they deliberately avoided funds from the state to maintain their autonomy. Bureaucracy and administrative requirements in application to funds and reporting are mentioned as problems limiting the access to funds.

Some of the interviewees reported backlash due to their receipt of international funds. Purple Roof Women's Shelter Foundation's volunteer pointed out that their organization was targeted⁷⁸ for receiving international funds by a newspaper distributed nationally, which has also been a vocal critic of Law No. 6284 as a "*home-wrecking*" legislation.⁷⁹ Özgül Kapdan, Program Coordinator of Women's Solidarity Foundation, stated that a couple of years ago a staff member from a public agency stopped communicating with them, when he learnt that they were receiving funds from a European country (whereas that same public agency had funding from Europe, as well).

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⁷⁸ The news article referred to is as follows: Faruk Arslan, "Para Batı'dan Yıkım Çatı'dan", Yeni Akit, December 24, 2017, <https://www.yeniakit.com.tr/haber/para-batidan-yikim-catidan-407198.html> (accessed October 25, 2018).

⁷⁹ Faruk Arslan, "6284 Yuva Yıkıyor", Yeni Akit, November 9, 2017, <https://www.yeniakit.com.tr/haber/6284-yuva-yikiyor-393091.html> (accessed October 25, 2018).

PUBLIC VOICE AND SAFETY ● Shadow NGO report to GREVIO states that 9 women's CSOs were shut down in November 2016 by a statutory decree issued under the State of Emergency (hereafter 'SoE') rule.⁸⁰ SoE was declared on 20 July 2016 by the government (following a failed military coup attempt on 15 July 2016), and it was lifted on 19 July 2018. An interviewee from Foundation for Women's Solidarity described the effect of shutting down of women's CSOs under SoE rule as one of "intimidation and threat to all of us" and she stated that: "This process seriously affected all of us. We started to be more careful about what we say". Furthermore, most interviewees pointed out to the trend of homogenising of the mainstream media and decreasing presence of women's CSOs in the mainstream media in the last couple of years. Referring to this media environment and the SoE rule, interviewees from Women for Women's Human Rights – New Ways (WWHR) stated that: "We, of course, continue to declare our opinions openly, but it is debatable whether we can do so in the way we want and in every platform. It is also debatable how much our voice reaches the public."



Pointing out to a recent, corresponding change in the attitude of public authorities towards women's CSOs, Özgül Kapdan, Program Coordinator of Women's Solidarity Foundation, stated that: "Previously in meetings where both CSOs and public authorities participated, we would criticize the public authorities and receive some formal, standard responses. In such a meeting we attended in 2017, we received reactions such as 'Who are you to criticize?'. It was the first time we encountered such a patronizing attitude from the public authorities in the history of our organization."

Additionally, Şehlem Kaçar from Association for Struggle Against Sexual Violence reported that they faced hate speech in social media, particularly following their activities that revealed and condemned sexism and other attitudes that nurture and condone VAW in soccer.

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⁸⁰ İstanbul Sözleşmesi Türkiye İzleme Platformu, Shadow NGO Report, 19-20. See also Çiçek Tahaoğlu, "Kadın Dernekleri Kapatıldı, Hangi Çalışmalar Yarım Kaldı?", Bianet, November 16, 2016, <https://m.bianet.org/bianet/toplumsal-cinsiyet/180798-kadin-dernekleri-kapatildi-hangi-calismalar-yarida-kaldi> [accessed October 25, 2018].

Almost all interviewees mentioned that there are no regular consultation mechanisms with the public authorities and that dialogue and cooperation have significantly declined over the last couple of years.

COOPERATION WITH THE STATE ● Almost all interviewees mentioned that there are no regular consultation mechanisms with the public authorities and that dialogue and cooperation have significantly declined over the last couple of years. An interviewee from a women's CSO which requested to remain anonymous described their participation in local-level meetings and provincial coordination boards that monitor the implementation of provincial action plans on VAW as follows: "We talk and talk, but the product is way different. In fact, they do not want us there, but they feel obliged". Hayriye Aşçıoğlu from Women's Center Foundation stated that: "While we are members of the provincial coordination boards in almost all of the 23 cities we work in, it was not easy to be accepted as members. It was not that we were invited. Rather, we insisted that we were included, when we heard about them."

