



LAW ENFORCEMENT PRACTICES IN TURKEY TO COMBAT MALE VIOLENCE



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INTRODUCTION

Since 1990, Mor Çatı Women's Shelter Foundation has been combatting male violence and engaging in solidarity with women experiencing violence at its solidarity centre and women's shelters. Based on the women's experiences, Mor Çatı monitors the implementation of mechanisms to combat male violence and develops policies derived from its reports, press statements, campaigns etc.

The *2021 Monitoring Report on Coordination in Combatting Male Violence in Turkey* by Mor Çatı addresses coordination problems in services provided to combat male violence. Having listened to women's experiences of violence, we expressed that, contrary to what they are supposed to be, ŞÖNİMs (Violence Prevention and Monitoring Centres), institutions that provide holistic and specialised support, are not defined as the frontline authority for women experiencing violence. The report addresses how this situation exacerbates the absence of coordination and the lack of an effective response to male violence. This report focuses on law enforcement units defined by legislation as the frontline authority for women seeking assistance. We look into law enforcement, which is the most contacted institution by women experiencing violence and where one most frequently comes across bad practices. We address the place of law enforcement vis-a-vis the efforts to combat violence both in practice and in legislation. We also focus on the experiences of women in law enforcement units.

In Turkey, the male-dominant approach, which focuses on the family and does not side with the woman, is fully ingrained in mechanisms to combat violence and is also prevalent in law enforcement units. As we repeatedly note in our reports, women seeking help from law enforcement are usually treated with a discriminatory approach and given incomplete, wrong or misleading information, which obstruct women from distancing themselves from violence. Although in-house trainings are occasionally provided for law enforcement professionals to tackle such discriminatory approaches, efforts fail to deliver an effective outcome due to several reasons, including the lack of gender equality perspective, the absence of investments to address bad practices, and the problems with the continuity and the quality of trainings. Furthermore, the fact that a similar patriarchal perspective is shared by the judges of family and criminal courts and the prosecutor's office, which

oversees law enforcement and receives direct requests for assistance from women, demonstrates the systemic aspect of the problem.

The information used in this report is based on multiple sources. The primary source of information is the experiences of women and children who were registered in the Mor Çatı database between 1 March 2022 - 1 March 2023 and received support from the solidarity centre or women's shelter, as well as the witness accounts of volunteers who engaged in solidarity with the women. In addition, the report also uses the results of the focus group meeting held with volunteering or professional women providing one-on-one support to women at Mor Çatı and municipal units working on violence against women. On 19 October 2023, we filed two applications to obtain information for our report from the Directorate General of Security and the Ministry of Family and Social Services. Still, regrettably, our requests were left unanswered.¹ However, we received an answer to the application submitted on 3 May 2023 to the Directorate General of Local Administrations of the Ministry of Interior seeking information for another project about shelters and women solidarity centres under the municipalities. Even though we did not ask for it, the response included information about Departments on Combatting Domestic Violence and Violence Against Women and KADES (Emergency Support Application for Women).² The report also derives from this information. Finally, the report uses information from a yet-to-be-published public opinion survey titled "The Functioning of the State's Efforts to Combat Violence Against Women in Turkey," conducted by Dissensus Research Company for Mor Çatı.

In the absence of inter-agency cooperation and a social support system that can address women's unique needs in a specialised and holistic manner, the combat against violence left solely to the authority and responsibility of law enforcement units is far from being effective. We hope this report will contribute to our struggle to make this transformation come true.

1 These applications for information are available in the annex.

2 The Response in question is available in the annex.



THE PLACE OF LAW ENFORCEMENT IN TURKEY VIS-A-VIS COMBATTING MALE VIOLENCE¹

1 This section uses information from the public opinion survey “Türkiye’de Devletin Kadına Yönelik Şiddetle Mücadelesinin İşleyişi” (The Functioning of the State’s Struggle to Combat Violence Against Women in Turkey) conducted by Dissensus Research company for Mor Çatı.

In Turkey, law enforcement units are defined as the first stop for women seeking for assistance. Women have to deal first-hand with law enforcement units concerning their demands for women's shelter and measures that can be taken under the law no. 6284. Law enforcement units are expected to provide women with the first information about their rights and give them the first guidance on available mechanisms. We observe from women's experiences who apply for assistance to Mor Çatı that even if they first contact ŞÖNİMs where they could get specialised support suited to their specific circumstances, they are again referred to law enforcement.

Since 2011, the police, whose powers and duties are specified by the Law No. 2559 on the Powers and Duties of the Police and the Law No. 3201 on Police Organization, are defined as the frontline authority for women seeking assistance under the Law no 6284 to Protect the Family and Prevent Violence Against Women ² and the "By-Law on the Implementation of the Law no. 6284 to Protect the Family and Prevent Violence Against Women" issued on 18 January 2013. The Law no. 6284 grants law enforcement officers a number of duties to protect women, including providing shelter for the woman without seeking a decision by a court or a civilian authority, placing the women under temporary physical protection and taking and implementing protective and preventive orders³ to stop the aggressor's insulting behaviours or words, to remove the aggressor from the house immediately and to prohibit the aggressor from approaching the person, their children and relatives.

The law gives law enforcement officers the power to temporarily implement some protective and preventive orders regardless of whether the relevant authority has issued a cautionary order. According to this, in cases where delay may be prejudicial (in cases of emergency), law enforcement units have to give a cautionary order against violence without seeking a decision by a court or a civilian authority (provided that their approval is obtained afterwards). Consequently, law enforcement is primarily responsible for taking preventive action before violence is committed, protecting women and ensuring the safety of their lives.

