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From Mor atı Women's Shelter Foundation

**The Effects of Male Violence and Mechanisms to Combat Male Violence
on Children's Rights**

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Mor Çatı Women's Shelter Foundation

Mor Çatı Women's Shelter Foundation was established in 1990 by a group of feminists with the purpose of combatting violence against women. The empowerment-based social work we carry out at the shelter and solidarity center is grounded in feminist methods. At Mor Çatı, we strive for women and their children to be able to build and lead their lives freely, equally, and unhindered by gender-based discrimination and men's violence. In addition to forming solidarity with women and their children on an individual basis, we monitor and report on the implementation of national and international conventions, laws, regulations, and make policy recommendations to decisions-makers in order to eliminate violence and achieve gender equality.

Experiences of women who apply to Mor Çatı inform us about the needs of and obstacles faced by women and their children who try to break away from violence. We identify the changes that should be made in laws and the shortcomings of existing implementations in the light of the information we receive from women and their children as well as our field experiences. To eliminate these shortcomings, we monitor and evaluate the policies and works carried out by public institutions which are invested with the authority and responsibility to combat violence against women. To this end, we file applications to obtain information and we participate in the policy-making processes of public institutions. Moreover, Mor Çatı actively uses international monitoring mechanisms, especially the CEDAW committee and GREVIO, to increase its influence over lawmakers and policymakers. Monitoring and evaluation reports are shared with the public in an effort to put pressure on public authorities.

Our work at the shelter and the solidarity center also focuses on children who are exposed to violence. Alongside one-to-one meetings with children who applied in person or whose mothers receive support from Mor Çatı, a specialist who is experienced in working with children offers constant support at the shelter. Moreover, women who are exposed to violence often relate the domestic violence they had experienced as a child, and we pay specific attention to this phenomenon in our work. What we do at Mor Çatı enables us to see in detail the effects of domestic violence on children.

Introduction

Not only can children be exposed to violence directly, they can also be affected by the violence in an environment where their mothers are subjected to violence. However, the fact that the mechanisms for combatting violence against women do not consider the best interest of the child, that the state does not fulfill its obligations, and that the legislation is insufficient and its implementation is arbitrary render children's needs invisible within the system and causes children to experience secondary victimizations. The negative impact of men's violence on women's lives is so intense that children are neglected and even made invisible in scholarly work and non-governmental activities. For this reason, we think that it is urgent to carry out monitoring research to show the experiences and needs of children to combat violence against women and develop rights-based policies.

This report is written based on the data we collected through the focus groups we conducted between March-September 2021, the examination of applications for information acquisition and, the data on Mor Çatı's child social work between January 2020 and September 2021. It focuses on how men's violence against women and the functioning of mechanisms to combat men's violence affect children. In the writing process of the report, the experiences of the children of those women who were subjected to violence and of the children who received support from Mor Çatı for being exposed to violence guided us. These experiences were the compilation of the solidarity information registered in the Mor Çatı database and the written testimonies of social workers working with children. In addition, we took into consideration the outcomes of three different focus groups in which 25 experts contributed. These experts, which comprised of social workers, psychologists, and lawyers who work in the public sector, local government, civil society and in the field of combatting violence against women, shared their experiences. After these online focus group meetings held in June 2021 were transcribed, the interviews were analyzed, and the report was written based on the results. The answers (or lack thereof) given to the petitions for information acquisition made to the relevant public institutions also contributed to the report. At the end of the monitoring research, we established that within the mechanisms for combating violence against women, there are no services directly focusing the children of women who were exposed to violence.

In Turkey, the consequences of men's violence against women are very severely experienced. Judicial and administrative statistics disclose neither the annual number of women killed by men nor the perpetrators' affinity to the women they killed; however, various studies show that this number is increasing by the year. According to Bianet data, in 2020, 284 women were killed by men.¹ Many of these women were killed in front of their children. The number of women who have been subjected to physical, sexual, and emotional violence by men is unknown. The number of women and children applied to Mor Çatı over the years is approximately 40.000.

In an effort to combat male violence, the Council of Europe Convention on preventing and combating violence against women and domestic violence, better known as the Istanbul Convention, was signed in 2011. In March 2012, the Law no 6284 to Protect Family and Prevent Violence against Women, based on the Istanbul Convention, was enacted and important protective measures were regulated for women, children and other family members who experience violence or the risk of violence. In March 2021, the Istanbul Convention was suddenly "abrogated" by a Presidential Decree at midnight.

In 2012, when Turkey had just become a party to the Istanbul Convention, the Committee, in the concluding observations on Turkey, emphasized especially violence against women and made recommendations for collecting data on Turkey, prevention of violence, effective punishment of the perpetrator, and the development of services for women and children who are subjected to violence. Since then, violence against women and children remains to be one of the most important social problems.

The experts we consulted during our monitoring research explicated how children are affected by domestic violence in Turkey. In the interviews, taking into consideration the effects of men's violence on the physical and mental development of children, the basic needs of children who live in a violent environment, and the difficulties they experience in accessing services, both direct and indirect effects of men's violence were addressed.

