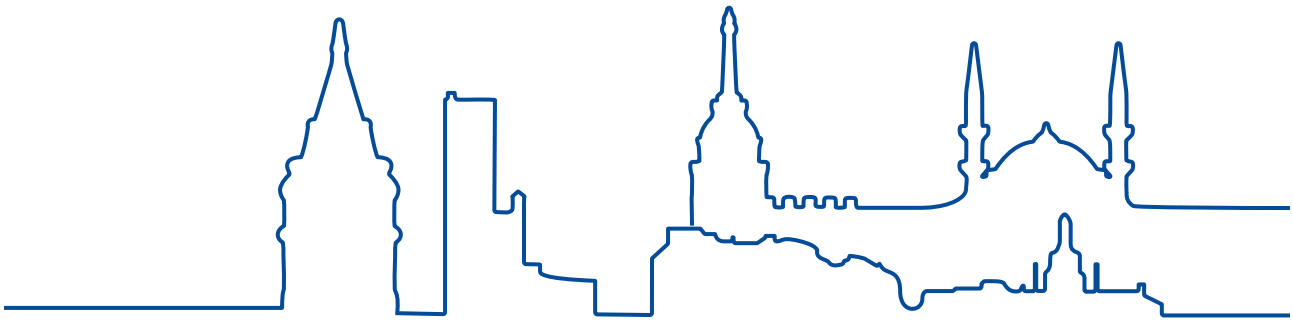


IPC–MERCATOR ANALYSIS April 2023

LAW NO. 6284 IN PRACTICE AFTER WITHDRAWING FROM THE ISTANBUL CONVENTION

COMBATTING STRUCTURAL AND INSTITUTIONAL PATRIARCHAL VIOLENCE IN TURKEY

Elif Çiğdem Artan

Abstract

At the 25th Assembly on Women's Shelters and Solidarity Centers, lawyers, counselors, and shelter and solidarity center staff discussed the implications of Turkey's family-oriented state policies and decision to withdraw from the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, known in short as the Istanbul Convention, on patriarchal violence. The resultant Concluding Declaration of the Assembly revealed the demands for combating violence against women and LGBTI+ individuals and for gender equality. Against this backdrop and in line with the latest discussions held at the assembly, this paper seeks to answer the following question: What are the political and legal implications of Turkey's decision to withdraw from the Istanbul Convention for Law No. 6284 in practice? However, Turkey's decision to withdraw from the Istanbul Convention should be evaluated not only in the context of national but also transnational policies. For instance, if and how Turkey's decision to withdraw from the Istanbul Convention affected EU-Turkey relations should be evaluated within the framework of rising anti-gender movements and increasing militarism across the EU.

IPC | ISTANBUL POLICY CENTER
SABANCI UNIVERSITY
STIFTUNG MERCATOR INITIATIVE

Introduction: "A World Without Shelter"

The participants of *the 25th Assembly on Women's Shelters and Solidarity Centers* came together from November 12–14, 2022 in Diyarbakır, Turkey, to share their experiences in combating gender-based violence, determine common policies, and establish permanent communication networks between organizations and institutions. The assembly, which has utilized the slogan *A World Without Shelter*[1] since 1998, was hosted by the Rosa Women's Association[2]. Non-governmental organizations working in the field of combating violence against women, provincial directorates of the Ministry of Family and Social Policies (ASPB), Violence Prevention and Monitoring Centers (ŞÖNİM), the General Directorate on the Status of Women (KSGM), and local administrations were invited to the assembly. On behalf of the Istanbul Policy Center, I attended the sessions of the assembly that were open to individual participants along with the representatives of the assembly components, i.e., the women's associations organizing the assembly.

Knowing that preventing violence against women is only possible through common struggle, the assembly, which was first convened in 1998, is one of the largest platforms bringing together women's movements in Turkey. As indicated on its website, the assembly aims to make domestic, structural, and institutional patriarchal violence visible and to enable networks between public institutions, municipal employees, and those working in women's organizations:

> The assembly aims to strengthen the struggle against violence against women be it domestic or in other relationships, to facilitate shelters and counseling/solidarity centers to enable women and children to transition into a life away from violence and to be operated by feminist methods, to develop the solidarity and sharing of experiences amongst women's groups and to create shared policies in the struggle against violence against women.[3]

Developing its content and discussion methods according to the changing needs of women's movements over the years, the Assembly on Women's Shelters and Solidarity Centers has been held in a different province of Turkey every year since 1998. The Mor Çatı Women's Shelter Foundation and the assembly secretariat, which is made up of women's organizations in the province where the assembly is held, are responsible for the preparation of the assembly. The assembly secretariat, which organizes an interim assembly and a main assembly every year, both organizes the assembly in accordance with its purpose and principles, as well as develops a strategy to implement the decisions taken in the assembly concerning the common struggle. Only two representatives from each of the assembly component organizations are allowed to participate in the interim assembly to ensure equal representation. The interim assembly decides on the agenda of the main assembly, the papers to be presented, and the workshops to be conducted. On the first of the three days of the main assembly, papers examining the main agenda topic from different perspectives are presented and opened for joint discussion. On the second day, different workshops, some open to the public and some only to the subjects and experts in the field, are held to discuss the main agenda in detail. At the end of each workshop, a workshop report is prepared through a joint decision of all the participants in the workshop. On the third and last day of the assembly, all workshop reports are presented in the last session, which is open to all assembly participants. In line with the demands agreed upon in the discussions, the Concluding Declaration of the Assembly on Women's Shelters and Solidarity Centers is finalized and jointly signed by all assembly component organizations as well as other organizations participating in the assembly and shared with the public, public institutions, local administrations, and the press on November 25, the International Day for the Elimination of Violence against Women.

This year, 301 women and LGBTI+ individuals from women's and LGBTI+ organizations, public institutions, and municipalities from various provinces in Turkey attended the first day of the 25th Assembly, which took as its held under the title *How Family-Oriented State Policies Reduce the Strength of Combatting Male Violence Against Women?*[4] The protection of the family was and is presented as the justification for both Turkey's decision to withdraw from the Istanbul Convention and the anti-

gender movements seen in EU countries that advocate for "a return to traditional gender roles." Therefore, it is important to recognize how state policies define the family, what tasks are assigned to women under these policies, and how international conventions aiming at gender equality for women and LGBTI+ individuals have been violated.

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, known in short as the Istanbul Convention since it was opened for signature in Istanbul on May 11, 2011, is the first internationally binding treaty defining gender-based violence as a form of discrimination and violation of human rights. The inclusiveness of the Istanbul Convention, which is pillared on the 4Ps of protection, prevention, prosecution, and integrated policies regarding those who are exposed to discrimination and violence, is defined in Article 4 (3) as follows:

> The implementation of the provisions of this Convention by the Parties, in particular measures to protect the rights of victims, shall be secured without discrimination on any ground such as sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, disability, marital status, migrant or refugee status, or other status.[5]

One of the most important features that distinguishes the Istanbul Convention from preceding international human and women's rights conventions is that it defines domestic violence independent of family ties and instead together with different types of gender-based violence. According to Article 3 (b), "'domestic violence' shall mean all acts of physical, sexual, psychological, or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim."[6] Based on this definition, the Istanbul Convention provides comprehensive protection and support policies for each type of gender-based discrimination and violence. For instance, Article 33 - psychological violence, Article 34 - stalking, Article 35 - physical violence, Article 36 - sexual violence including rape, Article 37 - forced marriage, and Article 42 - the unacceptable justification for crimes, including crimes committed in the name of so-called "honor."