2 <https://kararaldim.org/6284-sayili-kanun/>

3 Under the Law no. 6284, protective order refers to a measure to protect persons subjected to violence or at risk of violence; whereas preventive order refers to a preventive measure against persons who inflict or likely to inflict violence. In case a delay in action may be prejudicial, protective orders can be issued by a local administrative authority or law enforcement; whereas the family courts have the authority to issue both protective and preventive orders.

In addition, in 2015, specialisation was promoted in law enforcement units, and accordingly Departments on Combatting Domestic Violence and Violence Against Women were established in provincial centres. Furthermore, the Women and Children Sections in Gendarmerie Provincial Commands were given the authority to respond to the incidents of violence against women in areas that fall under the jurisdiction of the gendarmerie.⁴

According to the legislation, when women subjected to violence seek assistance from law enforcement units, they are referred to the Departments on Combatting Domestic Violence and Violence Against Women, and after a long assessment form is filled in, and a situation and needs analysis is made based on the said form, law enforcement officers are expected to issue protective/preventive orders and refer the women to relevant services. Besides, law enforcement units must work closely and in coordination with ŞÖNİMs. The chart⁵, titled Effective Combating of Violence Against Women / Phases, presented at the 2021 Annual Meeting of the Monitoring Committee on Violence Against Women of the Ministry of Family and Social Services, shows that law enforcement units are obligated to notify ŞÖNİMs as quickly as possible of the applications they receive.

Below are the steps to take when law enforcement receives applications:

- The women subjected to violence should be brought to the Department of Combatting Domestic Violence and Violence Against Women once the police patrol team arrives on the scene after receiving a call from the woman herself or a tip submitted by a phone call or via the KADES application.
- If the woman reports the act of violence in a police station, the woman is referred to the Department of Combatting Domestic Violence and Violence Against Women. If the woman cannot go to the Department on her own due to economic reasons or security risks, the police should escort her from the police station to the Department.
- The woman should be interviewed, and a 12-page review form should be filled in. This form contains a “risk analysis”, and cautionary orders are expected to be issued based on this risk analysis.

4 In response to our request for information dated 03.05.2023 and numbered 2023/045, the Directorate General of Provincial Administration of the Ministry of Interior states that a total of 1,267 Sections on Combatting Domestic Violence and Violence Against Women were established, out of which 1,005 were under the Directorate General of Security and 1,267 were under the Gendarmerie General Command.

5 <https://morcati.org.tr/wp-content/uploads/2022/01/Erkek-Şiddetiyle-Mücadelede-Koordinasyona-İlişkin-İzleme-Raporu.pdf>

- As soon as the review form is filled in, it should appear in ŞÖNİM system.
- Children below the age of 12 should be interviewed in the company of a pedagogue and an attorney.
- If necessary, the woman in question should be taken to a hospital to get a battery report.
- If necessary, the police should escort the woman to the courthouse.
- If the woman needs to go to a ŞÖNİM, the police should accompany her.
- If the woman needs social assistance, she should file an application for assistance with the Social Assistance and Solidarity Foundation (SASF).

We witness that, in practice, law enforcement fails to follow the above-listed steps for several reasons, including some officers who fail to fulfil their duties entirely and correctly because of sexist motives and the fact that the system was established incorrectly. The next chapter addresses the problems women face when seeking assistance from law enforcement units.



**EXPERIENCES
OF LAW
ENFORCEMENT
STAFF**

As part of the survey conducted by Dissensus Research for Mor Çatı, interviews were held with the Departments of Combatting Domestic Violence and Violence Against Women between November- December 2021 in Ankara, Konya, Denizli and Tekirdağ. These interviews allowed us to find out the experiences and opinions of law enforcement officers about implementing their duties specified under the Law No. 6284.

Law enforcement staff working in these units fail to provide the services women need because they do not know about the dynamics of violence or the needs of women experiencing violence, nor are they aware that violence stems from gender inequality. This is why the restraining order is the most common order issued without regard to the needs of women. A law enforcement officer explains the practice: “We issue a restraining order and send them away. What else to do? She would not file a complaint.”

In this example, we see the intersection of holistic social support for the victim of violence and the ignorance of law enforcement staff on this matter. In cases where a law enforcement officer can understand why women return to the environment of violence, they can't take action as it is beyond their powers. The lack of a social worker is particularly apparent in such cases. For instance, law enforcement officers shared their observation that women have the cautionary order revoked on account of pressure from the family for fear of falling into poverty.

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The man does not come to the house when the cautionary order is issued. We see many women who ask to have the order repealed. They either calm down and patch things up or ask for a repeal when the man cuts financial support. There are only a few women who extend the duration of the cautionary order. Some stay at a women's shelter but still have a cautionary order issued against him, just out of spite. The women, in a moment of anger, are just trying to let off some steam. After some time passes, many women put in a petition to withdraw the restraining order. Only 3 out of 10 ask for an extension of the cautionary order anyway. Women withdraw their complaint or the cautionary order or do not ask for an extension for several reasons, including the family stepping in or their anger fading away. Still, most importantly, it is because the men cut financial support, and the women fall into poverty.

Sexist attitudes and behaviours of law enforcement officers affect how they do their job. Lack of understanding for a woman experiencing violence is further exacerbated by sexism. The most symbolic expression of this is that officers call women “regulars” if they seek assistance multiple times from law enforcement. An account by a law enforcement officer reveals that women described as a “regular” are not given proper support.

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Since we know she will be back again, we naturally lose the original sensitivity. For instance, what was her name... a woman named Z. She regularly comes to our department, every two months. She files a complaint about her husband, we make sure he stays away. But she does not file a complaint, she would not get a divorce either because she is 50 years old, she is afraid that she cannot get married again.