It is known that children are often exposed to forms of physical, psychological, economic, and sexual violence at home. In the focus groups, we understood that among the reported cases, other forms of violence than sexual violence are often normalized and not mentioned. On the other

¹ <https://bianet.org/kadin/bianet/133354-bianet-siddet-taciz-tecavuz-cetelesi-tutuyor>

hand, we saw that especially in recent years, adolescents over the age of 15 seek support directly by applying to women's organizations, have security problems while struggling against gender norms imposed on them, and need psychological, legal, and social support. We understood that, in addition to girls, a vast majority of LGBTI+ children are not supported by their families, they are exposed to psychological and physical violence and cannot access support mechanisms.

Children are affected by violence emotionally and behaviorally in various ways. According to experts, in Turkey, the impact of men's violence upon children begins with situations such as restriction of the mother's access to healthcare services during pregnancy, premature birth due to intense physical violence and malnutrition, and the impediments on detecting genetic problems. Children who grew up in a violent environment display feelings and behaviors such as introversion, difficulty in expressing themselves and their emotions, anxiety, aggression, anger outbursts, substance abuse, intense feeling of guilt, confusion, rage, and longing and the get involved in random and insecure relationships especially starting from adolescence. They can also experience psychiatric difficulties such as nocturnal enuresis (bedwetting), nocturnal insomnia, inability to communicate, dissociative disorders, suicidal ideation or attempt, attention deficit, tics, obsessive-compulsive disorder, eating disorders, speech impairments, repetitive behaviors, speech delay, intellectual disability due to the absence of stimulus. Experts working with women and children who are exposed to violence also stated that they frequently encounter situations where children imitate their father's violent behavior and display their father's aggressive and violent behavior when interacting with their mother or friends.

In our monitoring research, relationship difficulties between mothers and children who grew up in a home where there was systematic violence were also mentioned. In these cases, situations such as not being able to sleep separately due to the development of a dependent relationship between mother and child, long-term breastfeeding, and the inability of the child to act independently are encountered. In addition to the fact that fathers hardly fulfill their parenting responsibilities, it is common for mothers exposed to violence to have problems in meeting children's developmental needs. The fact that women live by focusing on surviving the violence and meeting only the most basic needs leads to the neglect of children's needs. It is observed that besides emotional needs, children's needs such as nutrition, healthcare, and education are also neglected. Among frequently seen situations are prevention of children from benefiting healthcare services and malnutrition.

Growing up in a violent environment causes children to assume responsibilities beyond their age. Children not only have to witness the violence that their mother experience but also share the emotional burden with their mothers, act as “confidants” to their mothers who have lost their social networks, and are involved in all decisions. All this affect the children negatively. In some cases, children act as confidants to their fathers, bear the father’s emotional burden and may be exposed to information inappropriate for their age. There may emerge situations where parent-child roles are blurred; especially elder children may take parental responsibilities and act as caregivers. Boys may assume masculine roles in conformity with traditional gender norms, take the father’s place in the family, and shoulder the responsibility to protect the mother and siblings. In such cases, it is possible that the mother takes this situation for granted. On the other hand, it may be the case that girls assume traditional motherhood roles and fully shoulder the responsibility for their siblings’ care and housework. This, in turn, might lead to early termination of education of girls or early marriages.

It is observed that the educational life of children who have to live in a violent environment is negatively affected. In addition to poor school performances, starting school at a later age due to neglect or having to frequently change schools cause children to have difficulties in school adaptation.

Being constantly on the move to hide from the perpetrator of violence impacts children outside the education life as well. Children, who constantly move together with women applying to shelters or having to leave their places due to privacy violations, have to part from their schools, neighbors, relatives, and homes. When their needs such as stability, being rooted, and emotional bonding cannot be met, children have difficulties in establishing a bond with their new environment. It is observed that children are exposed to intense psychological violence due to being instrumentalized by men who attempt at locating women to continue perpetrating violence. In addition, the burden children have to shoulder to maintain privacy cause difficulties: children who have to keep their place of residence a secret so that their father cannot find and harm their mother, also have to cope with intense feelings of guilt when they get manipulated and share the secret.

Experts stated that children develop “desensitization” after being in a violent environment for a long time. Those children may experience difficulties in expressing their feelings, normalize

violent behavior, be unable to express their needs and distinguish between a safe and unsafe relationship.

“(...) the child or adolescent cannot explain violence during the interview, or they are not even aware that it is violence. Violence is like something normal in their life, something like eating.” Psychologist.

Our monitoring research reveals how much a children rights-based approach is needed in the combat against domestic violence in Turkey. In presenting the findings of our research to the Committee as an alternative report, we hope to contribute to the improvement of the conditions of children who are exposed to domestic violence in Turkey and hope that the following findings and recommendations will be taken into consideration in order to prevent violence, to provide access to protective and supportive measures, and to punish the perpetrators effectively.