Among the 47 member states of the Council of Europe, Turkey was the first country to sign the convention on May 11, 2011 and put it into force on March 14, 2012. However, following a presidential decree issued on March 20, 2021, Turkey withdrew from the Convention on July 1, 2021, claiming that the Istanbul Convention was "hijacked" to "normalize" homosexuality and was incompatible with the "family values of the state."[7] Although this decision was met with "disappointment" by the Council of Europe and the European Union, and European politicians one after another voiced their concerns about human rights and gender equality in Turkey, no political or legal sanctions were imposed on Turkey's overnight withdrawal from an internationally binding convention.[8]

Today, anti-gender movements arising from conservative right-wing policies in EU countries such as Hungary, Poland, Italy, and Germany show us that the Istanbul Convention is not comprehensively implemented throughout the EU. Turkey's decision to withdraw from the Convention is just the tip of the iceberg in the EU-wide movement to marginalize women's and LGBTI+ individuals' demand for equality. The declaration of LGBTI+-free municipalities in Poland, access to abortion only after mandatory counseling in Germany, or the prohibition of the distribution of flyers on LGBTI+ rights in Hungary are just a few examples showing that gender equality has been under attack across Europe. Therefore, the Council of Europe and the European Union's (in which Turkey's membership negotiations were frozen on December 15, 2021) approval Turkey's decision to withdraw from the Istanbul Convention without any sanctions is a reflection of several member states' campaigns to combat violence against women within the framework of family-oriented policies rather than the right to self-determination. This general political approach to the emancipation movement of women and LGBTI+ individuals raises a fundamental question as to whether Law No. 6284 on the Protection of the Family and the Prevention of Violence against Women—which was

drafted within the framework of the Istanbul Convention, implemented within Turkey's domestic law, and is still in force despite Turkey's decision to withdraw from the Istanbul Convention—protects women (namely with non-heteronormative identities) or the family. Against this backdrop and in line with the latest discussions held at the 25th Assembly on Women's Shelters and Solidarity Centers, this paper seeks to answer the following question: What are the political and legal implications of Turkey's decision to withdraw from the Istanbul Convention for Law No. 6284 in practice?

To this end, first, I will evaluate the papers presented in the assembly concentrating on Turkey's family-oriented state policies. Second, I will examine the implications of the decision to withdraw from the Istanbul Convention on the Turkish judicial system that were discussed in the workshop "Methods of Combating the Barriers to Women's Access to Justice," which I attended on the second day of the assembly. Finally, I will explore the gender-based rights violations suffered by minorities—namely Kurdish, migrant/refugee/asylum seeker women and LGBTI+ individuals—in the face of rising anti-gender movements and increasing militarism in right-wing conservative policies from an intersectional, queer-feminist perspective. Within this framework, I will expand the discussions in the papers presented at the assembly by referring to a series of academic and policy-oriented publications. Additionally, in view of the distance (in terms of legal knowledge, experience, and theoretical concepts) observed between lawyers and civil society representatives in the field and gender studies scholars, this study will evaluate the discussions held at the assembly in conjunction with the laws, state policies, and secondary sources reporting on recent legal cases.

Family-Oriented Policies against Gender Equality

The *Türkiye Aile Yapısı Araştırması [Turkey Family Structure Survey 2021]*, conducted by the Turkish Statistical Institute (TUIK), shows the distribution of duties between men and women in the household, examining decision-making mechanisms within the household. As outlined in the findings,

> When the selected issues that were decided jointly in the household were examined, it was seen that the highest rate was related to the type and place of vacation with 94.7%, activities such as eating and entertainment outside the home with 94.2%, and relations with relatives with 93.3%.
>
> When the individuals who decide on selected issues alone in the household are analyzed by gender, it is seen that the subjects that men decide more than women alone are in the prioritization of expenditures with 8.2% and the type and place of vacation with 2.9%. It was seen that the first three subjects that women decide on their own more than men are about what to cook/eat at home with 27.7%, daily shopping with 14.7% and the needs of children such as clothing with 11.7%.[9]

According to these data, women are far more likely to be responsible for care-oriented tasks within the household. As Aksu Bora states in her book *Kadınların Sınıfı [The Class of Women],* in which she discusses housework as invisible labor, "Regardless of women's actual experiences, the fact that they [women] were conceived first and foremost as 'housewives' and the strengthening of this type as an 'ideal' became a significant factor in the construction of the subjectivity of women of all classes."[10] As Sevi Bayraktar discusses, at the intersection of "respectable motherhood" and raising "future citizens," family care is a task that has been assigned to women in Turkey for years:

> For at least 150 years, women in this country have been experiencing the problems of making family politics through women and bringing it to the agenda with a set of immutable and inviolable practices determined by a sacred regime of righteousness within a family-nation analogy. [11]

The concept of care, which is labelled as invisible domestic labor in second-wave feminist literature, has been discussed through focusing on the gender roles of wife/mother/daughter that are assigned to women:

> Feminist researchers have emphasized the central position of care work in the mainte-

> nance of social and economic relations in the capitalist economic system and how the burden of this work is unequally placed on women. Criticizing mainstream political analyses that focus only on the paid aspects of the economy (such as subsistence production and unpaid care) and ignore and render invisible areas of social reproduction, feminist political economy scholars argue that caregiving (re)produces a healthy, productive labor force capable of learning and creating.[12]

Similarly, the competitive neoliberal capitalist economies that have replaced welfare policies since the 1980s have portrayed care as an individual matter for each citizen to provide for themselves:

> Such calls are part of a false sense of self-discipline and a deceptive idea of a good and responsible citizen. The ideal citizen under neoliberalism is autonomous, enterprising, infinitely resilient, self-sufficient, and a figure whose active support helps to legitimize the disintegration of the welfare state, the disintegration of democratic institutions and civic participation. The idea that care is connected to the individual stems from our refusal to recognize our shared vulnerabilities and interconnectedness, creating a callous and indifferent climate for all, but especially for those dependent on welfare, who are routinely accused of favoring 'unemployment and dependency'.[13]

Within this theoretical framework, this section analyzes the papers presented on the first day of the Assembly that examine family-oriented state policies in Turkey from the perspective of the structural and institutional patriarchal violence that women are exposed to in response to emancipation movements. In the first session, political scientist Damla Eroğlu, who presented a paper titled *Aile Odaklı Politikaların Sosyal Devletle İlişkisi [The Relationship of Family-Oriented Policies with the Social State],* affirmed that neoliberal economic policies redefine the family with care-oriented duties and assign the duty of care to women within the household. In her article entitled *Aile: Devletin Sağ Eli [The Family: The Right Hand of the State],* Eroğlu describes this restructuring as follows:

> Especially after 1980, with the rise of neoliberalism and the decline of social welfare states, the family became the subcontractor of social policy, the carrier of social policies, and the central object of implementation. Here we are talking about a structure based on a binary gender system, centered on reproduction, in which women, as the bearers of housework and care labor, undertake the reproduction of labor within the household. Feminists argue that the institution of the family is based on women's labor, where the family is a structure that perpetuates and reproduces masculine domination over women, and they try to transform this institution from various angles by criticizing it. This social institutional structure, in which women's most important duty is motherhood and their sexuality and fertility are reorganized, is also embodied as ideological domination over women's body, labor, and identity.[14]

Emphasizing that the Republic of Turkey is a democratic, secular, and social state in accordance with Article 2 of its constitution, Eroğlu asserts that in social states, the duty of care is taken away from family members, and thus, the individual lives of citizens are supported by the state. In other words, she argues that the state's neoliberal family-oriented state policies on the concept of care that have persisted since the 1980s, in contrast to those of socaial state policies, violate the constitution. Eroğlu claims that the discourses of state administrators and the policies developed by the Justice and Development Party (AKP) governments are not in line with one another. For example, she highlights that despite the President Recep Tayyip Erdoğan's insistence that women should bare three children, "economic support is provided for a maximum of two children from the same household."[15] She points out that the marriage age of women has increased and birth rates have decreased in the face of the AKP's family-oriented state policies, which reposition women as both the founder and defender of the ideological family structure. Eroğlu underlines the need to feminize the concept of care by drawing attention to the political structure of the family.

