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Communication

In accordance with Rule 9.2. of the Rules of the Committee of Ministers concerning

***Opuz v. Turkey* Group of Cases (no. 33401/02)**

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I. Description of Mor Çatı Women's Shelter Foundation

The Mor Çatı Women's Shelter Foundation (hereinafter Mor Çatı) was established in 1990 to combat violence against women. Mor Çatı monitors and reports on the implementation of international conventions including Istanbul Convention and CEDAW, laws and regulations and makes policy recommendations to The Ministry of Labour, Family and Social Services, The Ministry of Justice and The Ministry of Interior decision-makers in order to end violence and achieve gender equality.

Mor Çatı's work with women who were subjected to domestic and/or intimate partner violence became survivors of domestic violence helps us expose the shortcomings in the application of the existing law in the area of violence against women and to determine how to amend the law or its application.

II. Case Summary

Nahide Opuz, lived in Diyarbakır, had three children and was married to H.O., the son of her mother's husband, to whom the mother was married under a religious marriage contract. The case concerns a series of events of domestic violence against Nahide Opuz and her mother, the first of which was referred to the authorities on 10 April 1995 and which culminated with the death of the applicant's mother on 11 March 2002. H.O.'s threats against the applicant continued after the death of her mother.

Throughout the process, Nahide Opuz and her mother applied to the prosecutor's office and the police station about six separate incidents in which death threats were issued against them and they were subject to violence. The severity of the acts of violence ranges from minor injuries such as bruises and scratches on their bodies to vital wounds from stabbing, being run over by a car, and severely beaten. The entirety of the medical reports issued for the applicant and her mother indicated their being incapacitated for work for less than ten days. The Turkish Penal Code that was in effect at the time set forth that in cases where medical reports were issued indicating incapacity to work for less than ten days, the launching of a criminal case was dependent on complaint. This provision resulted in failure to prosecute H.O. Because every time H.O. was tried at court in the absence of remand custody or released from custody, the applicant and her mother withdrew their complaints. In two cases filed against H.O., the defendant was sentenced to a fine. Nahide Opuz also withdrew her petition for a

divorce suit because of the pressure of H.O. Their requests for a protection measure were disregarded.

On 27 February 2002, the applicant's mother filed a complaint with the Diyarbakır Public Prosecutor's office stating that H.O.'s death threats had intensified. Before this complaint was concluded, on March 11 2002, H.O. shot and killed the applicant's mother just as she and the applicant had loaded their furniture on a pick-up truck to move to İzmir. In his statement during the criminal proceedings in response to the charges of 'murder' and 'possession of an illegal firearm', H.O. claimed that he had lost his temper and killed the applicant's mother for the sake of his honour and children because she had induced his wife to lead an immoral life, and that on the day of the incident, she had told him that she would sell the applicant. On March 2008, H.O. was sentenced to life imprisonment. However, his sentence was reduced to fifteen years and ten months imprisonment and a fine of 180 Turkish Liras on account of 'unjust provocation' and 'good conduct' during the trial. In addition, in view of the time spent by the convict in pre-trial detention and the fact that the judgment would be examined on appeal, the court ordered the release of H.O. The appeal proceedings were pending at the time of application to the ECtHR. After the release of H.O. in April 2008, the applicant petitioned for a protection order stating that he had started to threaten her again. Following the information communicated to the ECtHR on May and November 2008 by the applicant's lawyer stating that no protection measures had been ordered and subsequent to the ECtHR's request for an explanation from the Turkish government, H.O.'s photographs and fingerprints were distributed to police stations along with had been ordered and subsequent to the ECtHR's request for an explanation from the Turkish government, H.O.'s photographs and fingerprints were distributed to police stations along with an order of arrest if he were to be seen near the home of the applicant.¹

III. Individual Measures

The Case of M.G. (646/10)

As stated in the communication from Turkey², the applicant's ex-husband was sentenced to 3 years' imprisonment for the offence of intentional injury and 12 years' imprisonment for the offence of deprivation of liberty by the 6th Chamber of the İstanbul Assize Court before