Content Analysis

General Implementing Measures

Coordination

The Committee, in its concluding observations on Turkey, expressed its concern over the lack of coordination between different ministries and institutions dealing children’s rights. Turkey, in response, stated that the responsible institution is the Ministry of Family and Social Services and that the work regarding the UNCRC is coordinated by the General Directorate of Child Services. According to the statements of the experts we interviewed, the Ministry unit specialized on child services does not contribute to the work done in women’s shelters and social service units, due to the lack of coordination. We noted this coordination issue during applications for obtaining information as well. The questions we asked about children staying in the shelters were directed to the Directorate General on the Status of Women (KSGM).² Also, we observed in the interviews held with the General Directorate of Child Services that the Directorate was neither aware of nor had taken any action regarding the issues of domestic violence. KSGM, on the other hand, did not give reliable answers and provided only generic information. In the monitoring

² According to the response to the Information Request No. 2021/350 of the Mor Çatı Women's Shelter Foundation by the General Directorate of Child Services, it was observed that solely general information about the services provided were mentioned. It has been understood that since the statistical information was not shared by the directorate, disaggregated data on children and women who were exposed to violence were not kept.

research, experts also reported that women had to tell their experiences repeatedly; that they had to make repetitive application; and that the relevant institutions did not exchange information with each other.

The directorates of the Ministry of Family and Social Services should have clearly defined job descriptions, and the General Directorate of Child Services should be involved in the provision of services related to children exposed to domestic violence. In the provision of services for women and children, the Ministry of Justice, the Ministry of Family and Social Services, and relevant institutions should ensure coordinated exchange of information provided that the privacy of women and children are protected.

National Action Plan

The Committee has presented its recommendations on children's rights strategy in its concluding observations. In Turkey, a National Children's Rights Strategy Document and Action Plan was prepared for the years 2013-2017; however, the document did not specify a goal and activity plan related to domestic violence which has the most direct impact on children's lives. The action plan stated that within the scope of the "Preventing All Forms of Violence in Education" objective, it was planned to establish a school social service system to identify and provide psychosocial support to children with an experience of violence by ensuring the necessary cooperation between children, families, and school administration. However, this plan has still not been implemented and no concrete steps have been taken to that end.

Domestic violence was included in the Action Plan to Combat Violence against Women, but the goals set in the document have not been achieved. The plan pledged to provide and expand accessible protective and preventive services for women who are exposed to or at risk of being exposed to violence; empower women and children socio-economically; and to develop and implement psychosocial support programs for children who are victims or witnesses of violence. In our follow-up study, it was determined that a child-specific approach and program was not implemented in the measures in the Law No. 6284, in divorce and criminal cases, and in shelters. These issues will be further discussed under the titles of the best interest of the child, the right to life and development, and violence against children.

In the national action plan, it is recommended to specify clear, measurable, and controllable targets and activities for combating domestic violence and to consider the experiences of women, children, and NGOs working in the field in the preparation of the action plan.

Distribution of Resources

The Committee requested information specifically about expenditures to marginalized children in a way that would help the Committee to evaluate the impact and effective use of expenditures. In the country report, information about children with disabilities, impoverished children, and children of martyred parents was provided; however, budget reports about children exposed to domestic violence was not included. The invisibility of children in issues pertaining to violence is manifested in budget planning. In our application for information acquisition, we asked the Ministry of Family and Social Services about how subitems in the budget allocated for women's shelters were expended between the years 2012 and 2020. However, the Ministry gave only a generic response regarding the amount of the budget allocated to women's shelters over the years and stated, *"the budget allocated to the women's shelters is used for general administrative expenditure of the guesthouses and the subsistence, accommodation, and allowance of the service recipients."*³

Resources should be allocated for children subjected to domestic violence and for the implementation of preventive measures in combatting domestic violence. Moreover, a detailed budget and expenditure plan should be publicized in a transparent manner.

Data Collection

In Turkey, regarding the crimes against honor, freedom, bodily and sexual immunity, which include crimes against women, the data on the perpetrator's gender, their degree of affinity to the victim, or the term of sentence given to the perpetrator are not disclosed.

In order to implement effective policies in the combat against men's violence, data should be collected and transparently disclosed conducive to analysis. Details are given under the relevant titles.

³ Response to the Information Request No. 2021/350 of the Mor Çatı Women's Shelter Foundation

Dissemination of Information, Awareness Raising, and Training

The Committee recommended that experts in the public sector continue their awareness-raising works for the public and children, and that the Convention and Additional Optional Protocols be included in the primary education curriculum. In the country report it is stated that 162 family court judges were given trainings on Law No. 6284 on violence against women and children. However, considering that the measures within the scope of Law No. 6284 can also be requested from divorce files, these trainings should have been given to all family court judges, in fact to all public officials at all levels involved in violence cases. During the monitoring research, the experts we interviewed specifically emphasized that judges, prosecutors, and police lack knowledge on children's rights, gender equality, trauma, and communication with children, and that these shortcomings cause secondary victimization of women and children. It is also known that in localities where there is no Family Court, Civil Courts of First Instance rule on measures, that in relation to prosecutors and the police, every locality does not have Domestic Violence Bureau, and that in such cases, criminal cases are tried in general courts.

