

## **BİANET (Independent Communication Network) Shadow Report**

Turkey, 3 July 2017

---

Prepared by: Nisan Kuyucu\*

\* Quantitative data has been analysed by Feray Salman.

### **SUMMARY**

This report has been prepared by making use of the archive, which bianet compiled from media coverages concerning male violence in Turkey from 2014-2016, as a response to GREVIO's first period questionnaire.

Contact information: [nisankuyucu@gmail.com](mailto:nisankuyucu@gmail.com) / [cicek@bianet.org](mailto:cicek@bianet.org) / [bia@bianet.org](mailto:bia@bianet.org)

*Index*

<b>Identity of bianet</b> .....	3
<b>Introduction</b> .....	5
<b>I. Integrated Policies and Data Collection</b> .....	5
<b>Article 7</b> .....	6
<b>Article 9</b> .....	10
<b>Article 10</b> .....	11
<b>Article 11</b> .....	11
<b>II. Prevention</b> .....	13
<b>Articles 12 and 13</b> .....	13
<b>Article 17</b> .....	17
<b>III. Protection and Support</b> .....	20
<b>Article 18</b> .....	20
<b>Article 23</b> .....	20
<b>Article 24</b> .....	21
<b>IV. Substantive Law</b> .....	22
<b>Article 31</b> .....	22
<b>Article 36</b> .....	22
<b>Article 42</b> .....	23
<b>Article 46</b> .....	24
<b>V. Investigation, Prosecution, and Procedural Law and Protective Measures</b> .....	25
<b>Articles 49, 50, 51</b> .....	25
<b>Article 54</b> .....	26
<b>Article 55</b> .....	27
<b>VI. Migration and Asylum</b> .....	29
<b>Conclusion</b> .....	29

## Identity of bianet

IPS Communication Foundation was founded in 1993 with the aim to realize projects in the fields of communication and development. Since the year 2000, under the roof of Bağımsız İletişim Ağı (BIA - Independent Communication Network), the foundation has been producing daily news stories on [www.bianet.org](http://www.bianet.org), organizing workshops for journalists and communication students, publishing books on basic journalism, monthly reports on "violence inflicted by men" and quarterly reports freedom of expression. bianet has been funded by the Swedish International Development Cooperation Agency (SIDA).

As an independent media from Turkey, bianet says "Another communication/media is possible" through its peace journalism perspective and rights-oriented journalism practice; produces daily news stories in Turkish, English and Kurdish under one main website and five sub-websites (BiaMag, Woman and LGBTI, Child, English and Kurdish).

bianet has decided to prepare a balance sheet that is based on media reports on the murder of women or murder attempts in this regard, rape, sexual harassment, injury, sexual abuse of girls since there are no official data about violence against women and official statements on this issue contradict each other in Turkey. bianet has been publishing Male Violence Monitoring Reports since 2009<sup>1</sup>. bianet tries to point "just the tip of the iceberg" regarding violence against women and to keep statistics of this problem even though there are no official data but limited "media reports."

In addition to the balance sheet, whose title is "Men killed X number of women in X month", bianet has begun to publish another additional report of which title is "Women Fight and Male Violence is Tried" since the second half of 2011. These reports include developments of struggle to end violence against women, government authorities' statement on gender and court judgments, whether they are positive or negative, in violence against women and sentences in these cases.

---

<sup>1</sup> <http://bianet.org/english/gender/134394-bianet-is-monitoring-male-violence>

bianet Male Violence Report is prepared by scanning reports from local and national newspapers, news agencies and news websites in Turkey. Reports ranging between 100 and 500 in the category of printed press a day, and ranging between 700 and 5,000 in the category of news websites, have been studiously scanned by using keywords and that only gender-based violence cases are included in the report.

bianet, which as can be seen has built a very extensive database through a comprehensive scanning in the field of gender based violence, has decided to prepare this shadow report to be submitted to GREVIO for the purpose of encouraging to have Istanbul Convention implemented more effectively.

Media scanning of bianet Male Violence Monitoring Report is conducted by Begüm Baki working at KAMER Foundation, which carries out women's studies in 23 cities in Turkey's Eastern and Southeastern regions. Editing and statistics are prepared by bianet Women and LGBTI News Editor Çiçek Tahaoğlu.

The report has been prepared for bianet by Nisan Kuyucu, who worked as research assistant in Department of Human Rights in Faculty of Political Sciences at Ankara University for 7 years until February 2017, and still doing her doctorate on public law. Kuyucu has a book titled " The European Court of Human Rights Jurisprudence on Prohibition of Discrimination in Violence against Women Cases" (2014) and academic studies published in the field of women's human rights. A member of Ankara-based Women's Solidarity Foundation, Kuyucu continues her studies towards the field together with feminist movement and NGOs working on women's rights as well as her academic studies. Kuyucu also contributes to the writing of Istanbul Convention Turkey Monitoring Platform's shadow report, which is planned to be submitted to the GREVIO within July 2017.

The articles series consisting of 6 articles titled "İstanbul Sözleşmesi Ne Diyor? Devlet Ne Yapıyor?" (What Does the Istanbul Convention Say? What Does the State Do?) published on bianet in June 2017 and the study carried out for this report have been realized with the financial support of the Friedrich Ebert Stiftung Foundation Representation in Turkey.

**Contact address:**

Faikpaşa Caddesi, Faikpaşa Apartmanı. No 37 Kat 3 Daire 8, 34425 Beyoğlu  
İSTANBUL - TURKEY

## **Introduction**

Departing from male violence monitoring report kept by bianet from 2014-2016, this report aims to contribute to GREVIO's first period monitoring and assessment process by making an evaluation based on titles and questions on GREVIO's questionnaire. This report, indeed, has deficiencies since it is limited to the incidents that were reported in the media. However, we are of the opinion that what is not covered by the media also qualify as data. Those will be drawn attention to as occasion arises. Still, it would be appropriate to see this report as supplementary to the report of the İstanbul Convention Turkey Monitoring Platform.

The increasing gravity and size of the fact of violence against women each passing day, which is the greatest obstacle before us women for exercising all human rights, necessitates us to make a depressing yet not surprising observation already. Even the Istanbul Convention opened for signature in 2011 couldn't brake the regress in policies and implementations in the field of violence against women, which is one of the areas that have received blows every passing year during Justice and Development Party (AKP) term and in which women's and feminist movement of Turkey have lost their all achievements for good.

### **I. Integrated Policies and Data Collection**

1. Developing policies with an approach, which recognizes violence against women in relation with gender inequality and advocates that struggle against inequality cannot be separated from this inequality and discrimination, is primarily under the responsibility of the Ministry of Family and Social Policies (MFSP). For this reason, it has been attempted to understand government's policies towards violence against women by examining bianet's reports regarding statements made by public figures in charge on violence against women and gender inequality.