Starting from the concept of domestic care, during the same session sociologist Nükhet Sirman

shared the findings of the report *Kadına Yönelik Şiddet: Kadınların Deneyimleri, Kurumlar ve Mecralar [Women's Experiences, Institutions, and Issues],* which was prepared for the Mor Çatı Women's Shelter Foundation, in her presentation titled *Kadınların Şiddetten Uzaklaşma Süreçleri: Destekler ve Köstekler [Women's Distancing from Violence: Supports and Hindrances].* As stated in the report, "The research has identified different paths in the fight against violence, as well as the concepts, practices and actors that constitute these paths."[16] Within the framework of this research, the term "threshold" is a concept that is used to "understand when and how women take action against the violence they experience, how they experience turning points in their lives within the violence, and through which paths their awareness emerges."[17] Sirman stated that at the end of the research, they could not identify a singular path followed by women. As stated in the report, support or hindrance mechanisms within the family play an active role in women's fights against violence, especially in the process filing a criminal complaint against the perpetrator at official institutions:

> The family is still the most important source of support or hindrance in our society today. The lack of systematic institutional support to protect women from violence forces women to be more dependent on the family. Women are hindered when the family does not support women in cases of violence and leaves them alone. Women sometimes wait until their children reach adulthood to find a family member to support them.[18]

From a similar perspective, social worker Hazal Hartavi, who took the floor in the second session held in the afternoon on the first day of the assembly, shared the family experiences of the women coming to Mor Çatı Women's Shelter in her presentation titled *Erkek Şiddetiyle Mücadelede Aile Odaklı/Aileci Politikaların Etkisi [The Effects of Family-Oriented/Family-First Policies in Combating Male Violence].* Mor Çatı asks every woman who applies to the shelter whether there is someone from their family from whom they can get help. Hartavi claimed that family support empowers women in the fight against male violence. In the same session, Attorney Selmin Cansu Demir made a presentation titled "How Do Family Policies Affect Children in Combating Violence Against Women?" and introduced examples from the shadow report *The Effects of Male Violence and Mechanisms to Combat Male Violence on Children's Rights* from the Mor Çatı Women's Shelter Foundation to the United Nations Committee on the Rights of the Child. The report evaluates children's access to the support mechanisms they need during and after experiences of violence to which they have been subjected or witnessed. It also claims that the lack of regulations in Turkey often expose children to secondary violence:

> 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.[19]

Within this patriarchal legal system, in which children are only visible when they are exposed to sexual abuse, physical and psychological violence is "normalized" and ignored, and "Failure to make these decisions [such as temporary custody and temporary alimony] swiftly prolongs the uncertainty that children find themselves in."[20] Furthermore, "[t]he 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."[21] Therefore, children are compelled to wait for their mothers to take action or to compel their mothers to take action in the fight against male violence. Parallel findings can be observed between the two reports published by Mor Çatı regarding the position of children in support-hindrance mechanisms.

In the context of the re-emergence of the political structure of the family in the fight against male violence, sociologist Yakın Ertürk, who presented a paper titled *Popülist Aileci Politikalar ve Feminist Alternatif [Populist Family Politics and Feminist Alternative]* at the first session of the Assembly, stated that while everyone can place their own personal values on family, the family itself should not be sanctified. Moreover, Ertürk highlighted that family relations should be abstracted from the individual level, and the place of parent/husband-wife relationships in the social structure must be discussed to understand the problems that the family contains. Considering anti-gender movements as inter-civilizational movements, Ertürk affirmed that family-oriented policies developed in this context almost exclusively support motherhood and that additional women-friendly policies are required for women to become independent. In the context of Turkey, according to Damla Eroğlu, "AKP governments have never been women-friendly governments, but since 2011, their sexist policies against women's rights and existence have become much more visible."[22] Eroğlu illustrates the family-oriented policies of the AKP governments, which ostensibly support women by offering family-focused social benefits such as nursing pension, dowry, and grandmother allowance as follows:

> The fact that the right to abortion has become difficult, the Ministry of Women has been transformed into the Ministry of Family, there were attempts to limit the right to alimony, and attempts to grant amnesty to perpetrators of child abuse with the amendments to Turkish Penal Code 103, and the Divorce Commission Report are just some of them. The move to withdraw from the Istanbul Convention with the Presidential Decree on March 20, 2021, was the last wave of this attack launched against women and LGBTI+s and carried out more openly in recent years.[23]

Herein, it is worth noting that family-oriented state policies marginalizing LGBTI+ individuals were not discussed at length within the Assembly. This was also criticized by the representatives of LGBTI+ associations by taking the floor at the Assembly in a Q&A session. Especially, after an anti-LGBTI+ rally was organized in Saraçhane, Istanbul, in September 2022, under the name of the "Büyük Aile Buluşması" [Great Family Gathering], the lack of including the fight of those who are directly attacked by family-oriented policies was observed at the Assembly from the perspective of the queer-feminist movements in Turkey. Moreover, the questions raised by the representative of the Association of Families and Friends of LGBTIs in Turkey (LISTAG) about the so-called "Great Family Gathering" are essential in the discussions of how the state defines the family:

> When you say we will protect the family, whose family are you protecting, and who is marching against whom? If we love our children unconditionally and give them self-confidence and support in the family, if we do our best to complete their education and grow up as healthy individuals, which family are we working for? Is it possible that we are not talking about the same "family"? What kind of family is yours? When you find out that your children are gay or transgender, do you kick them out of the house, disown them, or drag them to quack pseudo-physicians on a path with no solution, or do you do other things that we cannot even begin to say?[24]

Within the current family-oriented policies in place in Turkey, the priority to combat violence against women in Turkey is not for the emancipation of women but the "protection of the respectable family" that the state desires. Hence, for the sake of the state, violence against women is not recognized when it presents an obstacle to the development of the family. For instance, the Women and Democracy Association (KADEM), an NGO known for their proximity to the AKP government, affirmed in their statement regarding the Istanbul Convention, "[We] can no longer talk about 'family' in a relationship that does not show respect or love, where one party suffers violence and persecution."[25] According to this explanation, while the family is depicted as a "warm home" where "individuals useful to the state" will grow up, the Istanbul Convention redefines the family by giving equal rights to everyone regardless of gender and sexual identity. In other words, the most basic attack on the Istanbul Convention by right-wing conservative politicians who argue that the convention "destroys the

family" stems from the Convention recognizing the rights of single mothers and fathers, same-sex marriage, and same-sex parenthood in addition to traditional family (parental) roles. Thus, family-oriented state policies that reproduce the myth of the "holy family" based on traditional gender roles conflict with queer-feminist emancipation movements. In this manner, the next chapter will discuss the political and legal implications of Turkey's decision to withdraw from the Istanbul Convention on the implementation of Law No. 6284 in practice, as witnessed through the experiences of the lawyers and counseling center staff and volunteers who participated in the workshop on "Family Courts" held on the second day of the Assembly.

Implications of the Decision to Withdraw from the Istanbul Convention on the Justice System in Turkey

The second day of the Assembly was dedicated to the following workshops focusing on different aspects of gender equality within the current context with the aim of determining common demands from the group discussions:

1 | The effect of family and family-oriented policies in running away from violence: Experiences in shelters (Open to shelter staff only)

2 | The effect of family and family-oriented policies in running away from violence: Experiences in solidarity centers (Open to solidarity center staff only)

3 | Our feminist approach and policy in combating sexual violence

4 | The effects of male violence and the mechanisms of combating male violence on children in Turkey

5 | Methods of combating the barriers to women's access to justice

6 | Ways to combat violence against women under state pressure

7 | Our feminist struggle against family-oriented politics (Open to feminists only)

To familiarize myself with the implications of Turkey's decision to withdraw from the Istanbul Convention in the judicial system, I attended the fifth workshop. In the workshop, in which nearly 40 lawyers and solidarity center employees and volunteers participated, participants shared their experiences, outlined the current legal problems through examples, discussed common struggles against legal rights violations, and together formulated common demands. The most important issue that was frequently underlined in the workshop was the judicial problems experienced in the practical implementation of Law No. 6284 after Turkey's decision to withdraw from the Istanbul Convention.

In order to codify the Istanbul Convention into domestic law, Law No. 6284 *to Protect Family and Prevent Violence against Woman*[26] was adopted by the Turkish Grand National Assembly on March 8, 2012 and entered into force after its publication in the Official Gazette on March 20, 2012. The law determines in the simplest terms the areas of implementation of the Istanbul Convention in Turkey. Law No. 6284, which mainly covers legal procedures regarding protection and prosecution rather than all the articles of the Istanbul Convention, is still in force despite Turkey's withdrawal from the Istanbul Convention. However, as stated by the workshop participants, there are problems arising from the practical implementation of Law No. 6284 by law enforcement and judicial officials. As stated by both women's solidarity center staff and lawyers, female victims of violence are often subjected to violations of their rights in different areas of protection policies ranging from filing complaints to legal aid, to precautionary alimony decisions. This means that women who are victims of male violence experience secondary victimization in the face of patriarchal structural and institutional violence. In this framework, this section presents an assessment of the areas in which the state fails to protect women within the scope of Law No. 6284.