Another problem that stands out is the violation of women’s confidentiality. Law enforcement officers who were interviewed mention that ŞÖNİMs are attentive to confidentiality and they do not even share information with law enforcement officers; however, in cases where law enforcement officers know the identity of the perpetrator, confidentiality may sometimes be violated, putting the women in danger or leading to non-standard practices.

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There is not much attention paid to the presumption of confidentiality. For instance, the woman comes along and tells us about her situation. Some of our fellow colleagues, our brothers, happen to know who the husband is. They say he would not do such a thing, it is not like him etc. They try to resolve the matter peacefully. Or else, they go and tell the husband about the complaint, not with bad intentions but the man ends up knowing everything. For instance, they go and tell the man “Shame on you, this is no way to behave!” etc. Actually, it works out because the man becomes a little scared of beating his wife. They scare him off by saying “We will do so and so to you. We will arrest you”. Also, you should scare men off with money. If you tell them that you will give them a fine, they tend to get a grip on themselves.

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Well, for instance sometimes there is not any instruction given to you. But they want you to do somethings. I'd better not tell what things now...For instance, a family came along a few months ago. A respectable family. We were told to try not to take any action about it. We helped the husband and wife patch things up and sent them on their way. There is no instruction per se, but you have to do this. Unless you want to go somewhere else. You cannot stand out too much. You have to say ok. So, you do as you are told and do not question it. I can tell you that much.

Having a duty in the efforts to combat violence against women brings along the requirement to maintain constantly updated information and the need for constant support against being worn out. It is, in particular, essential for social support staff to receive regular supervision. Law enforcement officers usually have to position themselves as a social worker because of their incorrectly positioned status in the mechanisms for combatting violence against women. This, in turn, leads to bad practices faced by women and a secondary trauma for law enforcement staff, which consequently repeats the cycle of bad practices.

Law enforcement staff stated that they frequently took in-house trainings, which they found helpful. However, when asked about their needs for secondary trauma, they mentioned the challenges they faced in this regard.

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What women go through is very wearing for people working in this field, who are burnout and feel overwhelmed.

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I act overly emotional. I internalise too much. I regard the person in front of me as a relative. This has worn me down in two cases. I felt desperate. We really want to help but sometimes we are not able to do so even if we want to. Colleagues working here also say that we need to occasionally change departments.



LAW ENFORCEMENT PRACTICES

Law enforcement units are one of the most frequently contacted institutions by women who receive support from Mor Çatı.¹ The solidarity established with women who have contacted Mor Çatı allows the monitoring of practices at law enforcement units vis-à-vis the practices. This chapter sets down observations on law enforcement practices based on the experiences of women and children who received support from Mor Çatı solidarity centre or women's shelter between 1 March 2022 - 1 March 2023, also deriving from the witness accounts of volunteers who engaged in solidarity with the women.²

Between 1 March 2022 - 1 March 2023, a total of 1181 women received support from Mor Çatı solidarity centre and 36 women were provided access to women's shelter. 168 who received support at the solidarity center stated that they had previously sought assistance from law enforcement units. 23 of the women who stayed at women's shelter had sought assistance from law enforcement units. The experiences of women who contacted law enforcement revealed that the police followed the correct course of action in 71 cases and there were 22 good practices and 91 bad practices. In cases where the police followed the correct course of action were those in line with the duties of law enforcement including issuing the restraining order in accordance with the law, taking the women to the hospital to get a battery report and recording the complaint. Good practices were those where the law enforcement officer supported the women either by taking into account the specific situation of the women or acting on a personal initiative. Bad practices are considered under the categories of incomplete and wrong practices, deterring attitudes, coercion into reconciliation and violence inflicted by law enforcement officers.

It is apparent that law enforcement officers do what they have to do and that good practices play an important role in combatting violence against women. Positive practices include monitoring the women who have a protection order in line with the preventive efforts and encouraging them to contact law enforcement for their needs, taking swift action in case of violations of the Law no 6284, and exhaustively informing women about possible risks and available services. In addition, 2 women who were not admitted to women's shelters because they had a son over 12 years old and could not get support for an alternative service were provided accommodation at a hotel paid personally by law enforcement officers. These women afterwards came to a Mor Çatı shelter with their children.

The most common incomplete or wrong practice is the failure to fulfil the responsibilities of law enforcement and the failure to take any action about complaints. It is noted that incomplete or wrong practices, such as the failure

1 <https://morcati.org.tr/wp-content/uploads/2023/03/2022-yili-faaliyet-raporu.pdf>

2 The report refers to the experiences of women who applied to Mor Çatı for assistance, which are compiled from applications recorded in the database.

to make a referral to get a battery report or, although physical violence has been committed, the failure to take any action, create a barrier to launching criminal proceedings against the perpetrator or getting results from such legal proceedings. In addition, a common incomplete or wrong practice is the failure to collect insufficient evidence and the failure to collect any evidence.



Filing a Complaint

Women are quite reluctant about complaining about the violence they endure at the hands of their husbands. This hesitancy is justified by expressions like “I do not want any trouble.”, “I do not want to provoke him.”, “He is the father of my children, I do not want this on his record.” or “I’d rather not have to go through the hassle over and over again at the courthouse since he is not going to be punished anyways.” Distrust in criminal justice system has increased in every segment of the society in recent years. However, women may also refrain from filing a complaint due to the approach of law enforcement officers. When women go to the police stations, their expressions are not written down as is, nor are their emotions and reactions noted down. Furthermore, it has been observed that women are not usually given information about their rights. For instance, women are not reminded that they have the right to request a lawyer and the right to give statement in the company of a lawyer. Legal proceedings cannot be launched for some offenses because the statement is inadequately taken, particularly in cases where the statement is given without a lawyer present, because the details told by the woman are not noted down in the report since the person who takes the statement thinks they are insignificant or because the police officer sometimes changes the statement and rewrites it.