¹ IHOP – Monitoring Reports Of The Implemetation Of The Opuz v. Turkey Judgment Ecthr JUDGMENTS, Kuyucu, Nisan; (May 2015) http://www.aihmiz.org.tr/files/en_opuz_report.pdf

² 1390th meeting (December 2020) (DH) - Action plan (16/10/2020) - Communication from Turkey concerning the group of cases of OPUZ GROUP v. Turkey (Application No. 33401/02) https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680a009cd

which he was tried. Although three years have passed, the decision is still under appellate review and the applicant's ex-husband is not detained yet. The ex-husband continues his threats and M.G. does not ask for any protective measures anymore hence she does not trust the Turkish authorities' justice for protection anymore. The right to a fair trial within a reasonable time is violated in this case. In many cases, the duration of appellate review is beyond considerable limits and there are no specific measures in violence against women cases that would expedite the process to prevent the secondary unjust treatment of women.

IV. General Measures

A. MEASURES TAKEN TO INCREASE JUDICIAL EFFECTIVENESS

1. Family Courts

Implementation of Law no.6284

As stated in the relevant article³ of the report presented by the State of Turkey, within the scope of Law no.6284, family courts are the highest judicial authorities regarding protective and preventive measures to combat violence against women in Turkey. However, in practice, the response mechanisms to violence against women the Law sought to establish do not work, and malpractice is prevalent within family courts. Some examples of shortcomings in the application of the law will be provided below.

a. Duration of cautionary decisions

Regarding cautionary decisions, the report presented by Turkey only included the number of such decisions, and as stated at the 1331th meeting of the Committee of Ministers on the implementation of judgments, no information was shared regarding violations or preventive imprisonment. The unilateral nature of the data veils problems related to the essence and implementation of judgments. In practice, the cautionary decisions and protective measures are not effective due to the short period of time for which they are issued. Judgments are often given for short durations such as one or two months, which are not enough and/or effective to protect survivors. Extensions are provided only after survivor's re-application but not automatically or need-basis. Furthermore, women state that they are facing difficulties increasingly to obtain such decisions and that decisions are also delayed. In addition to this, according to the law no. 6284, decisions do not come into force before they are served to the

³ Action report (05/10/2018) - Communication from Turkey concerning the case of OPUZ v. Turkey (Application No. 33401/02), Measures Taken to Increase Judicial Effectiveness Capacity, Family Courts-Page 4

perpetrator. If law enforcement officers do not urgently serve the decision, or if there is any other delay in reaching the perpetrator, the decision is not, in fact, processed for a significant part of the duration. Thus, the figures presented to the Committee of Ministers by the government also include decisions that were not enforced at all and women were not given effective protection.

B. Confidentiality Orders

Critical difficulties continue to be experienced in the implementation of confidentiality orders issued within the scope of Law no. 6284, causing women to be re-traumatized when trying to obtain confidentiality orders. In contrast to what is stated in the action report presented by Turkey, no risk assessment is carried out and Violence Prevention and Monitoring Centers (Şiddet Önleme ve İzleme Merkezleri) do not monitor the implementation of confidentiality orders in all institutions. Since confidentiality orders are issued only for temporary periods, women must constantly renew such orders by repeatedly applying to courts. Survivors need to face with complicated procedures. This also causes women to experience secondary trauma by repeatedly telling their stories to people who are not experts. In addition, it is very likely that an institution which needs to be informed will be overlooked and this situation puts the safety of women and their children at risk. For the case of M.G., the communication from Turkey states that she received a protective measure issued for a period of 3 months. Considering the risk in her case, this period is considerably inadequate. The procedure also causes M.G. to refrain from applying repeatedly when the period is over. Since it takes time for institutions to implement the decisions, the implementation period foreseen by the court is, at times, over by the time the decision is actually enforced. In cases where confidentiality orders are issued for an indefinite period of time, it then becomes impossible for women who are no longer under risk to have such orders lifted and normalize their lives. The lack of clarity and coordination regarding this procedure prevents women, their children and their relatives from safely enjoying and exercising their rights, including their rights to education, health and accommodation.