The official fight against male violence, naturally, begins with filing a criminal complaint against the perpetrator. At this point, the judicial officer who receives the application asks for the perpetrator's ID number and address. However, women are not always subjected to violence by people they know or people whose address or Turkish ID number

they know. The judicial officials justify the necessity of this information with the aim of identifying the perpetrator correctly and to prevent false accusation due to similar names. However, it is disregarded that the task of identifying the perpetrator is not the responsibility of the woman who is the victim of violence but of law enforcement officers and the judiciary.

According to the Turkish Constitution, the state's ability to summon a person in court is greatly important to carry out judicial proceedings. A subpoena that cannot be issued due to the ambiguity of one's address prolongs the trial and leaves victims in a state of uncertainty, which causes secondary victimization. In some domestic violence cases, the perpetrator runs away and hides, and since the notification cannot be delivered to him, the woman who is the victim of violence cannot access the necessary financial and moral support mechanisms as the trial process has not started. In order to eliminate this situation, as stated by the lawyers in the workshop, "The absence of the recipient's address in the address registration system and the unknown address leads to the publication of legal notice. However, lengthy summons increase the costs of litigation and cause loss of time."[27] Herein, the workshop participants stated that covering the costs of litigation is a problem in itself for women who are victims of violence and that many experience difficulties in accessing legal aid.

Legal aid is a public service provided by the state for those who do not have the financial means to cover the costs of lawyers and litigation. However, it has certain conditions. First, a certificate of need must be issued from the neighborhood administrator's (Muhtar) office. Workshop participants emphasized that they witnessed administrators providing this service only to members of certain political parties or their acquaintances and stated that female victims of violence are often subjected to rights violations at this point. The legal aid offered by the bar associations only provide lawyers with no cost, and women victims of violence must apply to the court (before the lawsuit is filed or while the lawsuit is ongoing) in order to be exempt from legal expenses. This application also includes the obligation to prove that the victim of violence needs legal aid by getting a series of documents from different state institutions. These documents are composed of, for example, "information on movable and immovable property registered to the applicant, the applicant's monthly earnings, family status, number of dependents, etc."[28] The person whose legal aid request is approved by the bar association must also sign a commitment letter:

> [S]tating that if she obtains a material benefit at the end of the work, she shall pay 5% of the money to the lawyer and the material benefit to be obtained to the bar association; if it is later understood that the request for legal aid was unjustified, she shall pay back twice the fee paid to the assigned lawyer and the expenses incurred with legal interest.[29]

If the request is partially or completely accepted in the application made to the court, "legal aid continues until the finalization of the verdict. For the person benefiting from legal aid, the fee of the lawyer appointed by the bar association upon the request of the court is paid from the Treasury as litigation expenses."[30] During the discussions on the right to access legal aid, the workshop participants insisted that even if a female victim of violence had registered property, she cannot quickly convert these assets into cash and, therefore, does not usually have the necessary financial means to cover the costs.

One of the most vivid topics discussed at the workshop was that women who are victims of violence have been more often exposed to further patriarchal structural violence within the judicial system due to the failure to reinforce restraining orders since Turkey's withdraw from the Istanbul Convention. According to Article 8 of Law No. 6284 (Taking a cautionary decision, its notification and confidentiality),

> (1) The cautionary decision is taken either upon a request of the relevant person or law enforcement officers or public prosecutor. The cautionary decisions may be requested from the judge, administrative chief or law enforcement unit, whichever is in the nearest and easiest location.
>
> (2) The cautionary decision is taken for the six months period at most initially. However, if

> it is determined that there is a continued risk of violence, the measures shall be extended, modified, abolished or kept ex officio or upon a request of the protected person or the officials of Ministry or law enforcement agencies,
>
> (3) No evidence or report proving the violence is required in order to take cautionary decision. The preventive cautionary decision is taken without delay. This decision cannot be delayed as to endanger the realization of the aim of this Law.[31]

The lawyers participating in this workshop specified that restraining orders are mostly issued for the shortest period of time (fifteen days) and that the perpetrator is often not punished properly if the order is violated. For instance, it was stated that the ankle monitor required to be worn by the perpetrator within the scope of the restraining order have been delayed, and the safety of the victim is not fully ensured because the perpetrator doesn't wear it. It was reported that the lawyers who objected to these situations have been given similar answers across different provinces: "There are no available ankle monitors. We are waiting for someone to remove them." In addition, it was argued that a fifteen-day restraining order is not sufficient for a victim of violence to find a shelter and, hence, forcing them to repeatedly apply for extensions leads to secondary victimization. It was also stated that courts often issued restraining orders at the upper limit (six months) before Turkey withdrew from the Istanbul Convention.

Furthermore, it was also emphasized that other legal points affected by the decision to withdraw from the Convention include preventive detention, confidentiality orders, and the failure of law enforcement authorities to ensure the safety of the victim. According to Article 8 of Law No. 6284,

> (5) The legal warning stating that the person is subject to the preventive imprisonment in the case of acting contrary to the cautionary decision is issued when the cautionary decision is pronounced and notified.
>
> (6) If deemed necessary, in addition to the cautionary decision, the identification information of the protected person or other family members or the information to reveal their identification, their addresses and the other information important for the efficiency of protection shall be kept confidential within records upon a request or ex officio. A different address is identified for the notifications to be sent. The person who illegally gives, reveals and discloses the information to somebody else is subject to the related provisions of Turkish Penal Code no. 5237 dated 26/9/2004.
>
> (7) If requested, the delivery of personal belongings and documents to the relevant persons is ensured through law enforcement.[32]

In the workshop it was stated that a perpetrator who does not comply with the order is often only punished with the lowest sentence (three days), which does not ensure the victim's safety. Furthermore, the cases shared in the workshop revealed that law enforcement officers often act slowly in cases in which perpetrators violate restraining orders. There are different practices in different provinces. For instance, in a province in the Black Sea region, a husband who had a restraining order called his wife on his son's phone and said that he would agree to divorce if she would meet him at the police station. The woman went to the police and filed a complaint that her husband had contacted her. Later, she asked for protection from law enforcement to return home. However, the police told the woman that she could go home as she came. She did not leave the station and called the local women's solidarity center for support. The police accompanied the woman based on "orders from superiors," only after the staff of the solidarity center reached the local administration and reported the situation.

Moreover, confidentiality orders also often lead to secondary victimization in proceedings where women who are victims of violence must repeatedly report their address. It was stated that women's confidentiality orders are often not recognized, and they are persistently asked to share their addresses when they visit a government office or start working at a new job. This, naturally, means that women who are victims of violence cannot move forward and are likely to become victims again. Additionally, lawyers affirmed that judicial officers sometimes violate the confidentiality order. For in-

stance, a lawyer shared that they informed a client who was sexually abused and living with her family that "you have a confidentiality order, notices must come to my law firm, but I cannot guarantee you that they will not be delivered to your address." In accordance with the suggestions discussed in the workshop, the confidentially of all women who are victims of violence can be protected through registering at a common address determined by the Ministry of Justice. Furthermore, if the victim shares the address of an acquaintance in case of necessity, the person or persons at that address may also come under threat.

The security problems experienced by women staying at the Violence Prevention and Monitoring Center (ŞÖNİM) guesthouses were discussed during this workshop. ŞÖNİMs were first planned following the implementation of Article 14 of Law No. 6284 (Establishing the Centers, the Support Services, and the Inter-Agency Coordination, Establishing the Violence Prevention and Monitoring Centers):

> (1) The Ministry shall establish the Violence Prevention and Monitoring Centers, where necessary qualified personnel especially the women are employed and perform a duty, and where the support and monitoring services are provided to the persons to prevent the violence and efficiently implement the protective and preventive measures. They operate on a basis of seven days and twenty-four hours and their procedures and principles are identified by regulation.
>
> (2) Monitoring studies are conducted and support services are provided to the persons in these centers in order to prevent violence and efficiently implement the protective and preventive measures.[33]

As Mor Çatı shared in the *Monitoring Report on Coordination in Combating Violence against Men*, published in January 2022:

> Further details on the operation of ŞÖNİMs, which started to provide services in 14 pilot provinces on 25 November 2013, were shared in the Regulation on the Opening and Operation of Women's Shelters dated on 5 January 2013. The regulation on the operation of ŞÖNİMs entered into force on 17 March 2016, long after the pilot implementation started.[34]