## Article 7

2. Since the elections started to be held frequently in the recent years, a part of the news covered by media in the respective period of time consists of data concerning **women's participation to politics. Neither the government nor the other parties in the parliament embrace an equalistic approach. Lacking in the approach reflects on the quantitative data as well.**

YEAR OF ELECTION	NUMBER OF DEPUTIES IN PARLIAMENT	NUMBER OF WOMEN DEPUTIES	RATE OF WOMEN
1935	395	18	4.6
1943	435	16	3.7
1950	487	3	0.6
1957	610	8	1.3
1965	450	8	1.8
1973	450	6	1.3
1991	450	8	1.8
1999	550	22	4.2
2002	550	24	4.4
2007	550	50	9.1
2011	550	79	14.3
2015 (June)	550	97	17,6
2015 (November)	550	81	14,7

3. It is seen that the government didn't take any step in the elections held between 2014-2016 to change this quantitative extreme disproportionateness. In 2014 municipality elections, women constitute 1.1% of the AKP candidates; 2.5% of the Nationalist Movement Party (MHP) candidates; 4.3% of the Republican People's Party (CHP) candidates and 13.8% of the Peoples' Democratic Party (HDP) candidates. When examining election results, it is seen that only four women were elected mayors in 81 cities and that this figure was 33 on district basis.<sup>2</sup> HDP calling women to be presumptive candidate for HDP

<sup>2</sup> <http://bianet.org/kadin/siyaset/154631-secimin-kazanan-kadinlari>

in 2015 to increase women's representation in the parliament should be read as a positive step.<sup>3</sup> Furthermore, the HDP comes to the fore as the party that takes women's representation to higher rates in politics by means of its co-chair system even though the system is not formalized. As women constitute only 26.6% of the MP candidates in June 2015 general elections,<sup>4</sup> the figure dropped to 24.7%<sup>5</sup> in the November 2015 snap elections. Women constitute 14.9% of the MPs in 26th parliamentary term.<sup>6</sup> Of the 27 figures in the cabinet of the 64th government formed in November 2015, only two were women,<sup>7</sup> and that there was just one woman minister in the Council of Ministers of the 65th government formed in 2016.<sup>8</sup>

**4. In a statement issued in November 2014, then president openly said that women and men are not and can never be equal by their nature, and that the concept of equality is a concept that women's struggle is caught up in.<sup>9</sup> These statements manifest government's stance towards violence against women since these statements were defended<sup>10</sup> by then Minister of Family and Social Policies. We would especially like to draw attention to then Minister of Family and Social Policies Ayşenur İslam saying "A person may do something wrong or commit a crime but death cannot be the punishment for any crime"<sup>11</sup> in response to a question about the increasing femicides. One of the most authorized people in developing policies towards**

---

<sup>3</sup> <http://bianet.org/bianet/kadin/161983-hdp-den-kadinlara-adaylik-cagrisi>

<sup>4</sup> <http://bianet.org/kadin/toplumsal-cinsiyet/164665-kadin-adaylarin-sadece-yuzde-9-u-birinci-sirada>

<sup>5</sup> <http://bianet.org/kadin/siyaset/167941-kadin-vekili-adaylarinin-orani-yuzde-3-dustu>

<sup>6</sup> <http://bianet.org/kadin/siyaset/168890-kadin-vekil-orani-dustu-43-ilden-sadece-erkek-vekil-cikti>

<sup>7</sup> <http://bianet.org/kadin/siyaset/169514-25-erkek-2-kadinli-kabinede-kim-kimdir>

<sup>8</sup> <http://bianet.org/kadin/siyaset/175101-yeni-bakanlar-kurulu-aciklandi-1-kadin-26-erkek>

<sup>9</sup> <http://bianet.org/bianet/kadin/160184-erdogan-kadinla-erkegi-esit-konuma-getirmek-fitrata-terstir>

<sup>10</sup> <http://bianet.org/bianet/kadin/160325-aysenur-islam-a-gore-cumhurbaskaninin-aciklamasinda-bir-tuhaflik-yok>

<sup>11</sup> <http://bianet.org/bianet/kadin/159704-kadinlar-mucadele-ediyor-erkek-siddeti-yargilaniyor#>

violence against women issuing statements as if she is unaware that violence against women doesn't exist because women commit a crime or do something wrong but because they cannot develop effective struggling mechanisms and policies due to inequality between them and men demonstrates how behind the government is in terms of developing integrated policies.

5. Formed by the end of 2015, the “divorce commission”, which frequently came to agenda<sup>12</sup> with the debates sparked in the parliament and that completed its studies in May 2016 and turned them into a report<sup>13</sup>, shall be added to the list.<sup>14</sup> In fact, full name of this commission implicitly states government's policies towards equality of men and women and violence against women: *Parliamentary Investigation Committee Formed to Research Elements Negatively Affecting Family Integrity and Divorce Incidents and to Determine Necessary Measures to Strengthen the Institution of Family*

**6. The government's approach towards women is that the women get married at an early age and that it encourages the families to prevent divorces. The commission was formed right after November 2015 in which seven women were killed for attempting to divorce or break up, which is striking when considered together with bianet's male violence monitoring report of 2014 declaring that 20.64% of the women were killed for attempting to break up or divorce. The government preferred to focus on prevention of divorces rather than concentrating on prevention of violence against women who get divorced or attempt to divorce, and on protection of these women.**

7. Then Minister of Justice Bekir Bozdağ's speech he delivered in the opening of a workshop in April 2016 is in line with the government's policy, which we try to find out through the reports in the media concerning violence against women. A part of this speech is as follows: *“Is it right for a state to interfere the relationship of men and women in domestic violence with its*

---

<sup>12</sup> <http://bianet.org/kadin/siyaset/172288-akp-li-vekilden-kadin-avukata-ben-sana-haddini-bildirmeye-calisiyorum>

<sup>13</sup> <http://bianet.org/kadin/toplumsal-cinsiyet/174880-bosanma-komisyonu-raporunda-neler-var>

<sup>14</sup> <http://bianet.org/kadin/toplumsal-cinsiyet/170239-meclis-bosanmalari-arastiracak>



*police, soldiers, judges, psychologists, social workers and experts? Does this contribute in saving family of men and women, ending violence and improving family togetherness or these practices make reuniting impossible? We need to fasten on it.”*<sup>15</sup> We see that the minister of justice and the divorce commission prioritize existence and protection of family and think violence against women as a domestic matter that shouldn't be interfered. Besides, they focus on the which they believe as damages inflicted by the precautions taken for the protection of women.

**8. Level of awareness in violence against women is not that different in higher judicial bodies as well.** In February 2014, in order to lighten the workload, the Supreme Court of Appeals Prosecutor's Office prepared a law draft proposing that in case the defendant gets married with the child sexually abused, the judgement be suspended and the case be dropped<sup>16</sup>. Qualification of the verdicts rendered about violence against women will be dealt with in section V.