Another widespread issue is that while women can obtain confidentiality orders for themselves, they are unable to obtain similar confidentiality orders for their children on the grounds to protect the relationship between fathers and children. In many cases where children cannot receive confidentiality orders, the orders women have obtained for

themselves are useless and in breach of the principle of the protection of the best interests of the child, as children becomes easily a mean to inflict violence.

C. Divorce Cases

The length of trials at family courts is one of the most burning issues in divorce cases. A contested divorce case is finalized in 2 years at the earliest and when appeal proceedings are included, the duration can reach up to 3-4 years. In addition to being condemned to legal uncertainty during this process, women also continue to be subjected to violence and have to cope with a series of psychological and material difficulties. In order to overcome the violence during this period and the psychological difficulty it creates, many women are forced to waive their legal rights and accept uncontested divorce. Even if demands for alimony, custody and compensation are accepted as a result of the divorce case, the appeal proceedings can mean that it can take years for them to come into force.

2. Criminal Courts

The continuous problem regarding the application of law in criminal courts is the impunity of perpetrators of domestic violence. As the ECtHR puts forth in the *Opuz v. Turkey* judgment, and the Committee of Ministers has repeatedly pointed out, the greatest problem in criminal cases regarding violence against women in Turkey is impunity.

There is impunity for perpetrators who commit domestic violence. If the health condition of the survivor is not life-threatening, for example after the beating or bodily harm done by the perpetrator, the sentence given to perpetrator is only up to 5 years, and if the perpetrator has no previous criminal record then he is subjected to probation or the sentence is converted to cash fine and he is not arrested for the time being. If the criminal act is considered as life-threatening harm, then the sentence time can be increased but the perpetrator is still not arrested. If the medical report examining the situation of survivor states she is in a life-threatening condition only then the perpetrator is arrested during the prosecution process. In the case of H.K., the survivor was subjected to torture-level violence and perpetrator was only arrested when H.K. was in a medically critical condition. Eventually, the perpetrator's life-long sentence was reduced based on his good behavior in court and alleged unjust provocation. In overall, criminal law paves the way for the impunity of perpetrators of domestic violence which contravenes Istanbul Convention.

In Turkey, according to Conciliation Regulation on Criminal Process, offenses of libel, threat and actual bodily harm are, according to general regulations, subject to conciliation. Women are also discriminated against on the basis of their marital status. For example, while a penalty increase is considered regardless of the complaint in cases of willful and malicious injury targeting officially married women, conciliation can be applied if a similar case of violence has been carried out against women who are not officially married. For example, in the case of Ayşe Tuba Arslan⁴, who was killed despite having filed 23 criminal complaints about the threats and insults of her ex-husband, her case file about the criminal complaints had been referred to the conciliation office. The fact that cases of violence against women are subject to conciliation processes is one of the most significant indicators in recent years of tolerance shown towards violence against women, of policies that support the environment that enables the perpetuation of violence and ultimately, of impunity. The lengthy and complicated processes, the impunity of perpetrators and the lack of enforcement can result in frustration for women, and lead to women giving up on their demands, and following the judicial process through. This is precisely why the number of women who use existing mechanisms in Turkey does not increase.

B. MEASURES TAKEN FOR AN EFFECTIVE INVESTIGATION AND TO DECREASE DOMESTIC VIOLENCE

Law Enforcement Officers

In addition to being responsible of the measures regulated by Law no.6284, law enforcement officers are also the first public institution where women apply to formally complain about the crime of violence and demand protection. When women are subjected to violence, they apply to law enforcement officers with demands of shelter, urgent assistance, filing an official complaint about the crime, requests for protection and cautionary decisions, and the implementation of issued orders. Law enforcement officers are under obligation, without demanding any evidence, to receive official complaints made by women, informing them about their rights within the scope of Law no.6284, to provide shelter directions - in cases where shelter directions cannot be provided, ensure that women stay at a safe location - and if previously issued orders have been breached by the perpetrator, enforce preventive imprisonment. Experiences of women who have applied to Mor Çatı show that women are

⁴ Women Lawyers Prepare Day-to-Day Report on Femicide of Ayşe Tuba Arslan
<https://bianet.org/english/print/218208-women-lawyers-prepare-day-to-day-report-on-femicide-of-ays-e-tuba-arслан>

falsely informed or not informed at all when they apply to law enforcement officers, that they are dissuaded from making an official complaint or forced to show evidence, that officers seek to reconcile them with the perpetrator of violence and when all such strategies fail, that their complaints are not officially recorded. The complaints we make against law enforcement officers regarding all such rights' violations remain pending. The dismissive, inadequate responses and neglect of law enforcement officers are rooted in the lack of staff trained and specialized in violence against women. As for the staff that has received the necessary training, they are often, for political reasons, re-stationed at unrelated departments.