For the reasons just explained, rights-based trainings on combating domestic violence should be given to all judicial personnel. A system should be established to measure and evaluate the effectiveness of these trainings.

The Definition of Child

Although the Committee recommended that the minimum age for marriage in Turkey be raised to 18 and that this minimum age should be fully implemented across the country nine years ago, the necessary amendments have yet to be made in the Civil Code. The Child Protection Law article 3/1/a and Turkey's National Action Plan for Combating Violence against Women in 2021, the definition "child" is given as "any individual that has not yet completed age eighteen, regardless of whether they have reached full legal age earlier." As a result of the incompatibility between the Civil Code and this new legislation and policies and the CRC, children are legally allowed to marry at the age of 16 with a judge decision, at the age of 17 with parental consent.

We could obtain limited information through Judicial Statistics on the cases of marriage at the age of 16 with a judge decision. Accordingly, among the lawsuits that were concluded in 2013, 17,548 cases opened for marriage permission were concluded; 15,473 of them were sustained while only 811 cases were overruled. In 2020, the Distribution of Lawsuits in Civil Courts by the

Type of Rulings shows that of 10,580 lawsuits opened for marriage permission, 9038 were sustained and only 543 were overruled. Since 2013, the ratio of such cases to common law cases has decreased by only 0.3%. Another striking point in the 2020 data is that 7174 of the abovementioned 10,580 cases were tried in family courts (317 cases were overruled while 6152 cases were sustained), and the remaining cases were tried and ruled by judges who do not have any expertise on the subject, since there are no family courts in those regions.

The most important problems, which result from the Civil Code and its implementation, in marriage permission cases can be listed as follows: applications are made by the parent; during the hearings, not the child but the parent is listened; the child's testimony is not taken as fundamental; traditional values are emphasized; an expert or lawyer is not appointed to accompany the child during the lawsuit and only medical report is received regarding the child's mental and physical development.⁴

In the focus group discussions, experts reported that most of the adult women they work with due to domestic violence were exposed to or witnessed violence in their childhood, some of them got married at an early age to stay away from domestic violence yet found themselves in another violent relationship.

“... we also hear about the violence that women experienced in their childhood. We see that women ran away in their adolescence as a result of the violence they experienced in their childhood. Even in their adulthood, when they come to us because of violence on the street or because of their violent intimate partner, when they tell us the reasons why they eloped, we understand that they run away from home due to violence, due to the intensity of sexual, physical, or emotional violence, that they get married, make wrong decisions, and enter yet another cycle of violence” (Social Worker)

Legal amendments should be made in the Civil Code and the marriage age should be determined as 18 with no exception.

General Principles

Best Interest of the Child (Article 3)

⁴ <http://www.ankarabarusu.org.tr/Sitelер/1940-2010/Kitaplar/pdf/b/CYY.pdf>

In the discussions pertaining to the principle of the best interest of the child, the Committee especially underscored domestic violence and requested the next country report to include information on the practices regarding the best interest of the child. Turkey, on the other hand, found it sufficient to indicate that under the Law No. 6284 -which came into force in 2012 to prevent domestic violence - protection and support measures for the victims and effective punishments for the perpetrators of violence are being implemented.

The experts who were consulted within the scope of our monitoring work stated that the implementation of the Law No. 6284 focuses on the protection of the family, not the best interest of the children. They further specified that the decisions concerning the children were made directly and only with respect to the mother only, the approach adopted in decisions resembles that of decisions regarding property ownership, and the children's needs and conditions are ignored.

The experts stated that judges in their rulings do not follow protective and supportive measures put forth in the Child Protection Law and Law No. 6284 for children experiencing domestic violence, that even if they did, these decisions are not effectively implemented. They also conferred that the children are usually referred to institutional care with no follow up. According to the experts, the lack of legal deterrence on illegal practices regarding the state's liability and state officials' role and responsibility perpetuates bad practices.

There are many situations where, in providing support within the scope of Law No. 6284, children are invisible, and the family institution is taken as fundamental. In our previous reports, we underscored that state officials' incomplete and inaccurate information and intimidating attitude toward women who want to stay away from violence.⁵

According to the information gathered in our monitoring research, most of the time women are not provided with healthy and accurate information about the kind of support the law also provides to children. Restraining orders for the violence perpetrator, issued on women's demands, often do not include children. Requests regarding children are either rejected or left unresolved, albeit not suitable for the best interest of the child, on the grounds of "protecting the bond between father and child". This, in turn, causes men to instrumentalize children to inflict

⁵ <https://en.morcati.org.tr/reports/shadow-report-for-echr-opuz-v-turkey-group-of-cases/>

violence on women and endangers women's lives. In a similar vein, while women benefit from the address confidentiality decisions made in accordance with the same law, women are not given the information that a separate address confidentiality decision is required for the child, and demands concerning children are not accepted. This situation exposes the place where women and children seek shelter and puts their safety at risk. As a result, male perpetrators find the opportunity to use violence again, either through their personal relationships with the child or through accessing information about children's school and home address.

