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# İNSAN HAKLARI DERNEĞİ HUMAN RIGHTS ASSOCIATION

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## **Submission of the Human Rights Association / İHD (Turkey) to the Office of the Special Rapporteur on Violence against Women, Its Causes and Consequences**

This submission has been drafted by the Human Rights Association to inform the Special Rapporteur on Violence against Women, Its Causes and Consequences before their visit to Turkey scheduled to take place from 18 to 27 July 2022.

### **Introductory Notes**

The Human Rights Association has been working to promote human rights and freedoms in Turkey since 1986. A great majority of women's applications launched before the association's central office in 2021 were based on unemployment-related economic and social rights violations and sought legal support.

As the COVID-19 pandemic hit hard it further deteriorated the economic crisis Turkey was in and, as is the case in each and every crisis, it was again women and children who were affected the most while women faced even more challenges in accessing their fundamental rights. According to the [Global Gender Gap Index 2021](#) published by the World Economic Forum, Turkey ranks 133<sup>rd</sup> among 156 countries in women's participation in the labor market, 118<sup>th</sup> in the number of girls attending elementary school, and 114<sup>th</sup> in women's political empowerment. At the same time, according to data provided by DİSK (Confederation of Progressive Trade Unions of Turkey) in its [Women's Labor Report](#), women's unemployment is on the rise while the broadly-defined unemployment rate for women was 36.6% and 13.3 million women are not able to participate in the labor market because they had to provide free care labor. Additionally, three in ten women are in informal employment in Turkey while men earn 27% more than women.

Another critical issue pertains to the fact that femicide is alarmingly on the rise in Turkey. The country's withdrawal from the Istanbul Convention, failure to effectively implement laws, and impunity granted to perpetrators of violence against women play an important role in this current state of affairs. In 2021, at least 323 women were murdered by men, 188 women died under suspicious circumstances, 775 women were forced into sex work, 1019 women were harassed, threatened and faced violence. We do know that there were many more cases of rights violations against women that were not recorded, not reported by the press, not submitted to the law enforcement or public bodies beyond the ones we were able to collect.

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**Human Rights Association (İnsan Hakları Derneği-İHD) is a non-governmental, independent, and voluntary body. The association, which was founded in 1986 by 98 human rights defenders, today has 27 branches, 7 representative offices, and ~8,000 members. İHD is the oldest and largest human rights organization in Turkey and its "sole and specific goal is to promote 'human rights and freedoms.'"**

## **Istanbul Convention**

In 2009, the European Court of Human Rights (ECtHR) ruled in its judgment in the case of [Opuz v. Turkey](#) that discrimination against women was a form of unlawful discrimination and found that Turkey violated the applicant's rights by not protecting her despite the fact that she appealed to the public prosecutor's office 36 times. The case of Nahide Opuz was the first judgment by the ECtHR whereby the Strasbourg court convicted a state on the grounds that it failed to protect a citizen of its against domestic violence and the judgment also led the way to the Istanbul Convention drafted to prevent domestic violence. The convention was drafted in Istanbul in collaboration with many women jurists from Turkey which was actually the first country to sign the convention in 2011.

Indeed the Istanbul Convention still proves to be vital as it is the first international convention that incumbers upon a state the responsibility to eliminate gender inequality. It was nevertheless announced that the convention was "revoked in respect of the Republic of Turkey" through a presidential decree issued midnight on 20 March 2021.

Women's organizations that objected to the presidential decree took to the streets in order to stage protests and to underline the significance of the convention by exercising their constitutional rights but they faced police brutality. Many a women were arrested by the police. Criminal charges were filed against 48 women protesters, women's and LGBTI+ associations were targeted, and dissolution cases were brought against such associations.

Repression and violence against as well as targeting of women+ did not ease down in 2021 either with a dramatic increase in hate speech.

Many civil society organizations, including the Human Rights Association, women's organizations, bar associations, and trade unions brought a [case](#) for the annulment of the withdrawal decision before the Council of State. The first hearing of the case held on 28 April 2022 has gone down in history as the most crowded one in the history of the Council of State. The prosecutor demanded the reversal of the presidential decree arguing that the decision to withdraw from the convention was unlawful. The final hearing of the case is scheduled to be held on 23 June 2022.

## **Condition of Women's Shelters**

Mayors' offices failed to fulfill their obligations to set up and maintain women's shelters in 2021 as well. Although there are 237 mayors' offices that are required to provide women's shelters, only 33 municipalities have them. Moreover, the total number of women's shelters in the country is a mere 145 including 110 provided by the Ministry of Family and Social Services and one each by the Migration Management and Mor Çatı Women's Shelter Foundation. Yet, boys older than 12 years of age and women older than 60 years of age cannot stay in these shelters except for the one established by Mor Çatı. The number of shelters that accept asylum-seeker, refugee and immigrant women is also quite limited.

IHD launched an application before the Ministry of Family and Social Services' Directorate General on the Status of Women within the scope of the right to information act and received a response stating that "84,057 individuals, including 58,811 women and 25,246 accompanying children, received services at women's guesthouses affiliated with the ministry" between 1 January 2021 and 31 December 2021. We do however know that many women and their dependent children faced challenges in accessing shelters and Centers for the Prevention and Monitoring of Violence on the

grounds of the pandemic, most women who were able to access shelters found the conditions in the shelters inadequate based on data collected from the applications launched before our association and news reports.