9. In the GREVIO's questionnaire under the section of integrated policies, there are also questions concerning government's strategies and action plans regarding violence against women. However, in the reports that cover a 3-year period (2014-2016) we've scanned, we've seen that these issues weren't touched upon. In fact, the General Directorate on Status of Women (GDSW), a unit operating under the MFSP, had prepared an action plan in 2016 against violence against women. **Gender inequality action plan was prepared for the period of 2008-2013 and it has not been renewed. Since we've carried out a study limited to the news content, we cannot lead into this action plan here. Nevertheless, this not even being covered by the media and government officials' aforementioned statements with respect to equality of men and women and violence against women makes it impossible for us to take this action plan into consideration. A president saying that women and men cannot be equal and a Minister of Family and Social Policies backing him**

---

<sup>15</sup> <https://bianet.org/kadin/kadin/173905-bozdag-siddete-karsi-attigimiz-adimlar-niyetimize-uygun-sonuclar-ortaya-koyuyor-mu>

<sup>16</sup> <http://bianet.org/bianet/kadin/153975-kadinlar-mucadele-ediyor-erkek-siddeti-yargilaniyor>

**leads us to think that the action plans prepared under the responsibility of the MFSP are nothing but just formality.**

### **Article 9**

10. The news concerning process of Turkey determining an independent candidate to the GREVIO constitute a “nice” response to the obligation arising from article 9. The MFSP commenced the process for Turkey to elect its candidate to GREVIO in December 2014. The convention prescribes that the process be carried out with the NGOs working in the field of violence against women. Accordingly the ministry released an announcement on its website that the NGOs operating in the field of respective matters mentioned in the convention submit their opinions and suggestions to the Ministry until December 15, 2014.<sup>17</sup>

11. The Istanbul Convention Turkey Monitoring Platform, which consists of 89 independent women’s and LGBTI organizations in Turkey including Mor Çatı Kadın Sığınağı Vakfı (Mor Çatı Women’s Shelter Foundation), Kadın Dayanışma Vakfı (Women Solidarity Foundation), KAOS GL, submitted its candidates and opinions to the Ministry. It is not only that these opinions were ignored but also some Platform members were invited only 1.5 days before the meeting to elect the members of the committee to determine the representative to the GREVIO. Furthermore, the organizations that would attend the meeting were requested to prepare the documents requiring legal entity within this period. Even though the Platform consists of organizations and foundations that were legal entities, was not a legal entity itself so it was excluded from the process.<sup>18</sup> Upon that, the Platform protested and left the meeting in which the Women and Democracy Foundation (KADEM), Women Health Workers’ Foundation (KASAD) and Women’s Association Against

---

<sup>17</sup> <http://bianet.org/kadin/kadin/160853-istanbul-sozlesmesi-ni-kim-denetleyecek>

<sup>18</sup> <http://bianet.org/kadin/kadin/161002-kadin-orgutleri-istanbul-sozlesmesi-surecinden-dislaniyor>

Discrimination (AKDER), all founded by the government, were elected to the delegation of nine people.<sup>19</sup>

12. In this way, women's organizations that have been conducting studies on Istanbul Convention and its content for many years have been completely excluded from the process. However, despite exclusivist attitude of the MFSP, Platform's candidate Prof. Dr. Feride Acar was elected Turkey's representative to the GREVIO as a result of women's organizations' insistent struggle.<sup>20</sup> This process demonstrates that Turkey doesn't meet its obligations of supporting, inciting and cooperation with the women's organizations as well as providing financial aid to the organizations stipulated by the Istanbul Convention on the contracting countries. Besides, this process shows that while evaluating relevant information and data submitted by the governments, it must be paid attention to threats like contracting countries supporting or establishing pro-government NGOs.

#### **Article 10**

13. The unit in Turkey that is responsible for coordination is the GDSW but it is doubtful whether it is possible for the GDSW to fulfill its duties ilke monitoring and data collection and to provide service at Istanbul Convention standards given its foundation and structure.

#### **Article 11**

14. **It is not possible to access to data decomposed by gender, age and form of violence in addition to the relation of perpetrator with the victim, geographical position and disability.** In a speech he delivered in a joint conference held by the UN and MFSP in 2015, then Prime Minister Ahmet Davutoğlu saying "In the matter of violence against women, the silence caused by spiral of violence, silence of victim women may prevent the collection of data that reflects the importance of the matter" had blamed the silence of

---

<sup>19</sup> <http://bianet.org/kadin/toplumsal-cinsiyet/161028-bu-heyet-istanbul-sozlesmesini-uygulamamak-icin-secildi>

<sup>20</sup> <http://bianet.org/bianet/kadin/162799-feride-acar-turkiye-nin-grevio-adayi-secildi>

women for data not being collected.<sup>21</sup> **A state holding its citizens accountable for not meeting its own obligations that arise from an international convention is unacceptable. Silence of women cannot be an excuse of not obtaining data but it is one of the signs of inadequacy and failure of state policies.**

15. On top of it, in 2014 an MP had prepared a parliamentary inquiry asking the number of women murdered as a result of male violence lawsuits brought, the ongoing trials and people who enjoyed remission. The Ministry of Justice in its response to the inquiry said that statistics in such detail are not kept.<sup>22</sup> As it is understood from this response, **the reason of the lack of data is not the silence of women but willful murder against women not being enacted separately in the Turkish Penal Code, judicial statistics not being prepared based on condition of victim, and not having a data gathering system that brings different forms of violence against women together.**

16. **The figures declared by various ministries to the press are in contradiction with the figures bianet reached by compiling from the media.**<sup>23</sup> For instance, as then Minister of Family and Social Policies Ayşegül İslam claimed that there was no woman murdered under state protection, whereas bianet declared in its male violence monitoring report that 11 women were killed in the first quarter of 2014 and 10 women were killed in 2013 despite protection orders.<sup>24</sup>

17. On the other side, as far as the reports scanned by the data presented by the “Domestic Violence Research in Turkey”,<sup>25</sup> which is prepared by Hacettepe University Institute of Population Studies for the MFSP on a regular basis and was lastly published in 2014, it is the only positive thing regarding the

---

<sup>21</sup> <http://bianet.org/kadin/kadin/170023-davutoglu-kadina-siddet-hakkinda-konustu-en-buyuk-degerimiz-ailedir>

<sup>22</sup> <http://bianet.org/kadin/kadin/155220-adalet-bakanligi-nda-erkek-siddeti-verileri-yokmus>

<sup>23</sup> <http://bianet.org/bianet/kadin/146807-erkek-siddeti-verilerinde-bakanlar-birbirlerinin-yalancisi>

<sup>24</sup> <http://bianet.org/kadin/kadin/156970-bakan-18-ayda-koruma-altinda-oldurulen-21-kadindan-habersiz>

<sup>25</sup> <http://bianet.org/kadin/erkek-siddeti/163976-her-10-evli-kadindan-4-u-fiziksel-siddet-goruyor>

obligation listed here. **In conclusion, one can easily say that the government hasn't fulfilled its obligations of comprehensive and detailed data collection and sharing these with public, which are stipulated by the Istanbul Convention.**

## **II. Prevention**

### **Articles 12 and 13**

18. Government's statements expressing that women and men are not just equal but also they shouldn't be were covered in the section I. This approach continues with discriminatory arguments like the women should remain silent against violence and being a good mother and wife is their most important duty, which are exactly what GREVIO urges the government to take counter measures against.