In the case of complaints filed directly to the police stations, there is not a file number (investigation number) assigned for the prosecutor’s office. The police station saves the file with an incident number of station and waits to take a statement from the suspect and collect evidence. This waiting period can take long, and the file may remain at the police station for months. This results in a lengthy investigation and causes grave rights violations.

Most incomplete or wrong practices point to the ambiguity of the distribution of labour within law enforcement and also between law enforcement and other agencies on the matter of combatting violence against women. It becomes apparent that law enforcement officers do not have commonly shared knowledge about the powers and responsibilities of their own unit and of other social service units. There is a striking lack of a common practice with respect to at what stage women seeking assistance from a law enforcement unit should be referred to the Department of Combatting Domestic Violence and Violence Against Women. These Departments may be at a different location from the police station, and it may not be possible for women to go to a close police station and file a complaint. In some cases, due to incomplete guidance by law enforcement, women go to a nearby police station and file their complaints, only to be referred to a domestic violence department to have to lodge the same complaint from scratch. Besides, since women do not know that filing a complaint is not a requirement to use the services covered by the Law No. 6284, some have been coerced into filing a complaint, and some could not access services when they refused to file a complaint. There is evidently a lack of a common code of conduct and attitude for law enforcement officers with respect to how to communicate with a woman who experience violence or how to take security measures in consideration of the close relationship between the suspect and the woman. The most common bad practice in this regard is taking the statement of the woman at the same place as the aggressor or within hearing distance of the aggressor. Furthermore, the women's experiences reveal that some law enforcement officers talk to women in a judgmental manner, implying that the violence that they are experiencing is not, in fact, considered violence or insinuating that they unnecessarily keep law enforcement busy.

Some incomplete or wrong practices apparently stem from the lack of means and equipment available to law enforcement units for them to do their job. Since a woman experiencing de facto violence is at first referred to law enforcement instead of a social service unit, law enforcement units are expected to provide services that a social service unit would normally be duty-bound to provide, including a holistic assessment, identifying the need for a shelter, and making a referral to relevant agencies. This practice itself creates challenges that are, in fact, part of incomplete or wrong practices. The need of almost all women is identified as a women's shelter, and the law enforcement officer proceeds accordingly while, in fact, the women are in need of a variety of services. On the other hand, there is differing information about the procedures of referral for women who want to go to a women's shelter. In Istanbul, most law enforcement units make a referral to the first line unit under ŞÖNİM, whereas some law enforcement officers do not seem to have this knowledge. There have been cases where women seeking for a women's shelter or asking what to do or how to call Mor Çatı were simply given the phone number of Mor Çatı by law enforcement officers and were told to go there.

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A woman staying at Mor Çatı women's shelter gives this account of her experience: "They told me that I could not go to a women's shelter because I had a son older than 12 years old, that I had to leave the child. They did not even let me inside the police station. They talked to me outside, in front of the police station."

For most women who consult Mor Çatı, deterring attitudes and behaviours of law enforcement staff are among the factors that make it difficult for them to ask for help and file an official complaint in order to distance themselves from violence. Practices that deter women from filing a complaint and taking action to distance themselves from violence include rude behaviours, telling the woman that her career will be adversely affected, making the woman wait for 3-4 hours, or trying to talk the woman out of filing a complaint by telling her that it would not yield any results even if she filed a complaint or she could end up being charged herself with an offence and would have to bear the hassle of going to courts for years on end and face disgrace or even if the perpetrator were to be sentenced, he would only be put in jail for 2-3 months and would inflict harm even more than before when he is released.

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A woman told us about the information she received from law enforcement officers: "They would not issue a protective order for everyone; do you think that is easy to get? You have to go and request it yourself, but you do not even have any scars to show for it. We cannot provide restraining order", they told me. I told them that "I consulted Mor Çatı and they gave me information, I know all my rights, you have to issue a cautionary order. Besides, I may not have a battery report now, but I have the one for the previous assault". When I said this, their supervisor came along, and they issued a 10-day restraining order. They told me to go to the family court on so-and- so date and demand a 6-month restraining order, they said, "they would issue the order for a month, you have to repeat this every month. You have to go to the court during this 6 month period, this is not easy to do. Also, if your husband comes at your door, you can refuse him once. If he comes the second time, call the police."

Some women said that law enforcement officers insulted them, used derogatory words and displayed demeaning attitudes; they were treated as an offender, although they went there to get support or file a complaint.

A woman who sought assistance from law enforcement was told by the police: "Your husband did a good number on you; what have you done to get yourself beaten up like this?". Another woman got told off by a law enforcement officer who said, "You have not applied for assistance for 20 years, is now the time, did we draw the short stick, now we have to take you to a hospital as if we have nothing else to do!" 2 women who consulted Mor Çatı said they experienced direct physical or sexual violence by a law enforcement officer.

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"I later found out that they took me to the police station on suspicion of fraudulent activities. They did not put me in the police lock-up because there were men there. I sat on a chair for hours. The police officers were short with me, they said things like "why are you looking at us, you won't look at us", even though I was not looking at them. When I asked for an attorney, they said "where the heck will I find an attorney now, you'll have to wait till tomorrow". Then a police officer kept staring at me and touched his penis."

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"The police officers battered me when we went into the interview room in the police station where I was supposed to give a statement. I ran away and went to the hospital and got a battery report. I told the hospital police about what happened. The police officers who battered me came to the hospital and took me to the center by force, and when we were there, they made fun of me and tried to direct me to spots where there were no cameras. I finally could run away and filed a complaint with the prosecutor's office. They also filed a complaint about me, but they took legal action only against me."