Rights such as temporary custody and temporary alimony that must be provided under the Law No. 6284 are almost never granted in practice, the relevant demands are not accepted or requesting these measures is prevented by intimidating attitudes. Failure to make these decisions swiftly prolongs the uncertainty that the children find themselves in. In our interviews, it is frequently stated that public officials (law enforcement, prosecutors, judges, etc.), who operate with a male-dominated understanding pointing up traditional gender roles sustained by family-oriented policies, sustain the understanding of "family integrity" vis-a-vis children who are exposed to the effects of domestic violence. It is also expressed that these public officials uphold the conception of family integrity in a way to prevent women to have a life free of violence. A lawyer who participated in our focus group meeting stated that a family court judge gave an unlawful response to a woman's testimony of violence in her application for temporary custody within the scope of Law No. 6284 in the following words:

"Request the custody in the divorce file, counselor! I do not give a ruling in this file. The question of violence hasn't been clarified yet."

The experts stated that unless they are with an adult guardian, children face bureaucratic obstacles preventing them from applying for supportive measures and decisions put forth in Law No. 6284 and Child Protection Law or from reporting a case. They expressed that the mechanisms through which children can express themselves and their needs can be evaluated do not exist, that children do not have relevant information, and that they distrust the police, the prosecutors, and the courts. They also stated that children are not provided with comprehensive social services because social service centers are understaffed. They further added that the social services get involved only if there is a sexual abuse case and children are not taken into consideration in cases other than the determination of cash assistance provision to parents.

Finally, the experts reported that to be able get results in cases such as neglect or risk of violence, the case have to be insistently and determinedly followed up.

The fact that children are visible in the judicial system only insofar as they are exposed to sexual violence was strongly underlined during the interviews with lawyers and it was stated that physical and psychological violence against children and its effects are often ignored.

“... the child is not even mentioned in the combat against domestic violence. The child is there, even though they are not the direct target of violence, they are a part of the violent environment but there are no services for the child. When I talk to my colleagues, I realize that a child is seen as a real subject only when they are a victim of sexual abuse. In the legal system, we can only fight for the child who has such a grave experience. Before that, the case does not even find its way to us. We cannot have one-to-one meetings with the child in the shelter or ŞÖNİM, we can only fight for the child with the mediation of their mother because we generally act as women’s representatives in the judicial system. Hence, we cannot represent the child as a legal subject.” (Lawyer)

We understood that there are problems in addressing children’s needs in a holistic manner and in offering necessary guidance. Even when the needs are identified, there are no qualified social service institutions to which children who need support because of domestic violence can be referred. The number of specialized units offering free support for the psychological problems that children suffer due to domestic violence is rather inadequate. In our interviews, the experts mentioned that there are public institutions that provide support only to women and not to children:

“We are compelled by the circumstances to meet with the mothers first, the part concerning children is missing. We immediately direct the mother, give counselling to the mother but we have to put them on the list for the psychological support. But as far as children are concerned, there is so much to be done, I can say that we fall behind attending to children, especially because of lack of personnel, because we are understaffed.” (Social Worker)

We also saw that the principle of best interest of the child is not observed in the processes related to the custody of children and determination of child support (alimony) in divorce cases.

Although there is a regulation on Judicial Interview Rooms, the lack of legal ground of this

regulation in the Civil Code provides the judge with a wide discretion in listening to children. It was stated that in the cases involving domestic violence, the children have psychological difficulties in the courthouse environment, and the reports received by the experts are mostly only duly submitted to the case file and do not include detailed examinations. The experiences of lawyers working in the field of combating violence against women reveal that children's mental health is not paid attention while children talk in the courts.

“I think that there is a serious problem with hearing children in divorce cases in family courts. I think that pedagogues' presence in courts is very formal. In many cases, there are questions that incumber children with responsibility, statements are taken in front of the parents, and in fact, many emotionally disturbing things come out.” (Lawyer)

Shelters are supposed to be places where women who are exposed to men's violence stay with their children, if they have any, and where children spend a long time with their mothers and are provided with support for all kinds of needs. However, our monitoring research shows that in many shelters there are not any works carried out specifically for children.

The response by the Ministry of Family and Social Services to our application to obtain information about the child services in shelters lists only standard services reports that there are no works carried out specifically for children.⁶ The official response does not provide any specific answer to our questions as to what kind of support is given to children, whether there is a separate social and psychological work carried out with children, the number of personnel providing psychosocial support, and whether they have received relevant trainings. When we asked how the children staying in the shelters continue their online education during the pandemic, the answer stated only that the children continue their education.