Purple Roof Women's Shelter Foundation's volunteer also mentioned that for meetings in Ankara with nationwide representation, only major women's CSOs tend to be invited, with local women's CSOs with years of experience being left out, while the participants' travel costs are not covered limiting women activists' chances of participation, as most of them work in women's CSOs as volunteers.

Although the state report to GREVIO notes that NAP (2016-2020) was prepared "with contributions and participation of relevant public institutions and organizations; NGOs and women's research centers of universities"⁸¹, shadow NGO report to GREVIO states that "the plan was prepared without the assistance of experienced women's and LGBTIQ organizations working on the area of VAW as they were deliberately left out of the process of the exchange of opinions, assessment and preparation".⁸² Furthermore, in the process of the preparation of the state report to GREVIO, women's CSOs noted that GDSW had sent the GREVIO questionnaire to several of them requesting answers in a couple of weeks' time. Women's CSOs drafted a joint letter in response, stating that "for the reporting process to be more productive, inclusive and participatory, the state should adopt a methodology which will include independent women's and LGBTIQ organizations into the process in a more meaningful way".⁸³ An interviewee from Women for Women's Human Rights – New Ways (WWHR) described this process as "not participation, but the state acting as if there were participation".

⁸¹ Republic of Turkey, Report Submitted by Turkey, p. 4.

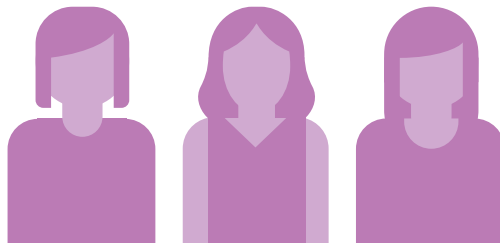
⁸² İstanbul Sözleşmesi Türkiye İzleme Platformu, Shadow NGO Report, pp. 15-16.

⁸³ Ibid., p. 2.

Most interviewees mentioned that cooperation with the public authorities are established sporadically, mainly through 'personal relations', that is, "*only if a particular staff member working there has a feminist perspective*". On the other hand, Özgül Kapdan, Program Coordinator of Women's Solidarity Foundation, mentioned that their work with refugee women allowed a new "*channel of dialogue and cooperation*" with the public authorities, from which their work for local women also benefited (despite continuing challenges such as when their petitions to public authorities were rejected or their request to attend a meeting organised by public authorities was declined). Similarly, Ayten Yakut Süngü and Hayriye Aşçıoğlu from Women's Center Foundation mentioned the protocol they recently signed with UN Population Fund and Ministry of Health in relation to migrant health centres established by the Ministry of Health. According to this protocol, these centres refer refugee women to Women's Center Foundation for awareness-raising workshops on VAW including early marriages, as well as literacy courses and integration programs, while the latter refers them to these centres for health services.

Almost all interviewees mentioned the increasing influence of GONGOs (government organised non-governmental organisations) in their areas of work. An interviewee from a women's CSO which requested to remain anonymous mentioned an example in which a major GONGO organized a workshop on child abuse in their city, and while their organisation was also invited, they were asked to leave in the later parts of the workshop, and this GONGO continued the workshop with the public authorities. Furthermore, Özgül Kapdan, Program Coordinator of Women's Solidarity Foundation, recounted how they heard a public officer asking why they were there and not a particular GONGO. Shadow NGO report notes that "*the state clearly gives preference to GONGOs when it is a matter of working together, leaving the independent women's movement out of the loops of communication and collaboration*".⁸⁴

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RECOMMENDATIONS

Below recommendations are based on the major recommendations put forward in the shadow NGO report to GREVIO and in the interviews carried out with women's CSOs for the preparation of this mapping report.



- Ministry of Women and Equality should be established.
- Service providers on VAW should be delivered awareness-raising trainings on gender equality and VAW, in cooperation with independent women's and LGBTIQ CSOs.
- Dispute resolution with the perpetrator should, by no means, be allowed in institutions where survivors of VAW apply to.
- Independent women's CSOs should be recognised by the state as equal partners in combating VAW. Excluding of independent women's CSOs with decades-long experience in the field of VAW and prioritising of GONGOs should end. Channels of dialogue and cooperation should be restored to their previous status with independent women's and LGBTIQ CSOs.
- Independent women's CSOs providing services to survivors of VAW, and the shelters they run, should be provided with regular and adequate funding from the state, while ensuring their autonomy.