19. For instance, then prime minister said in a wedding he attended in 2016 that the secret to a marriage is obedience and the women must say "All right" when her spouse gets angry.<sup>26</sup> It must be noted that in the global gender equality ranking Turkey was ranked 125th among 142 countries in 2014 and fell to 130th among 145 countries in 2015.<sup>27</sup> In its report released in the same year, the EU Progress Report pointed gender-based violence, discrimination and LGBTI rights as main source of concern and stressed that the current legal regulations concerning equality of men and women weren't implemented and that in gender-based violence incidents consent and unjust provocation continued to be implemented as remission causes<sup>28</sup>.

20. In the reports we scanned, we didn't see any information as to any campaigns launched by the government aiming to remove violence against women and gender inequality, however, we include the data enabling us to evaluate the factors such as disability and sexual orientation in this part. The report prepared the Association for Women with Disabilities in 2015 on

---

<sup>26</sup> <http://bianet.org/bianet/toplumsal-cinsiyet/179568-kadinlar-mucadele-ediyor-erkek-siddeti-yargilaniyor>

<sup>27</sup> <http://bianet.org/kadin/toplumsal-cinsiyet/169436-turkiye-cinsiyet-esitliginde-130-siraya-geriledi>

<sup>28</sup> <http://bianet.org/kadin/toplumsal-cinsiyet/169125-ab-ilerleme-raporunda-kadinlar-ve-lgbti-ler>

violence against women shows that preventive and protective measures for women are highly insufficient. Violence prevention centers not being designed in a way that people with disabilities can make use of, women with disabilities not being able to make use of shelters, girls with disabilities being in double disadvantage in education, parliamentary inquiries concerning women with disabilities being overlooked are some prominent findings of the report.<sup>29</sup>

21. On the other hand, it is seen as far as covered in the media that the government officials issue homophobic statements frequently. For instance, in April 2015, then vice prime minister described HDP using “lesbian, gay” words nine times in its electoral declaration as contrary to public sensitivities.<sup>30</sup> A few months later, it was reported in the media that the same figure referring to the homosexuals’ pride parade, said that “It is upsetting” and expressed that “sexual orientations are not looked with favor in society’s belief, tradition, custom and usages”.<sup>31</sup> Then prime minister said that homosexuals “caused annihilation of the people of Lut”.<sup>32</sup>

22. A minister, who is also a member of the TBMM (Grand National Assembly of Turkey) Women and Men Equality of Opportunity Commission and has to be the one struggling against discriminatory statements which is one of the biggest obstacles before gender inequality, describing sexual orientations of LGBTI individuals as “formed in time, against human nature, and private genders in different groups’ bedrooms that are against our customs and usages” and calling LGBTI individuals “one of the biggest threats for society”<sup>33</sup> is another shameful instance. The cases of Trans Pride Parade and İstanbul LGBTI

---

<sup>29</sup> <http://bianet.org/kadin/toplumsal-cinsiyet/168548-engelli-kadinlar-evde-yakinindan-kurumda-gorevliden-siddet-goruyor>

<sup>30</sup> <http://bianet.org/kadin/siyaset/164054-yalcin-akdogan-lezbiyen-gey-bilmem-ne>

<sup>31</sup> <http://bianet.org/kadin/lgbti/165758-arinc-onur-yuruyusu-uzuntu-verici>

<sup>32</sup> <http://bianet.org/bianet/erkek-siddeti/165040-kadinlar-mucadele-ediyor-erkek-siddeti-yargilaniyor>

<sup>33</sup> <http://bianet.org/kadin/toplumsal-cinsiyet/172192-meclis-esitlik-komisyonu-nda-lgbti-ler-hakkinda-yatak-odasi-yorumu>

and Pride Parade being faced with numberless threats and police attacks, the activists being battered and detained should also be kept in mind.<sup>34</sup>

23. In a statement issued by then prime minister, when we think him recommending women to be not very selective and get married as soon as possible and give birth to three or five children<sup>35</sup> with his statements on abortion and birth control,<sup>36</sup> it is seen that the government doesn't do its part in terms of transforming established and discriminatory gender roles and the social and cultural structures which ensure continuance of these. It is known that the government has been maintaining such discourse for a long time. In a statement issued in 2015, then prime minister declared that the state will find spouse if necessary for the ones who want to get married, furthermore, the state will contribute up to 20% to the "dowery account" opened by parents for their children.<sup>37</sup> A TBMM Investigation Commission of Reasons of Violence Against Women member from the ruling party saying that "sow the kindergarten, reap the nursing home" again underlined that the women were responsible for domestic works and that he expressed his adverse opinion on that these works should be undertaken by the state.<sup>38</sup>

24. Indeed, these are not individual examples. Scanning only bianet's news archive of three years lays bare many examples. In 2016, then president saying "Birth control or population planning...No Muslim family can embrace such an understanding" continued the discourse aiming to incarcerate women to child care in the family.<sup>39</sup> In June 2016, the president describing the women who stand against inequality of men and women and refuse to be a mother as "deficient and incomplete" maintained this stance.<sup>40</sup>

---

<sup>34</sup> <http://bianet.org/bianet/lgbti/165637-onur-yuruyusu-ne-polis-saldirisi;>  
<http://bianet.org/bianet/toplumsal-cinsiyet/176683-kadinlar-mucadele-ediyor-erkek-siddeti-yargilaniyor>

<sup>35</sup> <http://bianet.org/kadin/toplumsal-cinsiyet/157312-erdogan-dan-kadin-ogrencilere-cok-secici-olmayin-evlenin>

<sup>36</sup> <http://bianet.org/kadin/siyaset/160991-erdogan-1-2-3-4-cocuk-gerisi-allah-kerim>  
<sup>37</sup> <http://bianet.org/kadin/toplumsal-cinsiyet/168576-basbakan-aileniz-size-es-bulamazsa-bize-gelin>

<sup>38</sup> <http://bianet.org/bianet/toplumsal-cinsiyet/162423-akp-li-ucma-feminyen-anlayislarla-bu-sorun-cozulemez>

<sup>39</sup> <http://bianet.org/bianet/toplumsal-cinsiyet/175325-erdogan-konuyu-yine-dogum-kontrolune-getirdi>

<sup>40</sup> <http://bianet.org/kadin/kadin/175532-erdogan-anneligi-reddeden-kadin-yarimdir>

25. It is seen that in their statements, the government officials introduce “traditional honor” as a solution in struggle against violence against women instead of panic buttons designed to be used by women who are subjected to violence.<sup>41</sup> This mindset is in contradiction with the approach advocating that tradition, custom, religion, and so-called “honor” cannot be an excuse for violence. Then deputy prime minister’s statements which even consider women laughing against honor and defend that honor is a very important value, shall be noted as statements that objectify women and condone violence by doing so.<sup>42</sup>

26. One of the established and widespread cultural and religious practices that drive women to violence and poverty and leave them legally unprotected is the religious marriage. The religious marriage is under no legal protection and constituted a crime for those who performed the marriage ceremony and get married until May 2015. By this crime norm, the legislator had aimed to record marriages and put an end to the religious marriage practice, which subordinates women and paves the way for multiple marriages. However, it was reported in the media that the Constitutional Court revoked the clause that punished religious married in 2015. It is seen that women’s rights defenders object to the verdict on the ground that “it will pave the way for marriages at early age and leave the women and children unsecured...women’s right to divorce and their acquisitions in terms of law of succession will be grabbed from them”.<sup>43</sup> This verdict bears several negative results in terms of meeting obligations of forming integrated policies, prevention, protection, banning child marriages and marriages by force as well as approving substantive law regulations.