As workshop participants pointed out, ŞÖNİMs, which were to be planned as stipulated by Article 10 (Coordination) and Article 23 (Shelters) of the Istanbul Convention, were not only to house women who are victims of violence but also citizens with housing problems. Those who go to ŞÖNİMs for housing continue to have contact with others outside the shelter, which can lead to the exposure of the addresses of women who are victims of violence who have a confidentiality order. In the same report, Mor Çatı identifies several reasons that ŞÖNİMs do not provide full protection for women who are victims of violence:

> Although ŞÖNİMs provide the most comprehensive social services in combatting male violence, we have observed that women do not apply to ŞÖNİMs for purposes such as consultancy, guidance, counselling, referral, psychological support, legal support etc. and, in fact, that they were not even aware that ŞÖNİMs exist. Since the reception into shelters are de-facto done by law enforcement and women are referred to law enforcement even when they reach out to ŞÖNİMs, directing women to ŞÖNİM in cases of emergency causes them to repeatedly recount their experiences and, therefore, is not preferred.[35]

During this panel women's solidarity center staff from different provinces mentioned that the court sometimes appoints mediators in cases of violence against women and that the woman's address is thus disclosed. Lawyers explained that this practice is against the law. In accordance with the Law on Mediation in Civil Disputes, which entered into force on June 22, 2012:

> [M]ediation is an alternative dispute resolution method that aims to resolve disputes where the parties are free to act by enabling the parties to voluntarily take a dispute to a person holding the capacity of a mediator, to enable the parties to think, negotiate and communicate about the dispute, leading to a resolution through a systematic technique applied by the mediator.[36]

However, since only the court can decide on divorce, a violent marriage cannot be terminated by mediation. In addition, it is openly and clearly stipulated in Article 1 of the Mediation Law, "(2) [...] To the extent that disputes involve the allegation of domestic violence, they are not suitable for mediation."[37] Similarly, Article 48 of the Istanbul Convention (Prohibition of mandatory alternative dispute resolution processes or sentencing) resolves to abolish mediation processes in cases of gender-based violence, particularly domestic violence: "(1) Parties shall take the necessary legislative or other measures to prohibit mandatory alternative dispute resolution processes, including mediation and conciliation, in relation to all forms of violence covered by the scope of this Convention."[38] Moreover, citing that there is a misconception that mediation can be applicable in the settlement of property, custody, or alimony, the Istanbul Bar Association underlines that divorce does not always end violence against women in cases of domestic violence and that children are also affected by this situation: "Therefore, all matters, from precautionary alimony to arrangement of meeting with the father perpetrator of violence, should be evaluated by family law courts and decided by taking into account the protection of women and children."[39]

In this manner, it was stated in the workshop that one of the most fundamental structural problems experienced in family courts is precautionary alimony. It was particularly emphasized that the delay in precautionary alimony decisions, which should be determined with the initiation of divorce cases, causes women who are victims of violence to be exposed to secondary victimization. As stated in the Turkish Civil Code (TMK), precautionary alimony is among the temporary protection measures determined by the judge with the initiation of the divorce case. According to TMK Article 169, "When a divorce or separation lawsuit is filed, the judge ex officio takes the temporary measures necessary during the continuation of the case, especially regarding the accommodation of the spouses, their livelihood, the management of the spouses' property and the care and protection of the children."[40] Similarly, according to Article 5 (The preventive cautionary decisions to be taken by the judge) of Law No. 6284, "(4) If the perpetrator of violence is the person who at the same time is the provider of or contributor to the family's livelihood, the judge may decide on a temporary alimony by taking into consideration of the living standards of the victim even without request provided that no decision on maintenance had been rendered priorly as per the provisions of Law no. 4721."[41] In this context, the workshop participants underlined that the legal period for the determination of precautionary alimony should be systematized, and the decision process should not be left to the initiative of the judges.

In divorce cases based on domestic violence, women who are victims of violence often cannot access the financial support they need either due to the lack of legal knowledge or lack of proper guidance from their lawyer. Many often confuse different types of alimony such as precautionary alimony, child support, and poverty alimony. According to TMK Article 175, poverty alimony is defined as follows: "The party who will fall into poverty due to divorce may request alimony from the other party indefinitely in proportion to his financial capacity for his subsistence, provided that his fault is not more severe. The fault of the alimony obligor is not sought."[42] Child support is defined as follows in TMK Article 327, under the heading of covering children's care and education expenses:

> The expenses necessary for the care, education and protection of the child are covered by the parents. If the parents are in poverty or if the child's special situation requires extraordinary expenditures, or if there is any extraordinary reason, they can spend a certain amount of the child's property sufficient for the child's care and education with the permission of the judge.[43]

The perception that men are susceptible to becoming "victims of indefinite alimony" as created by the public does not reflect the law. According to TMK Article 331, "In case the situation changes, the judge re-determines the amount of alimony upon request or cancels the alimony."[44] The workshop participants also discussed the tactics applied by perpetrators of violence who try to mislead the judge in the determination of precautionary or poverty alimony and child support decisions. For instance, as reported by a volunteer from a women's solidarity center, in a domestic vi-

olence-based divorce case filed against the son of a wealthy family in a small city in the Black Sea region, the perpetrator waived his shares in the family company and presented himself as a company employee. Although he came to court with his private driver, who was a witness in the divorce case, the court did not question how a minimum-wage worker could have a driver, thus issuing a smaller amount of alimony.

One of the most striking issues in the workshop discussions was the fact that the lawyers handling the legal aid cases did not have a strong understanding of women's rights and that some of them saw the legal aid cases as "a source of income." According to the women's solidarity center employees and volunteers, some lawyers advise their clients to file lawsuits separately for divorce, custody, and alimony in order to receive more legal aid cases and earn more income accordingly. Lawyers participating in the workshop stated that this was unlawful and that all three issues could be resolved under a single petition. Moreover, they also emphasized that these lawyers should be immediately reported to the bar associations where they are registered. Some underlined that it is not enough for lawyers working on legal aid cases to know women's rights, they must also be women and even have a feminist perspective. This was insistingly pointed out as it is the only way for women who are victims of violence to be protected from secondary violence and not to be judged in any way for their decisions or behaviors within the home while narrating the violence they have been subjected to. Similarly, it was affirmed in the workshop that the judges appointed to family courts should both undergo gender equality training and pass related examinations. Unless the victim of violence receives additional psychological support, legal aid cases are often in between litigation and counseling. Victims of violence, who are unsure about filing a lawsuit or how to proceed with the case, often consult their lawyers about how to move forward. Therefore, the idea that the state should provide free psychological support (supervision) for lawyers working on legal aid cases was also raised during the workshop.

In conclusion, the workshop *Methods of Combating the Barriers to Women's Access to Justice* held on the second day of the assembly showed that women who are exposed to domestic violence are often subject to secondary victimization due to structural and institutional patriarchal discrimination and violence against women in judicial proceedings. During the assembly's session on the exchange of experiences and discussions on the assembly's demands, it was noted that Turkey's decision to withdraw from the Istanbul Convention made it more difficult for women who are victims of violence to receive justice. Although Law No. 6284 is still in force, it was insistently emphasized that in practice, women's solidarity centers and lawyers must fight constantly to protect women who are victims of violence in face of arbitrary and unlawful decisions made by judges. It was agreed that one of the most effective methods for this was to file a complaint against judges and prosecutors who did not act in accordance with the law. Additionally, the systematic violence that Kurdish women are subjected to in conflict zones was also frequently highlighted in the workshop. It was emphasized that Kurdish women from rural areas often have difficulties reaching city centers to collect the necessary state documents for legal aid or to find a lawyer, especially when the perpetrator of violence is a member of a family tribe (Aşiret). In this context, the next section will discuss the rising anti-gender movements and increasing militarism in face of conservative state policies from the perspective of the Kurdish women's movements and the prohibitive policies to which migrant/refugee/asylum seeker women and LGBTI+ individuals are exposed, as brought to the agenda in the assembly.

Rising Anti-Gender Movements and Increasing Militarism in Conservative Politics

Intensifying mass migration flows, the climate crisis, wars, and escalating economic crises have led to the rise of right-wing conservative policies across Europe. In this process, queer-feminist movements are the most strongest actors in the fight against right-wing conservative policies aiming to re-establish the idea of the family within the "foundation of society." On the one hand, these

anti-gender movements, aiming at a return to traditional gender roles, position women as the founder and the carrier of the family; on the other, they marginalize individuals who pursue the right to self-determination. Subsequently, due to their gender and sexual identities, women belonging to religious and ethnic minority groups, as well as LGBTI+ individuals, are simultaneously exposed to multiple forms of discrimination at the intersection of gender and racism. As discussed at the assembly, this section conveys how Kurdish, migrant/refugee/asylum seeker women and LGBTI+ individuals face structural and institutional discrimination and violence in their fights for equal rights.