TO PRESIDENCY OF THE REPUBLIC OF TURKEY

- The approach to combating VAW should be redefined by the state from a gender equality perspective which acknowledges that the source of the problem is unequal power relations between women and men.
- Share of the state budget allocated to elimination of VAW and provision of protection and support services to survivors should be increased.

TO MINISTRY OF FAMILY, LABOUR AND SOCIAL SERVICES

- Regular nationwide research should be undertaken by the state to monitor the prevalence and types of VAW. Findings should be shared with the public transparently.
- The budget and personnel of GDSW should be increased, as well as its authority to coordinate, monitor and evaluate policies and practices of MoFSP (i.e. the newly established Ministry of Family, Labour and Social Services as of 9 July 2018) and other public authorities from a gender equality perspective.

- Effectiveness of legislation, policies, implementation and trainings to eliminate VAW should be monitored and evaluated in cooperation with independent women's and LGBTIQ CSOs, and the results should be made public.
- A nationwide, free of charge, fully equipped emergency VAW hotline that operates 24/7 with preferably trained and experienced women staff should be established.
- Shelters for survivors of VAW should be open to all women and children of all ages, including women with boys over 12 years old. The criterion to be a Turkish citizen for admission to shelters (as implemented in practice, although it is not a part of the legal regulations) should be removed.
- Experienced psychologists should provide regular psychological support for survivors of VAW in shelters. VPMCs should provide psychological, social and legal assistance and consultancy to women survivors of VAW on a 24/7 basis.
- Sexual violence referral centres and rape crisis centres should be opened in line with the standards of the IC in both rural and urban areas.
- A nationwide emergency VAW hotline as well as shelters that are specialised for the needs of LGBTIQ survivors of VAW should be established.
- Regular, participatory and effective consultancy mechanisms should be established with independent women's and LGBTIQ CSOs, regarding preparation and implementation of policies on VAW.
- National and provincial action plans on VAW should be prepared and implemented transparently, and in consultation with, and participation of independent women's and LGBTIQ CSOs.

TO THE MINISTRY OF INTERIOR

- Women's access to their rights and their empowerment should be prioritised and ensured in law enforcement processes.
- Data recorded on the perpetrators and survivors of VAW should be disaggregated with regards to sex, age, type of violence, prevalence of the type of violence, relationship between the perpetrator and the survivor, geographical location and disability. This data should be publicly accessible with a view to security and the privacy of survivors.
- It should be ensured that particularly staff receiving applications of survivors of VAW in law enforcement agencies are trained, experienced, and preferably women, and have gender awareness.
- Refugee camps should be open to CSO monitoring.
- Public services for refugees should be designed with a gender equality perspective and relevant service providers should be delivered trainings on gender equality and VAW.

TO THE MINISTRY OF JUSTICE

- Injunction orders, as well as their duration, should be issued on the basis of a comprehensive risk analysis. These orders should be issued in line with the special needs of disabled survivors of VAW.
- Any reduction, liquidation or deferment judgement causing impunity or damaging the dissuasiveness of the penalties in VAW cases should be withdrawn.
- Stalking and psychological violence should be defined as separate crimes in CC, with dissuasive penalties.
- Effective prosecution of all cases of sexual violence should be ensured.
- DV should be defined as a separate crime in CC. If not, CC should at least include aggravated forms for all different types of violence that might occur in domestic relations.
- Early and forced marriages should be prevented by regulations regarding the sexual abuse of children. The age of marriage should be the same as the age of majority under all conditions. Permissions for child marriages given by court decision should be revoked.
- Orders on the custody of children and their personal contact with the perpetrator father should take into consideration the risk of continuation of violence towards the children and their mothers.
- Prosecution offices specialised in sexual crimes should be established and they should work in coordination with the sexual violence referral and rape crisis centres.



EUROPEAN WOMEN'S
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EUROPEEN DES FEMMES

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