Data we assembled from women who applied to Mor Çatı in 2019 reveals that out of 264 women, 70 had applied to law enforcement and that 30 of them were subjected to maltreatment. Women who faced the violations listed above shared their hesitation to request support from law enforcement at a later time. In addition to this, it is also observed, especially in smaller settlements, that mutual acquaintance between the perpetrator of violence and law enforcement officers leads to confidentiality breaches and that this, too, discourages women from making complaints.

According to legislation, if the perpetrator of violence breaches the cautionary decision, upon complaint, law enforcement officers must intervene and implement preventive imprisonment. It is observed that in complaints women make, generally either by calling the 155 police help line, or through KADES [Application for Supporting Women] - an Interior Ministry application which notifies the police through one click or by directly going to a police station - that the follow-up for violations is not carried out, and that therefore, preventive imprisonment is generally not implemented. Data related to such cases of violation and to preventive imprisonment as the sanction of such violations, is not shared by Turkey.

C. THE ROLE OF ŞÖNİM AND SHELTERS IN PROTECTING WOMEN

1. ŞÖNİM: Violence Prevention and Monitoring Centers

The responsibility of providing protective and preventive services in combatting violence against women has been assigned to ŞÖNİMs. ŞÖNİMs are responsible for:

- Coordination services
- Receiving of applications and taking cautionary decisions

- Entering, evaluating and monitoring all information in its field of duty into the system, defined as providing inter-institutional coordination.
- Providing direct services to women who have been subjected to violence.

The report presented by Turkey states that in addition to carrying out risk analysis, ŞÖNİMs have also assumed the tasks of coordination and providing women with the support they need. The experiences of women with which we have stood in solidarity at Mor Çatı show us that ŞÖNİMs fail to fulfil this function and that the lack of coordination between institutions has critical consequences. The arbitrary behavior and lack of expertise of staff turns ŞÖNİMs into institutions condemned to the personal initiative of individuals, instead of standard practice. Furthermore, the failure of ŞÖNİMs monitor applications also expose women to risk.

2. Women's Shelters

According to Law no.6284, ŞÖNİMs are designated as the only authorized institution that decides upon women's demands regarding a shelter. Although this approach was initially introduced to facilitate women's application processes by introducing a "one-step" station, it in fact has a highly complicating and discouraging impact due to the lack of inter-institutional collaboration, and when combined with other criteria for admittance to shelters. Even though the report presented by Turkey states that "on the basis of the applicant's statement, women who are survivors of physical, sexual, psychological or economic violence are given service without any discrimination", in shelter admittance, discrimination is carried out on the basis of age, disability status, citizenship status and type of violence. In joint meetings we have attended, ŞÖNİM officials openly shared the information that they did not accept women subjected to psychological violence to the shelter. Besides, it is also known that medical reports proving physical violence have been demanded for shelter admittance. In addition to articles in the statute that result in direct discrimination such as rejection of women over the age of 60 to shelters, and the refusal to admit women with their children if their male children are over the age of 12, there are also practical restrictions in place, although they are in breach of the law. Within the scope of such practical restrictions, refugee women, women with psychological disorders and women who are sex workers are not admitted to shelters; and they are not permitted to benefit from the integrated social services they need.

In recent months, the crisis brought on by COVID-19 has caused further difficulties for women staying at shelters. On grounds of the pandemic, women cannot apply for admittance to a shelter in any other city than their city of residence; and once they settle at a shelter, no transfer to any other city is possible. Shelters have become places where leaving is prohibited because of the pandemic, and as institutions, they are now completely detached from their purpose of empowering women.