In the focus group meetings that we held with the experts, participants stated that the shelter buildings did not have physical conditions suitable for children, and that children's needs such as playing indoor and outdoor games and studying were not met.

It was reported that the children staying in the shelters cannot access their right to education during their stay in the temporary shelters called “first reception centers”. And if the duration of their stay in the temporary shelters, which should not exceed two weeks, is prolonged due to

⁶ Response to the Information Request No. 2021/350 of the Mor Çatı Women's Shelter Foundation.

insufficient shelter capacity, the children are deprived of their right to education for weeks. We figured out that both in first reception centers and shelters, especially during the pandemic, children cannot enjoy their right to education and cannot access online education because telephone and internet use are restricted for security reasons. The fact that personnel specialized in child services are not employed in this field under the assumption that shelters are places working only with women makes it difficult to eliminate the effects of male violence on children. In addition to all these, social workers participated in our focus group meetings emphasized that boys above the age of 12 are not legally allowed to stay in shelters and women are not provided with an alternative safe place to stay with their children; hence, boys above 12 are forced to stay in a violent environment with their mothers or alone.

“Options which tell women, “you settle in this house with your child, I will pay for your rent, we will follow this method of payment” or which settle women in a hostel or hotel are not available at all in most provinces. This is a very rare practice. Because there must be security in these places that women are settled, they must be protected. They never get into such a thing and there is problem as to how the expenses will be paid. This is a problem for us, a big problem. Even after the mother does not want the child, we try to give her socio-economic support, but it is paid with a one-month delay. It remains as a problem, it is a problem for years that is yet to be solved.”(Social Worker)

Regarding this issue, we asked in our application to the Ministry of Family and Social Services, how many applications they received from women and boys over the age of 12 between 2012-2020 and how many women and children were positively responded. The response to the first question was that 71 facilities (hotels, guesthouses, public institutions, and dormitories) in 49 provinces were used for shelter, in line with the measures taken during the pandemic. The answer to the second question was that that a total of 778 women received service from public institutions guesthouses between 2015-2021 within the scope of Law no. 6284.⁷ It is clear that this number (778) is quite low given the number of women who need shelter. Our questions requesting disaggregated data (including the age and gender distribution of children) on how many women applied and how many of the applicants were accepted were not answered. Besides, we requested data on the years 2012-2020 while the answers gave information only

⁷ Response to the Information Request No. 2021/350 of the Mor Çatı Women's Shelter Foundation.

between the years 2015-2020. Article 13/c of the Regulation regarding the Opening and Operation of Women's Shelters, which prohibits boys above 12 from staying at shelters, should be amended and all children should benefit from shelter support with their mothers regardless of age and gender.

Although the country report states that perpetrators are effectively penalized, there is no data system that documents the effects of punishments. However, in the Judicial Statistics the conviction rate for crimes against family order is 28.9% in 2020, which is quite low compared to other crimes. The ratio of decisions such as acquittal and adjournment, in which impunity occurs, higher in crimes against family order compared to those of other crimes. This data reveals that crimes related to ill-treatment of children and violations of family law obligations are not effectively penalized. During our monitoring research, experts explained that the perception of immunity in crimes of violence against women and children emboldens the perpetrators.

In order to eliminate the rights violations we have outlined, shelters and other social service institutions that provide support to women who are exposed to violence should also quantitatively and spatially pay attention to children's needs; specialists who can carry out work with children should be employed in such institutions; judges, prosecutors, the police and experts should be given training on the subject; negligent public officers should be monitored and sanctioned; child-specific application mechanisms should be established and their true functioning should be guaranteed.

Right to Life, Survival, and Development

The Committee, concerned about the persistence of violence against women, suggested numerous recommendations to Turkey. Perusing the country report shows that these recommendations were given a very limited response and that the country report stated that protection and care services were provided to women and children and the number of shelters was increased. Below are the shortcomings in the country report identified after the examination of the recommendations of the Committee.

The Committee recommended Turkey that deterrent penalties be given to crimes of gender-based violence. As explained under other titles, Turkey lacks a mechanism through which to collect and analyze data in the combat against violence against women. It must be underlined that while the crime of intentionally injuring the spouse or the divorced spouse is outside the scope of

reconciliation, crimes such as disturbing people's peace and harmony, insults, and simple threats fall within the scope of reconciliation. For this reason, the files involving these acts are sent directly to the reconciliation prosecutors which, in turn, prolongs the investigation process, causes women and their children to face the pressure of reconciliation, and thus reduces the effectiveness of penalties. Due to the lack of official data, the effectiveness of the penalties cannot be duly explained. However, during our monitoring research the participants, especially lawyers, emphasized that in cases of domestic sexual abuse against children impunity can occur.