Delivering the opening remarks on the first day of the assembly, Adalet Kaya, the president of the Rosa Women's Association—the host of the assembly in Diyarbakır—touched upon increasing militarism across the world and in Turkey and expressed how the Kurdish women's movement was affected by these policies:

> We are passing through a period in which attacks on women's rights and their achievements have increased across the world and especially in Turkey over the Istanbul Convention and the concept of gender equality. We know from the reports that we have prepared and shared with the public and the news in the press that we are under a multi-layered violent attack. We feel this related constriction in all areas of our lives. Our fight against all attacks also puts women's associations and feminists as the target of law enforcement and the judiciary, which expose them to judicial harassment.[45]

On March 16, 2022, the staff of the Rosa Women's Association were detained in a raid on their homes. As stated in the report *Diyarbakır'da 16.03.2022 Tarihinde Gözaltına Alınan 24 Kadının Yaşadığı Hak İhlalleri Raporu [Report of the Rights Violations of 24 Women Detained in Diyarbakır on 16.03.2022]* prepared by the Diyarbakır Branch of the Human Rights Association, "The interviews with the women who were subjected to house raids revealed that the house raids, the subsequent detention and entry into prison were carried out in violation of the law and that the women were treated in violation of human dignity."[46] Öykü Çakmak, member of the Diyarbakır Bar Association's Women's Rights Center, expressed her objections to both the restriction on lawyers for the detained women and the confidentiality order imposed on the file as follows:

> We are facing a completely arbitrary practice in which citizens are prevented from accessing a lawyer. This situation itself is completely against the law. We are trying to cancel the restriction on access to a lawyer. Most of these women are [assisting] in cases of violence against women, and they are our friends with whom we fight against violence against women. They are all women's rights activists. Once again, we observe that women's civil and legal practices have been criminalized both in the city [Diyarbakır] and across the country.[47]

In this regard, the *HDP Demokratik Yerel Yönetimler Kadın Kurulu Raporu [Peoples' Democratic Party Democratic Local Governments' Women's Board Report]*, which was disseminated in print at the assembly, highlights the state's increasingly militaristic actions against the representatives of the Kurdish women's movements who work toward gender equality in the region. The report was prepared to "share with the public the co-presidency system, attacks on women's achievements, and the mobbing against female employees in local municipalities after the appointment of trustees on 19 August 2019."[48] As stated in the report,

> The awareness and services that we have developed to combat all kinds of violence against women in the provinces and cities where available have been illegalized and stopped. With decisions such as closing women's centers and shelters, dismissing the employees of the Women's Policies Directorate, or changing their places of employment, the aim was to destroy the relationship between women's fight and achievements with local administrations.[49]

In her article titled *Kayyımdan Sonra Kadınlar [Women After Trustees]*, published in 2016, Sevgi Çifter describes the situation of Kurdish women living under the State of Emergency (OHAL):

> Before these, many other words had been uttered: 'We have come so far by resisting male domination and the oppression of the tribes in our region. We conducted violence training with 300 women in five months. We have a shelter.' However, after the state of emergency, it became difficult for us to reach women due to sexual violence and oppression against Kurdish women. The police currently don't tell us we are not allowed to work. But bombs go off in four different neighborhoods every day. If a bomb goes off in Ankara, Istanbul, and Izmir, it's immediately on the news, but no one hears about the bombs in Kurdish provinces. As we have been busy fighting against both the male state and the men in the society, a trustee appointment has just come on top.[50]

The *HDP Demokratik Yerel Yönetimler Kadın Kurulu Raporu [Peoples' Democratic Party Democratic Local Governments' Women's Board Report]*, evaluates the failure to fully combat gender-based discrimination and violence in the region as a result of the emergency decrees issued and trustees appointed since 2016. The report highlights that "The number of femicides and suspicious deaths is unknown. Relevant NGOs have not been able to monitor and report these numbers for a certain period of time, and efforts to prevent them [cases of femicide] have been hindered."[51] In this manner, the women in the assembly brought up the Musa Orhan case during the sessions on the third day. According to a short summary of the case, opened as a result of the suicide letter written by İpek Er,

> The final hearing of the lawsuit filed against Senior Sergeant Musa Orhan on the charge of 'aggravated sexual assault,' who raped İpek Er in Siirt and drove her to suicide, was held at the Siirt 1st High Criminal Court. At the hearing, the court sentenced Orhan to 10 years in prison and decided that he should be released pending trial.[52]

At the assembly, lawyers and representatives of NGOs operating in the region affirmed that Musa Orhan is not an isolated case but is one of many similar cases in a series of femicides that have been covered up. As stated in the *Diyarbakır Şiddetle Mücadele Ağı 2022 Yılı Raporu [Diyarbakır Network Against Violence 2022 Report]*, "İpek Er, Deniz Poyraz, Remziye Apaydın, Sakine Kültür, Firdevs Babat, Garibe Gezer are just a few of the dozens of women who lost their lives as a result of the special war [state of emergency] policies carried out by the state."[53] Representatives of the Rosa Women's Association also underlined that the patriarchal violence against Kurdish women is a part of the state's special war policies implemented in the region:

> The possibilities for hiding it [violence against women] are much stronger when it's done by uniformed people. Young women in particular have trouble finding the courage to come [to us]. But if they do, they are the women who have already taken a very serious decision on this. Although we support it together with the bar associations, we still may run into obstacles during the judicial process. This woman dares, we dare, we take it to court; unfortunately, we are faced with the policy of impunity.[54]

The newspaper interview in which İpek Er's lawyer, İlyas Tarım, reviews the trial process conveys the unlawfulness in the case in a similar manner:

> Reminding that no serious investigation was carried out against the accused Orhan in the first place, Tarım said that this situation drove Er to suicide. Stating that the arrest warrant was issued for Orhan following public pressure after Er's suicide, Tarım noted that the top court, which [later] cancelled the arrest warrant, ruled in favor of consent and that such a ruling is against the law during what is merely the beginning phase of the trial.[55]

Police violence against women's and LGBTI+ activists, which was discussed in the assembly, was also evaluated as part of the trend toward increasing militarism arising from the anti-gender movements. Particularly, it was noted how right-wing conservative family-oriented policies in Turkey aim to neutralize women's and queer-feminist movements' emancipation through mass detentions within the scope of bans that try to unlawfully prevent demonstrations and marches of women and LGBTI+ individuals, physical and verbal abuse

during detention, threats against civil society representatives, prison sentences, and closure cases against associations. Just ten days after these discussions, the Beyoğlu District Governorate declared that the demonstration to be held in Taksim within the scope of the International Day for the Elimination of Violence against Women on November 25 was banned. The office justified the ban as follows:

> [It] is considered that it [the demonstrations] may threaten peace within society, that there may be verbal and physical provocative events between the groups/individuals who will carry out the activities and our citizens, that public order, prevention of crime and the protection of the rights and freedoms of others may be endangered.[56]

The next day, "216 of the women who wanted to march in the streets leading to Taksim, Tünel, and in Karaköy were detained. While all the detained women were released, two refugee women were sent to the Selimpaşa Removal Center and a deportation order was issued for them."[57] Following a call on its social media channel, 25 Kasım Platformu [November 25 Platform] came together on November 30, 2022 at the Istanbul Courthouse in Çağlayan and filed a criminal complaint. In the joint statement of the platform components, disproportionate police violence was emphasized as follows:

> Beginning at noon on November 25, Beyoğlu, Şişhane, and Karaköy were cordoned off by the police. The subway was closed, people's right to travel was blocked. The women who gathered in the streets leading to Tünel, in Şişhane, Galata, and Karaköy, who had overcome the police blockade and started the march, were surrounded by the police, beaten, and taken into custody. No warning was given before arrests began; from the very beginning, the police detained us with insulting and abusive words, assaulting us with shields, kicks, and punches, knocking us unconscious, breaking some legs, leaving some of us bloody and in handcuffs. Many violations of rights occurred during the detentions, such as severe beatings that could cause death or disability, harassment and transphobia toward trans women, seizure of phones and digital devices without a warrant, the imposition of strip searches in detention, doctors not examining our friends who were subjected to violence, and not recording their complaints, in addition to many more arbitrary procedures and torture methods being used.