#### Article 14

27. In our scanning, we didn’t come across any reports by reference to the obligations of clearing the materials to be used in all levels of education of widespread and unequal behavior codes concerning gender, providing trainings

---

<sup>41</sup> <http://bianet.org/bianet/kadin/156176-kadinlar-mucadele-ediyor-erkek-siddeti-yargilaniyor>

<sup>42</sup> <http://bianet.org/bianet/toplum/157480-arinc-a-kahkahali-fotolarla-tepki>

<sup>43</sup> <http://bianet.org/kadin/toplumsal-cinsiyet/164921-aym-nin-dini-nikah-karari-ne-anlama-geliyor>



starting from early ages about nonviolent ways of communication and supporting these trainings by means of media.

### **Article 15**

28. Measures taken regarding training of experts during the respective period weren't reported in the media. On the other hand, when the aforementioned statements by the government showing its approach towards violence against women and gender equality into consideration, it is necessary to approach all quantitative data provided concerning such trainings and their quality with caution.

### **Article 16**

**29. Preventive program against perpetrators haven't been planned in a way that that the perpetrators take the responsibility of their actions and review and change their prejudices towards women.** According to a coverage in May 2014, a center consisting of health and sports units would be opened by the MFSP for men who receive emergency barring order and have no place to stay. The report included information that those who were sent to the facility could stay for 10 days for free, let off steam through walking and running programs, receive anger management training by life coaches and be provided rehabilitation and psychological support<sup>44</sup>. Primary goal of opening these facilities was to provide a place for the perpetrators who were left homeless to stay. No regulation was prescribed concerning the qualifications of the staff to provide this service. **Turkey doesn't have any programs that aim to transform gender perception of the perpetrators and to prevent violence from being repeated.**

### **Article 17**

**30. Mainstream media in Turkey has no ethical principles that consider social gender awareness and avoid using destructive gender patterns and disseminating images, which humiliate women as well as link violence to sex.** The content and style, which media uses in its reports, have a

---

<sup>44</sup> <http://bianet.org/bianet/kadin/156176-kadinlar-mucadele-ediyor-erkek-siddeti-yargilaniyor>

tolerant approach to violence against women. For example, after a journalist stated that a police officer had threatened her with rape, a columnist wrote the following questions “what are the attractiveness and features of these women?”<sup>45</sup> This question maintains a popular misconception with regard to rape.

31. Moreover, while we were scanning media reports, we observed that convicts of two intentional killings or people with pending rape and/or sexual harassment cases can appear as on-air guests and anchors are tolerant of these people or speak in a way to defend them.<sup>46</sup> A singer’s statement “Should we consider a slap violence?” was televised without any editing, explanation or asking the opinion of experts specialized in violence against women.<sup>47</sup>

32. Media's style, particularly with regard to femicide and sexual violence especially rape, is criticized by independent women organizations. Guideline on Reporting Femicide, which has been prepared by Filmmor, draws attention to points to be considered in reporting femicide and is a very useful document in this regard.<sup>48</sup> However, making such works widespread and accomplishment of them can be managed by using public power only.

33. GREVIO questionnaire asks what has been done to involve civil society other than media in policies of violence against women. We have not observed any media report on measures taken by the Government. On the other hand, the following cases exemplify positive measures from different sectors: Turkish Football Federation banned a manager for 7 days for saying “the best thing that you can/should do is going home and washing dishes” to a female referee,<sup>49</sup> Tunceli Municipality and Diyarbakır Municipality signed a collective bargaining agreement with the union Genel İş, organizes municipality workers and an affiliate of the union confederation DİSK, and agreed to pay salary to

---

<sup>45</sup> <http://bianet.org/bianet/kadin/178528-kadinlar-mucadele-ediyor-erkek-siddeti-yargilaniyor>

<sup>46</sup> <http://bianet.org/bianet/kadin/158910-kadinlar-mucadele-ediyor-erkek-siddeti-yargilaniyor>

<sup>47</sup> <http://bianet.org/bianet/kadin/153260-kadinlar-mucadele-ediyor-erkek-siddeti-yargilaniyor>

<sup>48</sup> <http://bianet.org/kadin/medya/170218-kadin-cinayetlerini-haberlestirme-kilavuzu-cikti>

<sup>49</sup> <http://bianet.org/bianet/kadin/153260-kadinlar-mucadele-ediyor-erkek-siddeti-yargilaniyor>

directly wife when she says that she is subjected to domestic violence from her spouse,<sup>50</sup> the then Security Director of İzmir stated that he had imposed various administrative sanctions on 45 police officers who use violence against their wife, fiancé, and lover.<sup>51</sup> However, this policy needs to be implemented in a concerted and continuous way and followed-up, monitored by a central body. Otherwise, this policy cannot be more than individuals' goodwill initiatives.

34. Developing and implementing policies to strengthen women in terms of social, political and economic aspects are highly important because these policies make women powerful regarding violence and also support them to have a life without violence. CEDAW Committee's concerns, which the Committee publicized in Concluding Observations on the seventh periodic report of Turkey, are very important also in regard to the Istanbul Convention. The Committee's concerns demonstrate that the Government's measures are inadequate regarding integrated policies, prevention and protection obligations. The Committee draws attention to unsafe social atmosphere's impacts on women's rights by referring to the Government authorities' discriminatory statements about women, which we also refer in this report, to other statements, which represent women as "a wife or a mother" not individuals and the present report gives examples, to child marriages, to discriminatory regulations in the legislation, to not implementing provisions of relevant laws, to not informing women about their rights at a satisfactory level, to breakdown of peace process, to coup d'état attempt, and other incidents that created unsafe environment effecting women's human rights.<sup>52</sup>

35. GREVIO's questionnaire asks the Government or the private sector's measures to prepare protocols or a guideline that raise awareness about sexual harassment or violence against women in workplaces. While we were scanning media reports, we did not observe any news on these measures. On the other hand, the Ministry of Justice conducted a survey among its staff in

---

<sup>50</sup> <http://bianet.org/bianet/kadin/154695-kadinlar-mucadele-ediyor-erkek-siddeti-yargilaniyor>; <http://bianet.org/bianet/kadin/155454-kadinlar-mucadele-ediyor-erkek-siddeti-yargilaniyor>