## **Women in Prison**

Applications launched by incarcerated women and their relatives before our association revealed a set of rights violations in prisons. A detailed account of allegations on violations of the right to life, torture and ill-treatment, violations of the right to health, sick prisoners, violations of the rights to communication and access information, forced transfers, denial of requests for referral to hospitals and other violations in prisons can be found in [İHD 2020 Prisoners' Rights Monitoring Report](#).

There are 12,310 women prisoners in Turkey as of 29 April 2022. İHD has been receiving numerous applications from incarcerated women. Prisons stand out as one of the confinement spaces that women are subjected to violence, torture and ill-treatment. Women prisoners are subjected to physical torture and battered as well as being insulted and threatened both by correctional officers and administrators alike within the facility and by the law enforcement during their transfers to hospitals and courthouses. But failure to launch investigations into none of these perpetrators of violence who enjoy utter impunity paves the way to an escalation in the number of such cases. Strip-search leads the list of torture and ill-treatment allegations received from prisoners. Prisoners who object to forced strip-search are battered, subjected to violence and/or face disciplinary action.

Applications lodged before İHD include numerous allegations including torture and ill-treatment, violation of the right to health, prevention of the rights to communication and access to information, violation of the right to a fair trial, arbitrary disciplinary actions, denial of prisoners' requests to be transferred to a facility close to their families, denial of prisoners' participation in social, cultural and sports activities, incarceration in overpopulated wards, and involuntary transfers to other prisons. Recently interfering with the conditional release and supervised release rights on the grounds of various disciplinary actions and decisions rendered by monitoring boards have become one of the major problems. Monitoring boards in cooperation with a delegation evaluate the situation of a prisoner every six months and usually prevent prisoners' release based on abstract grounds.

The most important problem about the right to access health proves to be the failure to release sick and prisoners in critical condition. Sick prisoners' needs are not met adequately in prisons, their visits to doctors are either limited or prevented, they are not transferred to hospitals, and there are problems in the supply of medication. Physical examinations in infirmaries or hospitals and even surgeries are performed while the prisoners are handcuffed. Sick prisoners are also transferred to hospitals or courthouses in single-person vehicles.

Prisoners are denied access to information because all dailies that do not receive advertisements from the state ad agency General Directorate of Press Advertisement Institution are banned in prisons upon the introduction of amendments to the Enforcement Law on periodicals to be admitted to prisons. The number of books is also limited to 5 to 10. Letters are either sent late or they are not even sent. Letters received are handed to prisoners belatedly.

Products purchased from the commissary are both very expensive and of poor quality and limited. Electricity fees used in the wards are very high, nutrition is insufficient, food is limited and diet food is not provided either.

## **Rights Violations against Women+**

According to data collected by the Documentation Center at the Human Rights Foundation of Turkey ([HREFT](#)), 22 peaceful assemblies on women and LGBTI+ rights were intervened, 8 assemblies and events were banned, 191 individuals were arrested, and at least 4 individuals were injured in 2021. 7 individuals were released under judicial control, and 2 were sentenced to house arrests. At least 2 individuals were subjected to strip-search, 1 to rape threat.

Rights violations, hate speech, hate crimes against the LGBTI+ were on the rise in 2021, while the authorities regarded rainbow flags as “criminal evidence,” while LGBTI+ activists were targeted in METU and Boğaziçi University protests. Rights violations were observed in many areas like the right to life, prohibition of torture and ill-treatment, freedom of speech, and right to work.

## **Recommendations**

Having regard to all these, İHD Central Women’s Commission’s recommendations are as follows:

- The decision to withdraw from the İstanbul Convention must be annulled and the provisions of the convention must effectively be implemented with those of Law No. 6284.
- The policy of impunity must be dropped immediately and effective measures must be taken against all kinds of violence against women.
- Policies must be developed to eliminate gender inequality, while the issue must be incorporated into the curricula of educational institutions.
- Article 124 of the Turkish Civil Code, which sets forth the marital age as 17 upon parental consent and as 16 upon a court ruling, must be revised to set it as 18+ since in its current form it legalizes the sexual abuse of girls through marriage.
- Institutions accessible to women 24/7 about violence against women that can offer professional assistance must be established; alternative means must be developed for women with no access to telephones and these must host many languages like Turkish, Kurdish, Arabic, and English; these bodies must also employ sign language users.
- Refugee and asylum-seeker women’s safety must be provided and empowerment initiatives must be taken for refugee/asylum-seeker women.
- The number of shelters must be increased. Shelters must be accessible and must be in line with international standards. Women older than 60 years of age must be made eligible for admission to shelters too. Economic and social assistance for women leaving the shelters must be functional. Sanctions must be imposed on law enforcement that arbitrarily provide deterrent and misguided information.
- Women’s employment rate must be increased; a quota for women must be put in place in all lines of work starting with public bodies.
- Legal action must be taken against hate speech and discriminatory discourse by public bodies and persons.
- Birth control methods, abortion, and HPV vaccines must be accessible and free.
- No discrimination must be allowed in sexual health services.
- Kindergartens must be free and accessible.