Coercion into reconciliation is another common bad practice, as pointed out by women regarding their experiences with law enforcement. In addition to practices where law enforcement officers talk the woman out of filing a complaint by grinding her down or giving her wrong or incomplete information, there are apparently also practices where law enforcement officers guide or pressure the woman into making it up with the perpetrator of violence. In another case, a woman who was subjected to violence by her husband contacted law enforcement to file a complaint and demand access to a woman's shelter. Although she said she did not want to go to her family home, law enforcement officers called her family, telling them to come over and, together with her family members, tried to talk the woman into making up with her husband. Other women shared their experiences

where law enforcement officers brought them and their husbands together, encouraging them to make it up, or they were manipulated into consent or intimidated into making up with their husbands.

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A woman who took out a medical report for battery and marriage rape gives the following account of her experience at the police station: “I told them that I wanted to get a restraining order and use the battery report for evidence. The police called my husband and told him to come to the station. They told me “Even if you file a complaint now, you will patch things up with him after 3-4 years. You will have to pay a fine of 10 thousand liras to the state. Patch it up now, you are going to do so anyways.” I had called my family for support, but the police convinced them that I should make up with my husband. They took my husband’s statement. When he got out of the room, he said, “Do you think they were mad at me in the interview room. They gave me tactics! These are the people you seek help from.” That day I went to the police station at 9:30 pm and left there at 5 am. The police made my husband kiss my feet and we went home together.”

Some of the bad practices experienced by women with regard to law enforcement are related to the staff; however, the main source of bad practices is evidently the shortcomings in the system, it is in fact a totally systemic problem given that there are no repercussions for staff who exercise bad practices. The lack of adequate staff and tools causes delays in the workflow; for instance, a woman who demands to go to a women’s shelter may have to wait for hours at the law enforcement unit, sometimes with a child by her side. The women and accompanying social workers note that even being in the law enforcement unit is a source of stress and tension in itself. Law enforcement units are crowded places where armed personnel in uniform work, suspects come and go, loud and tense conversations take place sometimes with swearing and smoking indoors is mostly allowed; as such, they are not suited for spending hours, in particular for children; still, women and children may have to stay and wait there for hours. Despite the responsibility given to law enforcement units with respect to combatting violence against women, these units do not have any waiting rooms for women and their children. Even if the women’s only need is social services, they struggle because they are led to this environment as the first step; they may even give up on seeking services out of frustration and go back to their life of violence.

In addition, since women need to first apply to law enforcement for assistance, the initiative is apparently left to law enforcement in the case of women who cannot get services from ŞÖNİMs. In cases where ŞÖNİMs do not take any action for migrant women, refugee women, women coming from other provinces, trans women or women who have sons older than 12 years old, it is observably the law enforcement that has to show initiative to find alternative solutions but fails to provide sustainable solutions due to the lack of tools and equipment.

There is a glaring confusion about referral procedures for women as well as the social service institutions they are referred to. For instance, a woman who experienced violence said that she was not taken to a hospital to get a battery report but was directly placed in a women's shelter. A pregnant woman said that she decided not to go to a women's shelter because the law enforcement officer had told her that there was a 3-month time limit on how long she could stay at a women's shelter, and once the time limit is passed, she could only get a 2-month extension. The women were also wrongly informed that they would not be admitted to the women's shelter unless law enforcement filed a complaint, or that there was no admission to a women's shelter during pandemics or earthquakes or if she stayed at a women's shelter, she could not get out of there again.

Women's experiences reveal that in some cases, although the law enforcement unit takes due action, the judicial process does not proceed or the prosecutor's office does not carry out an investigation, a criminal case is often not even filed due to lack of evidence or the judgments of family courts delivered in accordance with the law no. 6284 are for the short-term and not suited to meet the woman's needs, as a consequence of which the measures do not work at all. These examples demonstrate that the superior units, such as the Prosecutor's Office and the Family Court, do not provide guidance to the police with respect to the required approach and solutions. It is apparent that women cannot distance themselves from violence despite repeatedly seeking assistance from law enforcement and that law enforcement staff takes action with frustration.

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A woman who had previously sought assistance from law enforcement before she was stabbed in the neck by her husband give this account of her experience with law enforcement officers who showed up as it was an emergency: “The police came and beat up my husband who assaulted me. They told me “There is no justice, do more physical harm to yourself before you go to the police so that they lock him up.”

Emergency Support Application for” Women (KADES)

*“The application is worthless unless the police change their approach.
I do not expect it work without it is fully functional.”
Focus group participant*

KADES application is frequently referred to as a preventive solution as part of the efforts to combat violence against women. The Ministry of Interior describes the purpose of the application on its website as follows: “KADES application is developed to prevent the rising cases of violence against women in recent years and to provide assistance to women. Women who experience or are at risk of experiencing violence by their spouses or someone else can report the act of violence by using their smartphones and accessing Emergency Support and Report System for Women¹, a system set up specifically for this purpose.”²

This chapter focuses on the experiences of women and children who received support from Mor Çatı solidarity centre or women’s shelter between 1 March 2022 - 1 March 2023, deriving also from the witness accounts of volunteers who engaged in solidarity with these women. The chapter also presents experiences of using the KADES application based on the results of the focus group meeting held with women who provide one-on-one support to women at Mor Çatı and in municipal units working on violence against women.

13 women, who received support from Mor Çatı between 1 March 2022 - 1 March 2023, shared their experiences of using the KADES application. Mor Çatı volunteers who provide one-on-one support to these women informed them all about KADES, advising them to use the application in cases of emergency. 5 out of all women who used KADES said they experienced bad practices including the tardiness of the police arriving at the scene, the police going to a wrong address, or the incomplete or wrong practices by the police. A woman sharing negative feedback said that she could not figure out the technical details and failed to use the application.