As insistently expressed at the assembly, these cases show that Turkey's decision to withdraw from the Istanbul Convention was aimed at restricting the fight for women's and LGBTI+ rights. At this point, it is important to remember the objections of the LGBTI+ individuals attending the assembly that a special session focusing on the queer movement was not planned within the discussion of family-oriented policies. Likewise, the fact that migrant/refugee/asylum seeker women and LGBTI+ individuals—who are both exposed to multiple forms of discrimination and violence simultaneously at the intersection of rising anti-gender movements and increasing militarism across the world—were not evaluated in a special session at the assembly is also a remarkable statement on the inclusivity of the fight for women's rights in Turkey and feminist movements in the face of current policies. In particular, the fact that non-Turkish citizens are not admitted to ŞÖNİMs and are obliged to document the violence they have suffered in order to apply to the United Nations High Commissioner for Refugees (UNHCR) isolates migrant/refugee/asylum seeker women and LGBTI+ victims of violence, who reside in a country where they do not know the language and legal rights. The refugees who were detained on November 25 at the rally and for whom a deportation decision was issued were later released from the removal center as a result of solidarity calls made by feminist organizations and legal objections by lawyers. Such an act of solidarity shows the importance of the joint fight needed in this area.

Following the exchange of lawyers, women's solidarity center staff, and volunteers during the assembly sessions and workshops, the importance of independent and regular monitoring of international agreements and their implementation in practice in the face of structural and institutional discrimination and violence against women's and

LGBTI+ movements in Turkey was made clear. In this framework, the next and final section will summarize the discussion of the results of the third and final session of the workshop, which was held to write the Concluding Declaration of the Assembly and to discuss the importance of both the national and transnational policies required to ensure that gender equality in Turkey will be evaluated in the context of EU-Turkey relations.

Conclusion: "Country, Nation, State and Family," Threats to Gender Equality in Turkey

As stated in the *Concluding Declaration* of the 25th Assembly of Women's Shelters and Solidarity Centers, which was written as a result of the discussions held at the assembly and published with the joint signature of the components of the congress:

> Along with the attacks on our current achievements and our rights, which had been ongoing for a long time, the gradual abandonment of gender equality after Turkey's withdrawal from the Istanbul Convention this year and its replacement with family-oriented/pro-family policies weaken the fight against male violence.[58]

As discussed in the first part of this study, the presentations on family-oriented policies in the context of discrimination and violence against women, as well as the discussions on policies that emancipate women, were held on the first day of the assembly. The exchange of ideas in these sessions are summarized in the *Concluding Declaration* of the Assembly as follows:

> We see that the impact of pro-family policies on social policies constitutes a significant obstacle in women's struggles to avoid violence and in protecting children. State policies, which put the fight against poverty on women, give social assistance to women as if they were handing out charity. While women struggle with poverty, they must also cope with the burden of housework and care. They do not have access to the resources they need to build their own lives away from violence.[59]

As mentioned in the second section of this study, barriers to women's access to justice, including the methods of fighting against them, were discussed in detail in the fifth workshop held on the second day of the assembly. Structural barriers to accessing legal aid; the social effects of family-oriented policies in divorce, alimony, and custody cases in family courts; structural problems in the implementation of protection; and injunctions in accordance with Law No. 6284 and impunity were the main topics discussed in the workshop. It was stated that the most effective way to prevent the secondary violations of rights experienced by woman who are victims of violence is to file complaints about the attitudes and decisions of judges and prosecutors that do not comply with the law. It was emphasized in the workshop discussions that the structural problems experienced in the implementation of Law No. 6284 in practice have increased after Turkey's withdraw from the Istanbul Convention. In this context, it has been observed that law enforcement officers and judicial officials do not have sufficient knowledge of the Istanbul Convention, and therefore, they are subject to manipulation by right-wing conservatives who oppose gender equality. For instance, the demand for definitive evidence by prosecutors and judges to initiate an investigation can be evaluated as a result of the perception created in the public that "the man is removed from his home based on the woman's statement, thus violating the presumption of innocence of the individual." It is not a coincidence that those who oppose gender equality create the unfounded perception that "men are driven away with a single word from a woman." The basis of the consciously created perception that the "Istanbul Convention destroys the family" is part of the structural and institutional legitimization of discrimination and violence against women and LGBTI+ individuals and is utilized to prevent victims of violence from seeking justice according to the idea that "it will go unpunished anyway." Indeed, taking the statement of a victim of violence is not sufficient evidence to convict a perpetrator of violence; it is only a means to initiate an investigation against an alleged perpetrator of violence and to issue injunctions regarding the protection of the victim. It was also pointed

out that women's and LGBTI+ movements in Turkey were the only actors promoting and informing others about the Istanbul Convention, and therefore, the Convention was not fully implemented by the state during the ten years that it was in force in Turkey; Article 13 (Awareness-raising), Article 14 (Education), and Article 15 (Training of professionals) were never enforced together with Article 17 (Participation of the private sector and the media) mandated by the Convention.

On the third and last day of the assembly, the last session in which the demands were shared together with the summary presentations of the workshops showed how the male violence that women and LGBTI+ individuals are exposed to is intertwined with structural and institutional patriarchal violence. The first and second workshops (the Effect of Family and Family-Oriented Policies in Moving Away from Violence, the first workshop intended for shelter workers and the second for solidarity center staff) were combined due to the number of shelter workers attending the assembly being too low to facilitate discussion. Herein, the secretariat of the assembly underlined that some shelter workers who wanted to attend were demotivated due to the lack of funding since their participation was not supported by the central and local governments. They highlighted that this attitude, not supporting their staff to attend the assembly, also carried a certain meaning in the context of family-oriented policies against women's and LGBTI+ movements. One of the most fundamental findings of the third workshop (Our Feminist Approach and Policy in Combating Sexual Violence) was that in order to talk about sexual taboos and sexual violence, we must first be able to talk about sexuality. It was stated that victims of sexual violence, especially LGBTI+ individuals, were often exposed to secondary victimization through structural and institutional judgment when filing a complaint. In this manner, it was discussed how to establish centers where women and LGBTI+ individuals can receive support without being marginalized and stigmatized for collecting evidence and documenting sexual violence. International examples were shared, and the establishment of a doctors' network supporting women and LGBTI+ individuals, similar to that among bar association lawyers, was presented as a suggestion.

The essential point in the evaluations of the fourth workshop (the Effects of Male Violence and the Mechanisms of Combating Male Violence on Children in Turkey) was the prevention of child abuse and providing greater protection for children who were exposed to or witnessed domestic violence. The importance of implementing Law No. 6284 in the context of alimony, custody, and the right to meet with the father when he is the perpetrator of violence was repeated. In the summary presentation of the fifth workshop (Methods of Combating the Barriers to Women's Access to Justice), the participants again drew attention to the importance of legal aid and emphasized the situation of women who could not file a judicial complaint due to their lack of financial means. The discussions at the sixth workshop (Ways to Combat Violence against Women under State Pressure) and the seventh workshop (Our Feminist Struggle against Family-Oriented Politics) were reflected in the Declaration as follows:

> The state's policy and discourse targeting women and LGBTI+ individuals in the name of protecting the family; preventing the implementation of Law No. 6284; influencing the opinion of public actors responsible for enforcing the law against women; legitimizing violence, police, and judicial harassment against women and LGBTI+ organizations; strip searches; and other such violence and arrests must end.[60]

In the third section of this paper, rising anti-gender movements and subsequent right-wing conservative policies were examined together with the trend toward increasing militarism and the violations of rights suffered by Kurdish women's movements. These subjects were evaluated in the context of data reports. The situation of migrant/refugee/asylum-seeker women and LGBTI+ individuals was also highlighted as these groups are simultaneously exposed to multiple forms of discrimination and violence at the intersection of racism and sexism. Since there was no session or workshop in the Assembly questioning male violence from the perspective of intersectionality, a discussion focusing on women's and LGBTI+ individuals' experiences of violence related to their belonging to marginalized groups could not be held.