<sup>51</sup> <http://bianet.org/bianet/erkek-siddeti/163581-kadinlar-mucadele-ediyor-erkek-siddeti-yargilaniyor>

<sup>52</sup> <http://bianet.org/kadin/toplumsal-cinsiyet/177198-cedaw-turkiye-de-cinsiyet-esitliginin-ici-bosaltiyor>

directorates of courthouses, detention houses and probation. This survey shows that there is an urgent need to take measures against sexual harassment in workplaces though sexual harassment is not the only form of mobbing. According to the survey, 94% (1063) said ‘Yes’ to the following questions “Did you face mobbing (psychological harassment) at work?” 6% of the participants said ‘no’ to this question. Furthermore, 75% (823) said “I did nothing” to the following question “What was your reaction to mobbing?”<sup>53</sup>

### **III. Protection and Support**

#### **Article 18**

36. GREVIO questionnaire asks questions about measures taken within the scope of the protection and support obligations. Even if there are such measures, we did not notice any media reports during the last three years’ period. Informing women about this service, how to apply them, how the process works, potential risks, and problems are as important as the existence and providing these services. **Therefore, even if there are services to fulfill protection and support obligations, publicizing these services through media is an essential condition to accomplish these obligations. We did not notice this condition was met in the media reports that we scanned.**

#### **Article 23**

37. **There is a need for more women’s shelter due to the high level of violence against women in Turkey. Moreover, the conditions of existing shelters are inadequate in terms of its conditions and staff. These conditions were worsened after the coup d’état attempt on 15 July 2016.** Yet, we did not notice any media reports on measures to increase the number of women’s shelters or to improve standards of existing shelters in line with the Convention’s standards.

---

<sup>53</sup> <http://bianet.org/bianet/kadin/156918-kadinlar-mucadele-ediyor-erkek-siddeti-yargilaniyor>

## Article 24

38. There is only one media report on telephone helplines that is state-wide-round-the-clock (24/7), free of charge to provide advice to callers, confidentially or with due regard for their anonymity, in relation to all forms of violence covered by the scope of this Convention in bianet archive in the period of 2014-2016. This single media report, unfortunately, is not a positive but a negative example of the telephone helplines. **First of all, there is no telephone helpline to serve the purpose of protecting and support women who are subjected to violence.** Those who are subjected to violence can call ALO 183. Republic of Turkey Ministry of Family and Social Policies website presents this line as a “telephone helpline that to get information and advice on services to families, women, children, disabled people, elderly people, martyr’s relatives, and veterans.” Hearing impaired persons can benefit from this service if they have mobile devices with 3G. Also, these people need to call a different number than 183 and only in limited periods.<sup>54</sup> According to a media report in January 2015, ALO 183 blocks calls from emergency telephone helpline related to “No to Domestic Violence Campaign!”

39. Hürriyet Newspaper, in collaboration with Çağdaş Eğitim Vakfı (Contemporary Education Foundation) and the Governorship of Istanbul, set up an emergency telephone helpline in 2003. This telephone line, which was set up within the scope of No to Domestic Violence Campaign and with the European Union funds, was active in Istanbul. After the cooperation with the Governorship of Istanbul was terminated and it was told that this telephone helpline could not receive applications since “there was no public institution in the initiative”, it trying to help callers by informing ALO 183. In accordance with Article 27 of the Istanbul Convention, this telephone helpline needs to help these women even if it is not a public institution and the cooperation in question is over now. According to the statement in the media report, however, ALO 183 blocks calls from this emergency telephone helpline and refuses to serve to women who call it.<sup>55</sup>

---

<sup>54</sup> <http://alo183.aile.gov.tr/>

<sup>55</sup> <http://bianet.org/bianet/kadin/161443-alo-183-aile-ici-siddet-acil-yardim-hatti-ni-engelledi>

## IV. Substantive Law

### Article 31

40. **There are many cases that women, who have left their houses or divorced their spouses because of violence, are subjected to violence or even killed while they are seeing their kids.** For example, there are media reports that R.Ç. stabbed L.Ç. (27), who filed a divorce case against her spouse, in a schoolyard when he went to their children's school in February 2015<sup>56</sup>, similarly G.İ. threatened and beaten his ex-wife since she wanted to see their children in July 2015.<sup>57</sup> These cases indicate that in a contrary way to the Istanbul Convention; while rules for relations of children are regulated, father's violent past is not considered or the safety of women and children is not determined as a priority.

### Article 36

41. In 2014, the Government introduced a draft law to amend some provisions including Turkish Penal Code's articles that regulate sex crimes and increased penalties and sentences in this regard. Public opinion and particularly women's organizations reacted to this change. It was said that the draft law in question opened the way to castration of sex crime perpetrators. **This approach considers sex crime perpetrators sick or deviant people and it is contrary to women's and perpetrators' human rights as well as is not in harmony with the mentality of the Istanbul Convention.** Moreover, the draft law was criticized for introducing changes that introduce only punitive practices but not including women's organizations' no demands including rape crisis or sexual violence referral center that must be set up as Article 25 of the Convention requires. Furthermore, women's organizations drew attention to a fact that while there were some provisions to increase penalties and sentences it may result in remission or impunity in practice.<sup>58</sup>

---

<sup>56</sup> <http://bianet.org/bianet/erkek-siddeti/162768-erkek-siddeti-subat-2015>

<sup>57</sup> <http://bianet.org/bianet/kadin/166530-erkek-siddeti-temmuz-2015>

<sup>58</sup> <http://bianet.org/kadin/kadin/155853-cinsel-suclar-yasasi-ne-getiriyor>

## Article 42

42. In the scanned media reports, it is observed that culture, manners, and customs, tradition or so-called honor are used especially as unjust provocation cause to reduce the punishment. Jealousy, having male friends or suspicion that his wife cheats on him became factors in remission under the name of unjust provocation. Similarly, when accused people put on a suit or speak in a kind manner lead them to benefit from good conduct. This policy of good conduct was implemented not when accused individuals expressed remorse for their crimes but even they threatened victims or victims' lawyer/s and family members. On 26 May 2015, M.G. was tried for killing his wife in Kocaeli and his sentence was reduced to 24 years since his wife slapped him and the 24 years' imprisonment was reduced to 20 years and 10 months since M.G. had a suspicion that she had cheated him. This suspicion resulted in remission under the category of unjust provocation. In another case, A.Ç. was sentenced to aggravated life sentence for killing his wife in Amasya. Yet, his sentence was reduced to 20 years' imprisonment for unjust provocation and good conduct. The murderer benefitted from the remission since he said his wife had insulted his family and mentioned a third person (male) called Kemal.<sup>59</sup>

43. More examples can be given. According to bianet reports, 45% of defendants benefitted from good conduct in 31 cases that were concluded in 2014. 28% of defendants benefitted from good conduct or unjust provocation in homicide cases, which were reported in the media in 2015 and 2016.