The Committee recommended that Turkey investigate allegations of violence effectively and promptly. When the judicial statistics are reviewed, it is seen that the investigation files, the cases in the high courts and criminal courts of first instance, and the Court of Cassation took quite a long time and these processes got even longer over the years.⁸ As far as the effectiveness of the investigation is concerned, 57.4% of the offenses related to bodily immunity and 47.3% of the offenses against sexual immunity were judged as not requiring prosecution. Only 34% of the offenses sexual immunity were brought to trial. The Constitutional Court has precedents in which the Court ruled that the prohibition of ill-treatment, which is guaranteed in Article 17 of the Constitution, has been violated in terms of the procedural obligation of an adequate and effective investigation, and reasonable promptness and diligence, especially regarding the offenses against sexual immunity.⁹

Recommendations include taking effective preventive measures, including educational and awareness-raising measures. During our monitoring research, it was reported that professionals working with mothers in shelters and other institutions lack sufficient knowledge and expertise

⁸ According to the 2020 Judicial Statistics, the duration of the investigation in the Public Prosecutor's Offices is 373 days in 2013, 417 days in 2017, and 473 days in 2020. (The average time of occurrence, adjusted for the number of unsolved files, is 91 days in 2013, 150 days in 2017, and 184 days in 2020.). As far as the cases are concerned, this period is 272 days in 2013, 254 days in 2017 and 344 days in 2020 in the Heavy Penal Courts; 239 days in 2013, 312 days in 2017, and 371 days in 2020 in Criminal Courts of First Instance. The average time spent in the Criminal Chambers of the Court of Cassation increased to 357 days in 2013, 456 days in 2017, and 424 days in 2020. The General Assembly for Criminal Matters extended to 174 days in 2013, 413 days in 2017, and 756 days in 2020. Available at : <https://adlisicil.adalet.gov.tr/Resimler/SayfaDokuman/22420211449082020H%C4%B0ZMETE%C3%96ZELK%C4%B0TAP.pdf>

⁹ İ.G. and Others Application, Application No: 2015/8116 Decision date: 23/1/2019; S.K. Application, Application No.: 2015/17914, Decision date:10/10/2019; G.Y. Application, Application Number: 2016/1669 Decision date: 15/1/2020; S.B. and Others Application, Application No.: 2016/59765, Decision date: 17/6/2020; F.S. and others Application, Application Number: 2016/11174, Decision date: 23/6/2020. Available at: <https://kararlarbilgibankasi.anayasa.gov.tr/>

on child development, causing the child’s violence-related experiences go unnoticed. We understood that most of the institutions work only with the mother, the child is taken care of depending on the sensitivity of the professional who works with the mother, and in most cases the children are ignored.

“Too many children live their lives neglected, but this situation is somewhat taken for granted. Domestic violence often carries with it the neglect. I think that children are very invisible in families that do not have access to certain professional mechanisms. I mean, if they do not go to the counseling center or do not have an appointment with social services and so on... What remains is schoolteachers and schools counseling units. Even there things work with personal initiatives, something may be caught or missed depending on how attentive the guidance service is.” (Psychologist)

The Committee recommended an increase in the number of shelters provided. The number of shelters is still insufficient¹⁰, experts reported that women had to wait in unhealthy conditions for days in temporary units to settle in the shelters.¹¹

The Committee recommended the establishment of a comprehensive data collection system, including statistics on domestic violence, classified by gender, age, ethnicity, and geographic location. As explained under previous titles, the Research on Domestic Violence against Women in Turkey, the most comprehensive research on violence against women in Turkey, was conducted in 2014 and it was the only research referenced as the most current data source even in the action plan for Combating Violence against Women issued in 2021. Mor Çatı requests for knowledge acquisition are given incomplete, too. Turkey urgently needs to establish a comprehensive data system to analyze domestic violence and implement preventive policies.

Respect for Children’s Views

In our monitoring research, we saw that children exposed to domestic violence are not informed about their rights and their opinions are not asked. It was stated that children do not have access

¹⁰ According to the responses given to our application for information no. 2021/335, which we Mor Çatı Women's Shelter Foundation made in 2021, as of 2021 There are a total of 149 shelters: 112 of the Ministry of Family and Social Services, 33 of municipalities, 3 of General Directorate of Migration Management and one of the Mor Çatı Women's Shelter Foundation.

¹¹ Problems related to the qualifications of institutions that are insufficient in number are presented under the title of best interests of the child.

to necessary information and means appropriate for their ages so that they can receive direct support when exposed to violence. We also understood that the child, when in need of receiving support safely, are left alone, especially in cases where the parents are the perpetrator or protect the perpetrator. In addition, experts emphasize, children are worried that, should they apply to institutions, their violence perpetrator parents will be informed or that they will not get any results, and children do not trust these institutions. Experts stated that when children come to shelters, they often have as much information as their mothers have about why they are there. They further emphasized that the failure to provide age-appropriate information to the child in the process of adapting to a drastic change such as the experience of living together with adults and children, most of whom have had traumatic experience, and a sharp break from home, school, friends, and relatives, brings along a difficult adaptation process for the child.