D. MEASURES TAKEN TO ASSESS THE EXISTENCE OF A REAL AND IMMINENT RISK AND TO URGENTLY TAKE ALL NECESSARY MEASURES

Regarding risk analysis and rapid intervention, women are made to wait 2-to-3 weeks at “first step centers” and risk analysis is carried out only after this period.

The information provided by Turkey authorities in the Action Report in paragraphs under section D of General Measures, about the role of ŞÖNİMs in risk assessment procedures is not confirmed in practice. Furthermore, the lack of cooperation between institutions hinders the process of information sharing concerning potential risks, as well as the identification of challenges faced when enforcing decisions and the process of providing relevant information to survivors regarding all services they are entitled to access. ŞÖNİMs have a data system where the information of women who receive either of the protective or preventive measures within the scope of Law no.6284 is collected. However, these institutions carry out no further operation other than recording the data, such as conducting follow-up analyses regarding the implementation of these measures, whether women can benefit from these measures to escape from violence or they feel the necessity to apply repeatedly.

Information related to women who receive shelter support is also recorded in the ŞÖNİM system. However, the centralization of shelter admittance leads to various difficulties. After ŞÖNİMs were established, it emerged that not only shelters affiliated with the Ministry of Family, Labor and Social Services, but also those affiliated with local administrations could no longer accept women to shelters on their own initiative, and that they could only carry out admittance procedures via ŞÖNİMs. This meant that the only way women could receive shelter support was to apply to law enforcement, and receive admittance via ŞÖNİM. Women who, for various reasons, refrained from applying via law enforcement, could no longer benefit from shelter support.

Turkey claims that the data collection systems of various institutions have been integrated with the database of ŞÖNİMs. However, in practice, the analyzed based on this data is not public because the data is not automatically shared with other institutions and consequently, ŞÖNİMs fail to fulfil their function of coordination. This also makes difficult, and at times, renders impossible the implementation of protective and preventive measures. For instance, when a confidentiality order is rendered in favor of a woman, all relevant institutions cannot automatically implement it due to the lack of inter-institutional coordination. Women are then forced to apply separately to all institutions that must implement the confidentiality order. Moreover, women cannot check whether a confidentiality order was accepted by institutions and often they find out about it only when they experience negative consequences related to non-implementation of the confidentiality order. There have also been difficulties in the implementation of address confidentiality orders. In address confidentiality cases, the residential address of women must appear as ŞÖNİM so as to remain anonymous. However, in many address confidentiality orders, this is left unclear.

Among decisions taken by the Committee of Minister at its 1331th meeting are to demand from Turkey statistical information regarding the number of domestic violence-related offences reported in the past five years; the number of preventive orders breached and the consequences of such breaches, both in terms of violence suffered by the women and sanctions imposed on the perpetrators; the number of investigations initiated against suspects of domestic violence; final conviction rates for such offences; and the average length of proceedings in domestic violence cases. Mor Çatı has often requested such information through public information requests, but authorities have refused to provide this information on the grounds that it requires special research. This proves once again that this data is not collected and kept at the required high standard.

Specialized Social Services Centers

Despite 8 years having passed since Law no. 6284 came into force, in Turkey there is still no effective social services network. The shelters and ŞÖNİMs which are aimed at supporting women who became survivors of domestic violence are not sufficiently effective, for the following reasons:

- ŞÖNİMs cannot function as information centers on the issue of domestic violence.

- Existing social networks do not have enough specialists to deal with survivors of domestic violence, unable to empower and enable women to set up new lives. Thus, the system does not appropriately address the needs for domestic violence survivors.
- There is no 24/7 public emergency helpline for women. Women can receive assistance only in specialized social services. The procedure of admittance to the shelters takes a long time and women who need urgent advice are unable to receive it in due time.
- All women who apply for a shelter must stay at overcrowded “*First Step Stations*”, where they only receive basic accommodation and meals⁵. They stay there 15 days or more, without any social support and with other survivors of domestic violence who try to cope with traumatic experience. Non-professional staff then decide whether a woman needs a shelter. Ineffectiveness of security measures as law enforcement officers have provided information of the whereabouts of women⁶ to perpetrators, and staff have acted as mediators.