44. According to media reports; 77 murder and suspicious death cases, 138 rape cases, 58 sexual harassment cases, and 25 violence and injury cases, which make 298 cases in total, were concluded in 2015. We determined that men benefitted from the reduction in their sentences for good conduct and behavior, remorse and unjust provocation in 24% (74 cases) of these cases.

45. According to media reports; 57 murder cases, 71 rape cases, 83 sexual harassment cases, and 38 violence and injury cases were concluded in

---

<sup>59</sup> <http://bianet.org/bianet/kadin/170811-kadinlar-mucadele-ediyor-erkek-siddeti-yargilaniyor>

2016. We notice that perpetrators benefitted from the reduction in their sentences for good conduct and behavior, remorse, and unjust provocation in 22% of these cases. Of course, it is not possible to assess these cases without knowing their contents in a detailed way. Yet, these rates demonstrate that accused persons often benefit from reductions in cases violence against women.

#### **Article 46**

**46. In comparison with the Istanbul Convention standards, Turkish Penal Code has very restricted regulations regarding aggravating circumstances.** For example, an intentional killing or injury of someone from the lineal kinship that is to say wife or siblings is not one of the aggravating circumstances. With regard to rape, which is a major crime, “third-degree kinship by blood or marriage” responds to these aggravating circumstances. However, the Istanbul Convention requires that aggravating circumstances must be applied to a former or current spouse or partner as recognized by internal law, by a member of the family, a person cohabiting with the victim or a person having abused her or his authority. As it is seen that the Convention defines a larger group under this category. Given that Turkish Penal Code does not include any regulations for women who are related to their spouse by religious marriage, it can be easily realized that aggravating circumstances are applied to a limited group.

47. Let us share bianet’s data about the outcomes of this limited regulations: according to bianet’s data 284 women were killed in 2015 and 10 of them were killed by their spouses with religious marriage, 37 of them were killed by their partners, 20 of them were killed by their former spouses, 4 of them were killed by their fiancé, and 6 of them were killed by their former partners.<sup>60</sup> In accordance with the Turkish Penal Code, there is no possibility of applying aggravating circumstances due to the relation between the victim and the accused in these 67 cases. Given that there were 103 murder cases to which aggravated imprisonment to be applied since they were committed by the spouses by official marriage within the same year, 67 murder cases to which aggravating circumstances cannot be applied accounts for a very high figure.

---

<sup>60</sup> <http://bianet.org/bianet/kadin/171693-erkekler-2015-te-en-az-284-kadin-oldurdu>



48. Another concrete example can be given with regard to forms of violence covered by the scope of the Convention. For example, according to bianet's data men injured 370 women in 2015. Only 167 of these women were injured by their spouses by civil marriage. 14 of these women were injured by their spouses with religious marriage, 29 of them were injured by their partners, 4 of them were injured by their fiancé, 26 of them were injured by their former spouses, 12 of them were injured by their former partners, and 2 of them were injured by their former fiancé.<sup>61</sup> Yet, in accordance with the Turkish Penal Code, aggravating circumstances could not be applied in these 87 cases.

49. With regard to rape cases, according to bianet's data; men raped 133 women and girls in 2015. 10 of these women were raped by their partners, 3 of them were raped by their former partners and 1 of them was raped by her former spouse. Aggravating circumstances could not be applied to these 14 men since Turkish Penal Code provisions do not allow it, however; the Istanbul Convention recommends that aggravating circumstances must be applied also to perpetrators in this category. In addition to these 14 perpetrators, according to scanned media reports by bianet; we can find other perpetrators who can fall into the larger category defined by the Istanbul Convention. For example; there are 26 rape cases by boyfriends, 2 other cases that it is not clear whether perpetrators are third-degree relatives or not.

## **V. Investigation, prosecution, and procedural law and protective measures**

### **Articles 49, 50, 51**

**50. No effective protection is provided to groups that face the highest risk of violence based on gender and sex since there is no risk assessment and management, and security officers do not carefully and immediately work on complaints about violence when it is made by women, trans and LGBTI individuals in Turkey.** bianet determined that 284 women were killed in 2015 while protection orders were issued for 27 of these women or they made a complaint about violence and applied to security authorities. In

---

<sup>61</sup> <http://bianet.org/bianet/kadin/171693-erkekler-2015-te-en-az-284-kadin-oldurdu>

the same period, men injured 370 women while protection orders were issued for 4.5% of these women and 3% of them made a complaint about violence.<sup>62</sup> In fact, the reality is worse than these figures. Media reports showing that women are not protected despite protective measures or their complaints raise trust issues among other women who face similar problems and discourage them from applying to legal mechanisms. This problem makes a higher level of qualitative impact on the issue.

51. It is observed that when trans individuals make complaints about violence and apply to security authorities they are subjected to discrimination for security officers' transphobia. Thus, these trans individuals do not benefit from preventive and protective measures as well as face problems in immediate response to their cases such as an immediate investigation or prosecution. One of the media reports on the stabbing case, which happened in the streets, in 2015, bianet determined that police officers in the station said: "there are too many fags." This case exemplifies that police officers do not pay attention to victims' human rights and safety but have a discriminatory attitude towards them.<sup>63</sup>

#### **Article 54**

**52. It is observed that sexual history of individuals, who are subjected to violence, are usually referred in court cases in Turkey and there are no administrative, civil or judicial sanctions in this regard.** According to our scanned media reports, for example, Hasret Daşlı was raped by her cousins and got pregnant in Batman province. She was killed as a result of the family council decision. In the court case, one of the defense lawyers claimed that there was no rape since she had a sexual experience in the past.<sup>64</sup> Similarly, when a victim of sexual harassment demanded that the perpetrator must be detained the public prosecutor in charge of the investigation responded that "Why did you have intercourse with him?, Why do you cause a lot of work?" This response represents the gender-biased approach to sexual

---

<sup>62</sup> <http://bianet.org/bianet/kadin/171693-erkekler-2015-te-en-az-284-kadin-oldurdu>

<sup>63</sup> <http://bianet.org/kadin/lgbti/169835-trans-kadin-olduruldu-polis-ne-cok-ibne-var-arkadas-dedi>

<sup>64</sup> <http://bianet.org/bianet/kadin/170811-kadinlar-mucadele-ediyor-erkek-siddeti-yargilaniyor>

harassment and is contrary to victim's human rights as well as sensitivity that public officers must have in such cases.<sup>65</sup> Another example is the case of Sinem Erköseoğlu, who was killed in 2010. Her case was concluded in February 2015. The 19<sup>th</sup> Chamber of İstanbul Assize Court acquitted the accused individuals and wrote in its justified decision that “the victim was living with her family's support though she was 26 years old. She did not attend her father's marriage ceremony though she was invited. She had alcohol with a man whom she knew a little. She had an emotional intimacy with the man and went his house at 03.00 am. She had an intercourse with him at a certain point. Although the host blacked out or fell asleep, the victim did not fall asleep. In the light of these facts, it is not possible to determine what did she do or think there? It is also necessary to consider that she took her underwear off to have intercourse with C. [translator's note C. is the initial of the accused/perpetrator] and put on it by herself, and she might have committed suicide for problems that she was facing in her life.”<sup>66</sup>