“Children are never given information in institutions, ŞÖNİM or women’s guesthouses. The child knows whatever the mother tells them. Information is given only via mothers. They say to the mother that this is such an institution, we can do such and such, but in the meantime the child does not receive proper guidance or information from the professional staff.” (Social Worker)

For children to have access to their rights, they need to be informed in line with their development. Child-friendly assistance, notification and application mechanisms should be established in such a way that takes into account the special needs of children, is inclusive of all children, and asks children’s views. In order to have families, society, and professional respect children’s right to participate, awareness raising activities should be carried out.

Violence against Children

The Committee recommended that urgent measures be taken to ensure the implementation of the Law to Protect Family and Prevent Violence against Women. Some of the problems are addressed under the title of the best interest of the child and some are addressed under this one. The recommendation for systematic data collection on violence against children has still not been addressed. Official data are not publicized except for the number of children brought to law enforcement units and general information about the cases that are brought to law.

Our explanations regarding the lack of goals for the development of a comprehensive national strategy for preventing and addressing all forms of violence against children, which would take gender into account, are presented under the national action plan title.

Our monitoring research also revealed that children are directly affected by men's violence against women and domestic violence that exposes children to violence is not seen in the system. The country report raises the Judicial Interview Rooms (AGO) as a measure for preventing secondary victimization of children who have been sexually abused. As stated above, in our monitoring research, it was stated that not all children benefit from judicial interview rooms. Due to the lack of legal regulation in the Code of Criminal Procedure that makes it obligatory for children to be interviewed in the AGO, the judges' refrainment from taking initiative in this matter, the requirement to make an appointment in advance to use the rooms, and the absence of AGO in all courthouses, the realization of this right is adversely affected. Experts pointed out that children may have to relate their experiences repeatedly in the judicial environment, which might trigger trauma in children. We were informed that the measures that are said to be taken to prevent secondary victimization are not always met in implementation, the lawyers and experts assigned to the children might remain incompetent. Experts further stated that the children can be kept waiting in judicial units all day long to give their statements, they might be asked to give their statement more than once, they might face interrogation in ways that are not suitable for their development or the delicateness of the offense they are exposed to.

“The woman actually accepted to file a complaint about the sexual violence that her child was subjected to sexual violence, in fact, she found it the right thing to do. She encountered such a terrible attitude in the police station that she kept calling us from the police station. She said, “I will give up”. She was crying because she witnessed the way the child was being interrogated by a police officer. The officer was asking boy questions such as “Is your grandfather playing games with you? How was your grandfather playing with you?”. He was actually trying to manipulate the child's statements. The woman faced a great challenge here. Also, she told us that the child psychologist did not take enough initiative there. She witnessed that the psychologist heard the officer talking to the child and not interfered with the interrogation.” (Social Worker)

Recommendations

- Turkey should become a party to the Istanbul Convention again, and national laws must be implemented in accordance with the Convention.

- The job description of the Directorates of the Ministry of Family and Social Services should be clearly defined, and the General Directorate of Child Services should be involved in the provision of services related to children exposed to domestic violence. In the provision of services for women and children, the Ministry of Justice, the Ministry of Family and Social Services, and all relevant institutions should ensure coordinated exchange of information provided that the privacy of women and children are protected.
- In the National Children's Rights Strategy Document and Action Plan and in the Action Plan to Combat Violence against Women clear, measurable, and controllable targets and activities should be specified directly for the rights and needs of children in order to prevent domestic violence and effectively combat men's violence. These documents should take into account the experiences of women, children, and NGOs working in the field in the preparation of the action plan.
- Resources should be allocated for children subjected to domestic violence and for the implementation of preventive measures in the fight against domestic violence. Moreover, a detailed budget and expenditure plan should be publicized in a transparent manner.
- In order to implement effective policies in the combat against men's violence, data should be collected and transparently disclosed conducive to analysis.
- Rights-based trainings on combating domestic violence should be given to all judicial personnel. A system should be established to measure and evaluate the effectiveness of these trainings.
- Legal amendments should be made in the Civil Code and the marriage age should be determined as 18 with no exception.
- Children should be informed about their rights, the support they can get, the institutions they can apply to if they are subjected to violence, and their access to these rights should be guaranteed.
- The needs of children should be rendered visible and special services should be provided for children, especially in the provision of services in the shelters and of all kinds of social services to women who are exposed to violence.
- Article 13/c of the Regulation regarding the Opening and Operation of Women's Shelters, which prohibits boys above 12 from staying at shelters, should be amended and

all children should benefit from shelter support with their mothers regardless of age and gender.

- In the implementation and monitoring of all kinds of protective and preventive measures put forth by Law No. 6284, children's needs should be observed, and relevant decisions should be made accordingly. Divorce proceedings and other measures such as temporary custody, temporary alimony, and temporary financial aid (most particularly restraining orders and confidentiality orders) should be implemented by considering the best interest of the child.
- It should be ensured that all children benefit from practices such as Judicial Interview Rooms, all kinds of measures should be taken to eliminate secondary victimization of children in judicial processes, and should any problem arise from practitioners, necessary sanctions should apply.