The focus group discussion on KADES was focused on the positive effects of KADES on helping women distance themselves from violence, also addressing its shortcomings, setbacks and the challenges faced in response to the

1 <https://www.icisleri.gov.tr/kadin-destek-uygulamasi-kades>

2 In return to our request for information dated 3 May 2023 and numbered 2023/045, the Directorate General for Provincial Administrations of the Ministry of Interior reported that, as of 15 May 2023, the number of persons who downloaded the application is 5,255,219 and the number of women who reported an act of violence is 740, 591.

emergency. In addition to the general conclusion arrived at the focus group meeting, participants also considered the accessibility, the advantages and the challenges of having an alternative tool of communication, and problems related to the attitude and the approach of law enforcement officers who respond to requests via the application.

Focus group participants who provide one-on-one support to women referred to the KADES application as an important tool in combatting violence against women. On the other hand, the participants also mentioned certain shortcomings of the application and the challenges vis-à-vis the attitude and the approach of the responding law enforcement officers.

KADES, which is an application that women can use as an alternative to a phone call to reach law enforcement officers quickly in cases of emergency, is an important tool for both women and those who support women in the field. Focus group participants stated that the application is making a positive contribution to the struggle of women experiencing violence as it helps women to call for help quickly, it makes it easier to ask for help in a state of panic, and it provides access to the police without delay and without the aggressor noticing. Participants also stressed that the application is also a preventive tool as it makes it possible to respond to the act of violence before it gets intense or changes form. Furthermore, participants said that the application is commonly used because women want to feel safe and “guarantee” that law enforcement is on its way and that women who have the application on their phones feel safe. It was noted that women who previously had negative experiences when they contacted law enforcement prefer using KADES.

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“Women find the application useful. Women in relationships have bad experiences of contacting law enforcement, hence they become hesitant about contacting them again. KADES is seen as an interim formula. Women who are hesitant about calling the police lest the police treat them bad or hold them on the phone can ask for help via KADES in cases of emergency.”- Focus group participant

On the other hand, participants noted some challenges in the accessibility of the application. The application does not provide a solution for women who do not have a smartphone or cannot use the application on their phone, or who do not have a top-up or internet package, or who live in deep poverty, in particular migrant women and refugee women. Besides, women who do not have adequate technical knowledge to use an application cannot make

use of it. The participants referred to some shortcomings of the application, including the fact that women cannot use the application on another phone or another person other than the woman herself cannot use KADES to call for help for the woman.

It was noted that the speed of response to emergencies varied according to the area; for instance, in certain districts of Istanbul, law enforcement officers show up shortly after the application is used to call for help, whereas the response time takes longer in other districts. In areas with an inadequate number of law enforcement officers, it takes observably longer for officers to show up. In addition to the delayed responses, participants also pointed to the challenges caused by the requirement that the police call back and verify the call for help. Getting a call back from the police may occasionally put the woman at risk, delay the response and negate the positive aspects of the application. In addition, there have been cases where the police responded to the call but went to the wrong address. In other cases, the police could not go to the address at all when the phone was turned off.

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We found out about an experience of a 5 year old child receiving support from Mor Çatı together with his mother. The child at risk of violence by his father downloaded KADES application on his phone with his sister's help. When he was abducted by his father, he pressed the app and asked for help. However, the father took the phone away and turned it off which prevented the police from finding the location and responding to the child's call for help.

The above-mentioned example shows the advantage of the application in that it is easy to use even by a 5-year-old child; however, the inability of the police to go to the scene of the incident is an indication that the problems with the application continue.

Experiences with law enforcement officers who respond to KADES calls are the same as those with other law enforcement officers. The challenges mentioned include the approach of responding law enforcement officers, the lack of uniformity in their procedures and practices, and the fact that any law enforcement officer may respond to the call although they are not specialized in combatting violence against women. Incomplete or wrong practices, coercion into reconciliation and deterring attitudes and behaviours, i.e. the challenges mentioned in the chapter on law enforcement practices, also apply to the police responding to KADES calls.

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“Women who experience violence then have to face the police whose approach is based on protecting the family.”

- Focus group participant

A woman who receives support from Mor Çatı gives the following account of her experience with law enforcement officers responding to her call over KADES application after her husband violated the law no. 6284: “The police arrived late. The man got away by the time they arrived. They took no action about the violation. They tried to put pressure on me by saying “He is the father of your child, you have to show the child to him”. I have no trust in the police.

The Powers and Responsibilities of the Prosecutor’s Office and Family Courts with Respect to Law Enforcement Officers

Cautionary orders are usually given by the police, with the permission of the office of the prosecutor, at the time a complaint is filed with the police. Nevertheless, it is the prosecutor who has the power with respect to the approval, repeal or extension of the orders. The prosecutor is also authorized to impose sanctions in case a protective cautionary order is violated. Prosecutors also have an obligation to launch an investigation into the complaints conveyed by the police or directly by the women. The office of the prosecutor reviews the complaint, considering whether it constitutes a crime and whether the case could be investigated based on the complaint or on an ex officio basis. In today’s system, where ŞÖNİMs are rendered ineffective, women often have to receive the first information from the prosecutor’s office about their rights vis-à-vis combatting violence. The prosecutor’s office should inform women about the protective and preventive cautionary orders and, if necessary, notify the family court by invoking its obligation to report. Nevertheless, although a complaint is not a requirement to take action on violence against women, we see that, in practice, the prosecutor’s office only takes action if the woman files a complaint. Decisions of non-prosecution are taken either on the pretext of inadequate evidence in offences such as threats or insults or because the existing evidence is not accepted on a variety of grounds. The prosecutor’s offices do not fulfil their obligations to report cases of violence against women, which could be investigated ex officio by the prosecutors. Family courts do not implement the sanctions when the protective cautionary orders are violated. We observe that women are guided into reconciliation, although this is prohibited in cases of violence against women. These problems with the implementation cause women to lose their trust in justice, even preventing them from filing a complaint at the outset of the process.