Broad security measures, to the extent of restricting the freedom of women and children staying at the shelters, are implemented here, and many women have likened the experience of living at these institutions to the experience of incarceration in prison. Curfew is very strict, access to telephone is very limited. Thus, they cannot access resources that will help them rebuild their lives and even go to work. They have to leave their life behind. At the same time, there have also been cases where security measures have failed, law enforcement officers have provided information of the whereabouts of women to perpetrators, and staff have acted as mediators.

E. OTHER MEASURES TAKEN OR ENVISAGED TO STRENGTHEN WOMEN’S ROLE IN THE SOCIETY

Institutions in Turkey that focus on violence against women, gender inequality and carry out coordination and monitoring in these areas are increasingly narrowed down. Work carried out towards the improvement of women’s human rights, carried out within the body of the Directorate General on the Status of Women (KSGM), first established in 1990 at the level of the State Ministry of Women and the Family and affiliated with the Prime Minister’s Office,

⁵ 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. p. 37. <https://rm.coe.int/turkey-shadow-report-2/16807441a1>

⁶ ‘Police Shared the Address of Women’s Shelter with the Man Who Inflicted Violence’ <https://bianet.org/english/male-violence/225179-police-shared-the-address-of-women-s-shelter-with-the-man-who-inflicted-violence>

were reduced, with a change introduced in 2011, to the work of KSGM, then brought under the Ministry of Family and Social Policies. This meant that the mechanism that was to provide coordination in the fields of gender equality and violence against women was demoted from ministry level to general directorate level, and that as part of the process, the word “Women” was removed from the relevant ministry’s title. This change is also an indicator of the change in the policy approach in the field of gender equality. KSGM is also assigned with collaboration with all stakeholders in the field and providing coordination. However, this institution does not establish the contacts necessary for such coordination and many women’s organizations are left outside of the network of coordination. Furthermore, the institution’s budget is insufficient to fulfil the functions it has been assigned through relevant legislation.

The discourse of government officials and public officials opposing gender equality, which explains the historical inequality between women and men on the basis of disposition, traps women into a secondary position in society. Not only does this discourse contradict existing laws, but it also justifies and facilitates the non-implementation of these laws and the arbitrary practices against the interests of women who are survivors of domestic violence.

V. Procedural Issues

Regarding procedural issues, we kindly request the Committee of Ministers to **maintain this case on the agenda of its upcoming meetings and closely follow** on progress regarding the implementation of general measures and individual measures.

VI. Conclusions and Recommendations

Opuz judgment was particularly significant for the ongoing problem of impunity in the cases of violence against women. The ongoing non-implementation of the Opuz judgment is significant as it perpetuates this atmosphere of impunity that encourages perpetrators to continue with violence as the women who try to escape from violence get disempowered. Even though Turkey has created the Law No. 6284 (based on the recommendations provided by the Opuz judgment), the implementation of the law lacks an integrative approach that combines the legal, social and psychological processes that women have to go through in case of violence.

In conclusion, for the purpose of the implementation of the Opuz group, we kindly ask the Committee of Ministers to request the Turkish Government to implement the following measures:

A. MEASURES TO INCREASE JUDICIAL EFFECTIVENESS

- Design procedures and actions necessary to ensure the swift implementation of protective and/or preventive measures without any delay.
- Ensure that protective and/or preventive measures are provided for reasonable durations to guarantee women's and children's safety and effectively implement sanctions for non-compliance.
- Set up a centralized system at the disposal of all relevant authorities, in order to allow the enforcement of the confidentiality decisions with all public institutions at the same time.
- The type and duration of cautionary decisions should be determined in accordance with the risk analysis carried out considering the women's narratives of violence. In addition, to assure the implementation of decisions effectively, especially the problems experienced in the notification of these decisions, must be resolved.
- Measures, including amending the existing laws for legal professionals to ensure that lawyers and other workers who will provide legal support to survivors of domestic violence are selected from among specialized professionals, in order to ensure that women are informed in a full and accurate manner regarding their rights and mechanisms they have the right to access;.
- Promote the right of women's organizations and relevant units such as the women's rights centers of bar associations to act as *amicus curiae* in cases of violence against women.
- Prohibit recourse to institutions and methods of conciliation and mediation in cases of domestic violence, whatever the circumstances may be.