**53. Victims' gender identity might be used as a reason for acquittal or reduction in sentences.** For example, 4<sup>th</sup> Chamber of İstanbul Bakırköy Assize Court justified unjust provocation and good conduct in its judgment by stating that ‘the victim was a travesty and there was battery since the accused got angry for being offered to have intercourse.’ The Court delivered its judgment in the murder case of a trans woman Seda. She was killed by R.S. in March 2013. The public prosecutor of the cases demanded life sentence for the crime yet the court sentenced the perpetrator to 18 years' imprisonment and reduced it to 15 years for “good conduct.”<sup>67</sup>

## **Article 55**

**54. Although there is no legal barrier to the possibility for non-governmental organizations to assist and/or support victims during the criminal proceedings, this assist and/or support has no legal status or**

---

<sup>65</sup> <http://bianet.org/bianet/kadin/156918-kadinlar-mucadele-ediyor-erkek-siddeti-yargilaniyor>

<sup>66</sup> <http://bianet.org/bianet/kadin/162791-kadinlar-mucadele-ediyor-erkek-siddeti-yargilaniyor>

<sup>67</sup> <http://bianet.org/bianet/kadin/156918-kadinlar-mucadele-ediyor-erkek-siddeti-yargilaniyor>

**guarantee. Lack of legal guarantee makes this assist and/or support open to political power's interference.** There are NGOs that work for individuals, women, trans and LGBTI individuals, who are subjected to violence and conduct political advocacy activities in this regard. However, these NGOs' requests for joining court cases as a party are continuously dismissed by the courts. According to bianet's reports, there are many cases that request for joining court cases as a party was dismissed by the courts. For example, a lawyer from Kadın Cinayetlerini Durduracağız Platformu Derneği (The Association of We Will Stop Femicide Platform) requested for joining a case of murder as a party in İzmir in December 2015. Yet, her request was dismissed by the court.<sup>68</sup>

55. When we scanned media reports by bianet, we noticed that non-governmental organizations requested for joining a court case as a party in 4 cases in 2014. The courts accepted these requests in 2 cases namely a case of murder in Ağrı and a case of sexual harassment in Istanbul. On the other hand, courts dismissed these requests in 2 other cases namely in 2 rape cases in İzmir. In the case of sexual harassment in Istanbul, the public prosecutor in charge of the investigation demanded that “in accordance with Article 55/2 of Council of Europe Convention on preventing and combating violence against women and domestic violence or ‘Istanbul Convention’ Antalya Kadın Danışma Merkezi ve Dayanışma Derneği (Antalya Solidarity Association and Information Centre for Women) should join the case as a party ‘for being affected by the crime’”. The Court accepted the public prosecutor's demand.

56. As for 2015, non-governmental organizations that work for women's rights and violence against women requested for joining court cases as a party for 11 times. While 4 of these requests were accepted, 7 of them were dismissed by courts. According to media reports, 6 requests were accepted and 3 of them were dismissed by courts in 2016. The reason for these dismissals is usually formulated as follows “these NGOs did not directly suffer from the crime.”

**57. We know that although first degree courts accept these requests, they are dismissed by the Court of Cassation. In other words, women's**

---

<sup>68</sup> <http://bianet.org/bianet/kadin/170811-kadinlar-mucadele-ediyor-erkek-siddeti-yargilaniyor>

**organizations cannot join court cases as a party though it is related to their fields or they assist and/or support a victim. However, there are not media reports on these decisions.**

## **VI. Migration and Asylum**

58. It is known that there were many immigrants in Turkey especially after the war in Syria and as a result of the European Union's border policies. According to bianet media reports; 12.84% of women who were raped in 2014 was not Turkish citizens<sup>69</sup>; 8.2% of women who were raped in 2015 was not Turkish citizens and, similarly, 76.6% of women who were forced to be a sex worker was not Turkish citizens<sup>70</sup>; 8.1% of women who were raped in 2016 was not Turkish citizens, and similarly, 81% of women who were forced to be a sex worker was not Turkish citizens, and 6 Syrian women were killed in 2016.<sup>71</sup> Despite these high figures, we did not notice any official statement, legal amendment, an example of the implementation of legal provisions or any other measures taken in this respect with regard to the questions under the section of migration and asylum of the GREVIO's questionnaire. In this regard, there is only 1 initiative that media report was produced that is a report by a non-governmental organization called Gözaltında Cinsel Taciz ve Tecavüze Karşı Hukuki Yardım Bürosu (Law Office to Support Victims of Sexual Harassment and Rape under Custody). The title of the report, was published in 2015, is "Immigrant Women: Victims of War". The report was prepared to determine main problems that immigrant women, who are the victims of war in Syria, face in Turkey.<sup>72</sup>

## **Conclusion**

This reporting is based on bianet's Male Violence Monitoring Reports and archive that consist of media reports and it follows the structure of GREVIO's 1<sup>st</sup>-period questionnaire that aims to determine situation about the

---

<sup>69</sup> <http://bianet.org/bianet/kadin/161558-erkekler-2014-te-281-kadin-oldurdu>

<sup>70</sup> <http://bianet.org/bianet/kadin/171693-erkekler-2015-te-en-az-284-kadin-oldurdu>

<sup>71</sup> <http://bianet.org/kadin/kadin/183229-2016-da-erkekler-en-az-261-kadin-ve-kiz-cocugu-oldurdu>

<sup>72</sup> <http://bianet.org/kadin/insan-haklari/166845-savas-magduru-siginmaci-kadinlar-raporu-yayinlandi>

State Parties' obligations under the Istanbul Convention, which entered into force in 2014, in the period of 2014-2016.

Media reports were analyzed under 6 categories of the GREVIO's questionnaire. Unfortunately, as we stated above that there are no positive results related to any category of this study though 6 years passed since the opening of the treaty and 3 years passed since its entry into force. Determined and coordinated policies were not developed to fight against violence and discrimination based on gender or historical inequality between men and women, and gender roles that have been created by these problems. No specific data about violence against women are documented. Without adopting a determined policy on these issues, measures taken to prevent violence or to protect and support women from violence remain too weak and useless. No matter how often we hear that problems result from implementation of existing legislation rather than lack of legislation, there are still many measures to be taken so as to have a national legislation in harmony with the Istanbul Convention. Moreover, recent amendments deepen the gap between national legislation and the Istanbul Convention. We observe that basic services are not provided to immigrants or legal steps are not taken in this regard though these services are essential to have a life without violence and with dignity and human rights. These services are not provided to immigrants even though authorities state that borders are kept open in the name of humanity and fraternity.

We should approach with suspicion to all steps, which seem positive at the beginning, taken by the Government since its authorities repeatedly and directly state that men and women cannot be equal, try to keep women at home through various policies and having more children, consider strengthening family institution is more important than developing mechanisms to protect women from violence.