CONCLUSION AND RECOMMENDATIONS

We see that the positioning of law enforcement units in the system vis-à-vis combatting violence against women is problematic, triggering a series of bad practices. Adding the services of a social service expert to the duties of law enforcement units makes it impossible right from the start for the system to function. This is why bad practices are common. Needless to say, acting with a sexist perspective is the main reason women are subjected to bad practices. On the other hand, encountering bad practices in law enforcement, a mechanism based on a chain of command with the obligation to fully implement the laws is an indication of the lack of oversight and systemic problems.

As far as combatting violence against women is concerned, it is not possible to consider the role of KADES independently from the functioning of law enforcement units. Often referred to as a technical novelty, KADES is ultimately a phone application that calls law enforcement officers to the scene of the incident. It is worth recalling that the same law enforcement officers women have previously had a problem with responding to KADES calls. Therefore, rather than discussing KADES as a remedy for violence against women, it is imperative to review the duties of law enforcement units in combatting violence against women and establish oversight mechanisms to ensure that they fulfil their duties fully and free of sexist bias.

Since this report focuses on law enforcement units, we excluded the other components of mechanisms for combatting violence against women. On the other hand, while criticizing the positioning of law enforcement units in the system vis-a-vis combatting violence against women, it is also essential to point to what the correct positioning is. ŞÖNİMs, an institution that is established specifically to tackle violence against women, should be at the centre of this system and play a more active role in support systems, ensuring that social service mechanisms meet women's holistic needs.

The role of law enforcement units in this system should be to receive complaints, inform women seeking assistance about their rights and fulfil their obligations to stop the aggressor. Current practices that require going to a police station as a prerequisite to admission to a women's shelter create a challenging process for women in particular, as well as law enforcement units and ŞÖNİM staff. Women are not able to have their complaints heard, nor can they get a referral that meets their needs before putting in a request for staying at a women's shelter, nor are law enforcement officers able to display the capacity to support women, nor can ŞÖNİM staff work with women who do not need a shelter. To eliminate this bottleneck, it is necessary to change the way the system is constructed and bring about this change with the inclusion of women organisations experienced in the field.

RECOMMENDATIONS

- Awareness of the fact that violence against women stems from gender inequality should be integrated into every anti-violence mechanism and service provision.
- Law enforcement units serve as the first line of contact for women subjected to violence. This duty should be taken from law enforcement units and given to institutions that have a comprehension of women's needs and provide social support by planning together with women. ŞÖNİMs should assume the role of providing coordination among these institutions.
- Institutions that will provide specialized social services should inform women about their legal rights and judicial processes, and this support should not be expected from law enforcement units.
- Breaches of duty, including violation of confidentiality, giving wrong/incomplete information, and the failure to fulfil the duties specified by law, should be thoroughly investigated and prosecuted. Sanctions should be in place to preclude the staff from engaging in arbitrary behaviours.
- Topics on gender equality should be included in training for the staff. Trainings should be repeated regularly to keep the staff's knowledge updated, and an impact analysis should be carried out to understand the impact of these trainings in practice.
- The impact of the risk analysis conducted for women, who contact law enforcement for assistance, should be considered with the inclusion of experienced women's organizations.
- There should be periodic monitoring and evaluation of the effectiveness of law enforcement units with respect to how they fulfil their duties defined by the Law no. 6284 and the National Action Plan for Combatting Violence Against Women.
- Qualified data should be kept about the complaints of violence filed with law enforcement, and the data should be regularly made public.
- The Prosecutor's Offices and Family Courts should be deterred from issuing identical cautionary orders without considering women's needs and stories of violence. The duration and the scope of cautionary orders should be issued in line with the women's needs and with the inclusion of ŞÖNİMs; and in cases where the need continues, the order should be extended without women having to request it.
- In cases where a child is with his/her mother, the cautionary orders should definitely apply to the child as well; the child should not be considered separately from the mother.

ANNEXES

TO THE ATTENTION OF R.T.

MINISTRY OF INTERIOR

DIRECTORATE GENERAL OF SECURITY

19.10.2022

Number : 2022/112

Subject : Request to have answers in writing to the questions below and to receive documents relevant to our questions as soon as possible in accordance with Law no. 4982 on Right to Information and within the periods of time specified in Article 11 of said Law.

Background :

Since 1990, Mor Çatı Women's Shelter Foundation has been working in the field of combatting violence against women. Although we are based in Istanbul, women all across Turkey reach us and receive social, legal and psychological support to free themselves from violence.

Therefore, in order to provide better and more informed guidance to women and improve the efficiency of our staff at the foundation, we would like to request answers to the following questions on Emergency Support Application for Women (KADES), an application for emergency response developed by the Directorate General of Security:

1. What is the total number of applications/requests you received via KADES since its establishment?
2. How many calls made via KADES were responded to by sending teams over to the scene of the incident?
3. What is the average response time to a call received via the KADES application?
4. Do law enforcement officers who respond to calls received via the KADES application have special training in combatting violence? Are they assigned from anti-violence units?