B. MEASURES TAKEN TO ENABLE AN EFFECTIVE INVESTIGATION AND TO DECREASE DOMESTIC VIOLENCE

- Ensure that law enforcement officials fulfil their obligations as defined by Law no.6284, and cases of neglect of duty must be identified and duly prosecuted. Necessary legal and punitive sanctions must urgently be introduced in order to prevent actions on behalf of law enforcement officials that tolerate violence against

women and/or involve a passive stance regarding complaints and instances of violence they have been informed about.

- Law enforcement officials must be given periodical in-service training in line with their roles in combatting violence against women, and with an approach that prioritizes gender equality and women's human rights. Training related to Law no.6284 must be ascribed particular importance. Appointments must be made in accordance with the staff's field of specialization.

C. THE ROLE OF ŞÖNİM AND SHELTERS IN PROTECTING WOMEN

- Allocate adequate resources for an integrated system - within which rights-based women's organizations will take an active role - to be developed in line with the coordination and data collection duties of ŞÖNİMs
- Take measures to ensure that shelter admittance requests of survivors are swiftly concluded without waiting for [the conclusion of] their applications to other institutions, and if there is no adequate shelter place, ensure that alternative accommodation is provided where women can stay with their children.
- Set up a 24/7 public emergency line for survivors of gender and domestic violence.
- Lift legal and actual obstacles preventing women from accessing shelters.

D. MEASURES TAKEN TO ASSESS EXISTENCE OF A REAL AND IMMINENT RISK AND TO URGENTLY TAKE ALL NECESSARY MEASURES

- Measures to ensure that confidentiality orders are swiftly implemented, especially in cases where there is a risk to safety of life. These decisions (confidentiality orders) must be promptly communicated to all institutions in a coordinated manner. Risk analysis must be carried out on the survivor's concrete needs and restraining orders (and their duration) must be based on the risk analysis. In risk analysis, the perpetrators' history of violence against women must also be taken into consideration.
- Durations of restraining orders must not be kept too short. Preventive and protective measures must be issued for periods longer than six months and it must be made possible to renew such decisions so that there are no gaps between decisions that may pose a risk to the safety or life for women.

G. COOPERATION WITH RELEVANT NATIONAL AND INTERNATIONAL BODIES

- Ensure collaboration with civil society by allowing the participation of rights-based women's organizations, regardless of their relationship with or proximity to the government, in the preparation of action plans in the field of violence against women and preparatory meetings of Turkey's state reports for international institutions in the field of violence against women, and allocate adequate resources for the implementation and monitoring of such action plans.
- Ensure transparency by sharing the results of the monitoring process with the public and by making statements regarding failed targets.

H. MEASURES TAKEN TO COLLECT STATISTICAL DATA

- Collect statistical data disaggregated by gender, age, type and frequency of violence, relationship between perpetrator and survivor, geographical location and disability status.
- Establish an integrated data system for coordination between ŞÖNİMs and all relevant institutions, and share the data on a ongoing basis. The collected data must be shared with the public at.
- The only comprehensive research on violence against women conducted with state support in Turkey so far is the project conducted by the Hacettepe University Institute of Population Studies: First carried out in 2008, the research was completed and its results were shared with the public in 2014. This research must be repeated without delay, and other research on the reasons and consequences of violence against women must be supported by the state on a regular basis.

ANNEX

How Measures Taken (Or Not Taken) Impact Women's Lives: A.E.'s Story

Here, under this heading, we aim to provide a concrete example of the systemic issues and shortcomings presented above, via the struggle of A.E., a woman with whom we are in solidarity and who has a similar experience of violence to Nahide Opuz, as detailed in the *Opuz v. Turkey* decision.