5. Do law enforcement officers who respond to a call made via the KADES and go to the scene of the incident have to take statements?
6. What is the procedure to follow in case law enforcement officers who respond to a call made via KADES and go to the scene of the incident do not receive any complaints?
7. What kind of information do law enforcement officers give to the person who made the call via the application? Is there a standard operating procedure for this?
8. Is there any communication established with ŞÖNİM after a call for help is made via KADES and during the response to the call? If so, what is the procedure?
9. What is the procedure to follow when the phone that made the call via the KADES is turned off?
10. Is it possible to see the call history of the KADES application and display data in the call history about the measures taken under the Law No. 6284? Can the calls made via KADES be disaggregated by persons who have restraining orders issued against their aggressors?

Sincerely,

MOR ÇATI WOMEN'S SHELTER FOUNDATION

TO THE MINISTRY OF FAMILY AND SOCIAL SERVICES

19.10.2022

Number : 2022/113

Subject : Request to have answers in writing to the questions below and to receive documents relevant to our questions as soon as possible by Law no. 4982 on Right to Information and within the periods specified in Article 11 of said Law.

Background :

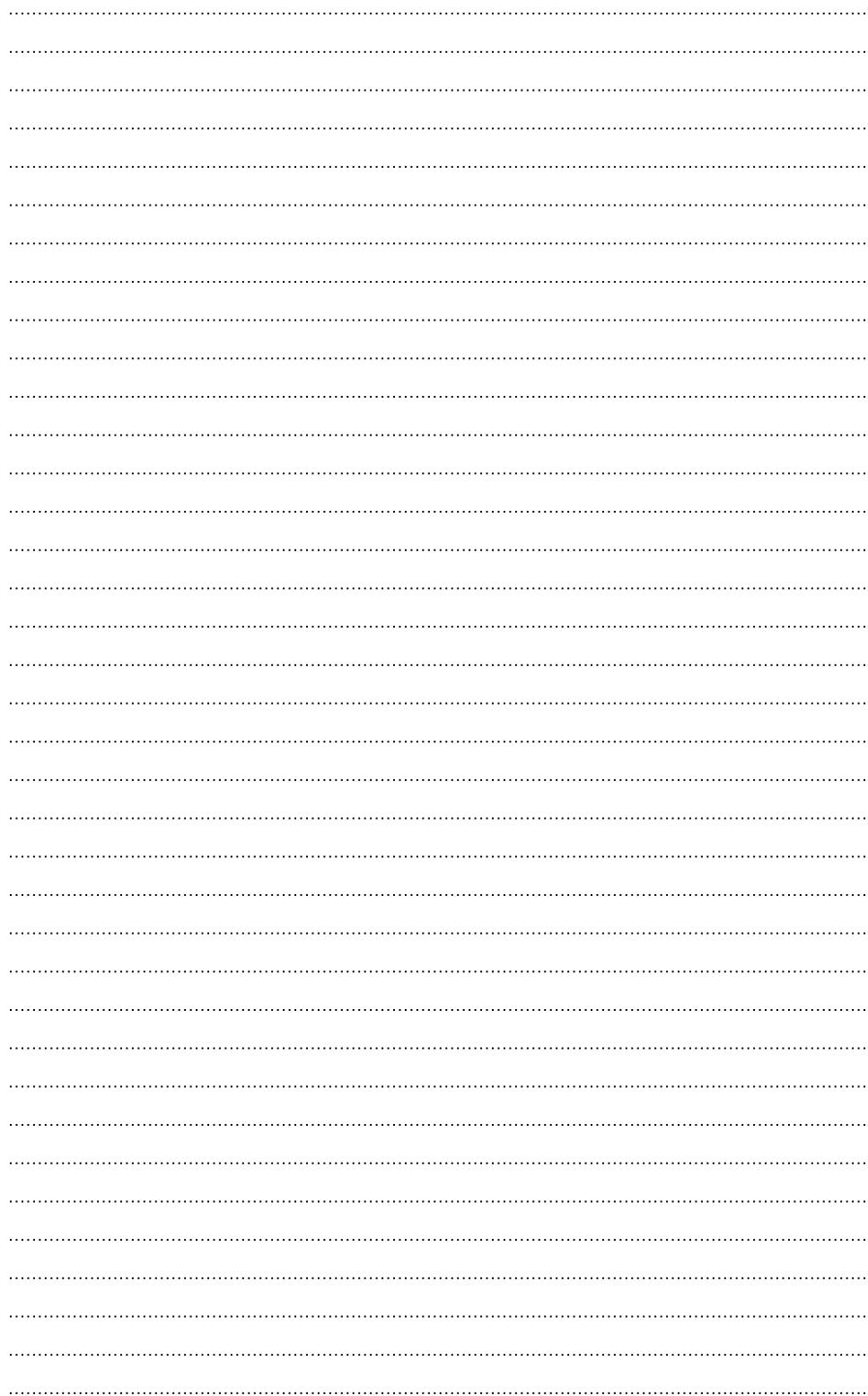
Since 1990, Mor Çatı Women's Shelter Foundation has been working in combatting violence against women. Although we are based in Istanbul, women across Turkey reach us and receive social, legal and psychological support to free themselves from violence.

Therefore, to provide better and more informed guidance to women and improve the efficiency of our staff at the foundation, we would like to request answers to the following questions on the Emergency Support Application for Women (KADES), an application for emergency response developed by the Directorate General of Security:

1. How many women receiving support from ŞÖNİMs have reached the institution by means of a call they made via the KADES application?
2. Is communication established with ŞÖNİM after a call for help is made via the KADES and during the response to the call? If so, what is the procedure?

Sincerely,

MOR ÇATI WOMEN'S SHELTER FOUNDATION



LAW ENFORCEMENT PRACTICES IN TURKEY TO COMBAT MALE VIOLENCE



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