A.E. was forcibly married in 1993, at the age of 14, through *berdel* [bride exchange between families]. Her official marriage was conducted 9 years later, and in 2006 she had a daughter. For many years she was subjected to violence by her husband, her husband's mother and her husband's brothers. She attempted suicide twice as a result of the violence she was subjected to; and she was taken to hospital by ambulance following one attempt. As the violence she was subjected to increased, it began to target her daughter as well. She became pregnant in 2013; her husband forced her to have an abortion. The doctor at the state hospital she visited initially refused to carry out the abortion. However, her husband threatened to kill the woman if the doctor did not carry out the abortion and forced the doctor to carry out the procedure.

Around 2013-2014, A.E. went to the police station of the district she lived in and lodged a complaint about the violence she was subjected to. In 2015, she received a medical battery report after her husband broke a glass on her face, and provided a statement at the police station. A.E. was also subjected to systematic violence that left marks on her body at times when she could not leave the house or receive a report.

When the violence turned towards her daughter and her husband tried to strangle her daughter one night, A.E. filed for divorce in 2014, upon which she was threatened with death by her own brother. Following this threat, A.E. went to the gendarmerie and made a complaint, and was placed in a shelter. After leaving the shelter, A.E. obtained a restraining order, however the family and the husband continued their threats and stalking targeting A.E. She made a further complaint to the police, however the police said to A.E., "*Escape from this place, this man will not leave you in peace, they are going to murder you*". In the meantime, A.E.'s husband attempted to kidnap his daughter. The continuing violence and desperation meant that A.E. was forced to leave the city she lived in.

Throughout the divorce case A.E. was provided with legal assistance by the bar association. However, the assigned lawyer was not trained and experienced in the field of violence against women. The divorce case was filed on the grounds that the husband had a mental disorder since it was believed that his schizophrenia diagnosis would make the process easier. However, no progress has been made in the case since the notification could not be served to

the husband at his address, although [it is known that] he lives with his mother who receives social support for providing home care for his son from the Ministry of Family, Labor and Social Services [and therefore the address is known]. The case has been delayed for six years as the husband could not be notified of the judge's demand for a new report to verify his psychiatric diagnosis.

A.E.'s story lays bare many shortcomings in terms of the implementation of Law no.6284. When the duration of A.E.'s confidentiality decision ended, her lawyer applied for an extension to the family court in the city where the divorce case was filed. When this application was rejected without justification, the lawyer made another application for a confidentiality decision from another city. However, this application was rejected as well, on the grounds of High Council of Judges and Prosecutors' decree that decisions within the scope of Law no.6284 have to be made by the court ruling over the divorce case, and the request for a confidentiality decision was sent to the court where the lawyer had filed the first application. The confidentiality decision was issued a few months after the application; however, now, there were delays in the notifying relevant institutions of the decision. For instance, even ŞÖNİM stated, in contrast with the statement of the court registry, that it had not been notified of the decision. The persistent research of Mor Çatı revealed that the confidentiality decision had actually reached ŞÖNİM, and it was duly enforced. A.E.'s divorce case, on the other hand, continues, as the husband is yet to be notified.

As the confidentiality decision was initially issued for a short duration and was later not renewed promptly, both A.E. and her child had difficulty accessing many of their citizenship rights, ranging from the right to education to health services, and from social support to birth registration. Since the application for a confidentiality decision regarding the child was rejected, the child's school enrolment was carried out with great difficulty, which had a negative psychological impact on the child.

Precisely in the manner that we see in the Opuz case, A.E.'s experience shows the importance of risk analysis and case monitoring in cases of violence against women. Although following the various instances of violence she experienced, A.E. repeatedly applied to both law enforcement and judicial authorities, which failed to provide her with the necessary protection. Measures were not taken to prevent repeat violence and she was not given the necessary support to establish a life safe from violence together with her child. As a result, A.E. was forced to leave the city she was living in and this also had a negative

psychological impact on her child. Amongst the most significant shortcomings are the failure to swiftly issue cautionary measures for the necessary duration, with the confidentiality decision first and foremost among them, the ineffective legal support as the appointed lawyer lacked training on how to deal with domestic violence cases, the unjustified length of the divorce proceedings and the failure to conduct a risk analysis and file monitoring for A.E. despite her having a record in the ŞÖNİM database.