Consequently, it was frequently emphasized at the assembly that Turkey's decision to withdraw from the Istanbul Convention has further increased male violence against women. The Concluding Declaration of the Assembly once again revealed the demands for combatting violence against women and LGBTI+ individuals and achieving gender equality. What women and LGBTI+ people should really discuss, however, is how to ensure legal and political sanctions. Sanctions should be considered in terms of both national and transnational policies. For instance, how Turkey's decision to withdraw from the Istanbul Convention affected EU-Turkey relations, whether it did, and if not, why it did not, should be discussed within the framework of the Europe-wide rise of anti-gender movements and increasing militarism. On November 28, 2022, in Strasbourg, France, Mor Çatı presented their report on the monitoring of the Opuz Group Cases to the Council of Europe Council of Ministers. In response, the Commission again proposed recommendations to Turkey:

> In its recommendations announced on 9 December, the Council of Europe Council of Ministers strongly recommended Turkey to reverse its decision to withdraw from the Istanbul Convention. [...] It reiterated its recommendation that the state should work in cooperation with women's organizations.[61]

Women, children, and LGBTI+ individuals in Turkey need more effective EU policies than merely recommendations for full protection against gender-based discrimination and violence. Gender equality policies need to be urgently restructured in projects carried out in the context of EU-Turkey relations in all forms of cooperation regardless of the frozen membership negotiations—especially for those who are exposed to patriarchal discrimination and violence from an intersectional perspective due to the so-called "EU-Turkey Refugee Deal," who should be put under urgent protection. In this context, the findings of anthropologist Deniz Kandiyoti, who examines the place of conservative family values in AKP ideology and practice, offers us a broader perspective on transnational politics. According to Kandiyoti, the family is found in at least three crucial domains in the AKP's policies:

> first, in shoring up a populism that privileges gender as a marker of difference, pitting an authentically national 'us' against an 'anti-national' (gayri-milli) 'them'; second, in the marriage of convenience between neo-liberal welfare and employment policies and (neo)-conservative familism; and finally, in the 'normalization' of violence in everyday political discourse and practice.[62]

Therefore, it can be argued that Turkey's decision to withdraw from the Istanbul Convention was not actually motivated by "cultural" reasons as claimed. Under the same logic, it is also possible for EU member states with similar family-oriented policies to withdraw from the Convention in future.

Hence, it can be affirmed that patriarchal, anti-gender equality and militarist policies are the reasons behind the EU's signing of the Istanbul Convention in 2017 but still not making its implementation part of its *acquis*.[63] Isn't the fact that the title of the Convention is violence against women and domestic violence, not gender equality, itself indicative of this unwillingness? Therefore, Turkey's decision to withdraw from the Istanbul Convention should be documented not only in the context of national but also transnational policies, and the fact that the Convention is not included among the *acquis* for EU membership should be discussed from the perspective of gender equality policies in member states. For instance, the comprehensive implementation of the Istanbul Convention in EU member states means easier access to abortion in Germany and Poland, amending Bulgaria's constitution to recognize LGBTI+ individuals as a "third gender," and recognizing same-sex unions as civil marriages in EU countries including Hungary, Croatia, Lithuania, and Ukraine. Furthermore, the Istanbul Convention also means that asylum applications grounded on gender-based violence must be accepted in EU countries. Thus, human rights violations against LGBTI+ migrants/refugees/asylum-seekers who have been forced to live in Turkey precariously and compulsorily due to the so-called "EU-Turkey Refugee Deal" since 2016 would finally be recognized.

References:

25. Kadın Sığınakları ve Da(ya)nışma Merkezleri Kurltayı Sonuç Bildirgesi [Concluding Declaration of the 25th Assembly on Women's Shelters and Solidarity Centers] (n.d.): https://siginaksizbirdunya.org/haberler/25-kadin-siginaklari-ve-dayanisma-merkezleri-kurultayi-sonuc-bildirgesi/ *(Accessed: 25.11.2022)*

Bayraktar, Sevi (2011) *Makbul Anneler Müstakbel Vatandaşlar,* Ayizi Yayınları, Ankara

Bora, Aksu (2010) *Kadınların Sınıfı*, İletişim Yayınları, Istanbul

Çakır, Pelin (2022) "Bakım", Feminist Bellek: https://feministbellek.org/bakim/ (Accessed: 26.11.2022)

Çifter, Sevgi (2016) Kayyımdan Sonra Kadınlar [Women After Trustees]: https://www.5harfliler.com/kayyimdan-sonra-kadin/ (Accessed: 25.12.2022)

Diyarbakır Şiddetle Mücadele Ağı 2022 Yılı Raporu (2022), p. 6: https://bianet.org/system/uploads/1/files/attachments/000/003/710/original/S%CC%A7I%CC%87DDETLEMU%CC%88CADELEAG%CC%86I2022RAPORU.pdf?1669384668 (Accessed: 26.12.2022)

Eroğlu, Damla (2021) Aile: Devletin Sağ Eli: http://www.sosyaldemokratdergi.org/damla-eroglu-aile-devletin-sag-eli/ (Accessed: 25.11.2022)

European Parliament (2019) "EU accession to the Istanbul Convention and other measures to combat gender-based violence": https://www.europarl.europa.eu/doceo/document/TA-9-2019-0080_EN.pdf (Accessed: 26.12.2022)

Evrensel (3 December 2021) Tecavüz faili Musa Orhan'ın 10 yıl hapis cezası veren mahkeme tutuklama talebini reddetti: https://www.evrensel.net/haber/449362/tecavuz-faili-musa-orhanin-10-yil-hapis-cezasi-veren-mahkeme-tutuklama-talebini-reddetti (Accessed: 26.12.2022)

Evrensel (24 November 2022) Taksim'deki 25 Kasım eylemine yasak: Müsaade istemiyoruz, şiddetsiz bir hayat istiyoruz!: https://www.evrensel.net/haber/475460/taksimdeki-25-kasim-eylemine-yasak-musaade-istemiyoruz-siddetsiz-bir-hayat-istiyoruz (Accessed: 26.12.2022)

Evrensel (30 November 2022) 25 Kasım Kadın Platformu'ndan suç duyurusu: Polis şiddetine sessiz kalmıyoruz: https://www.evrensel.net/haber/475868/25-kasim-kadin-platformundan-suc-duyurusu-polis-siddetine-sessiz-kalmiyoruz (Accessed: 26.12.2022)

Full Text of Istanbul Convention (n.d.): https://rm.coe.int/168008482e *(Accessed: 02.04.2023)*

HDP (2022) Demokratik Yerel Yönetimler Kadın Kurulu Raporu [Democratic Local Governments Women's Board Report]

Human Rights Association Diyarbakır Branch (2022) Diyarbakır'da 16.03.2022 Tarihinde Gözaltına Alınan 24 Kadının Yaşadığı Hak İhlalleri Raporu [Report of the Rights Violations of 24 Women Detained in Diyarbakır on 16.03.2022]: https://ihddiyarbakir.org/Content/uploads/02a3d0db-b2bd-49e0-b8df-b1a95209a940.pdf (Accessed: 25.12.2022)

Istanbul Bar Association (2019). Aile Hukukunda Arabuluculuk Olmaz [No Mediation in Family Law]: https://www.istanbulbarosu.org.tr/HaberDetay.aspx?ID=14275&Desc=Aile-Hukukunda-Arabuluculuk-Olmaz- (Accessed: 25.12.2022)

Istanbul Convention Timeline: https://istanbulsozlesmesi.org/day-to-day-chronology/ *(Accessed: 02.04.2023)*

KADEM (2020) İstanbul Sözleşmesi Hakkında [About the Istanbul Convention]: https://kadem.org.tr/istanbul-sozlesmesi-hakkinda/ (Accessed: 11.12.2022)

Kandiyoti, Deniz (2016) "Locating the politics of gender: Patriarchy, neo-liberal governance and violence in Turkey," Research and Policy on Turkey, 1:2, 103-118, DOI: 10.1080/23760818.2016.1201242

Kara, Mahsum (2021) "İpek Er'in avukatı: Musa Orhan'ın tutuklanması talebi görmezden geliniyor," *Evrensel* Daily, September 18, Diyarbakır: https://www.evrensel.net/haber/442988/ipek-erin-avukati-musa-orhanin-tutuklanmasi-talebi-gormezden-geliniyor (Accessed: 26.12.2022)

KSDM_Kurultayi (2022). Twitter post November 12, 10:30 hours: https://twitter.com/KSDM_Kurultayi/status/1591332554078310400 (Accessed: 25.12.2022)

Kurt Konca, Nesibe (2014) "Türk hukukunda tebligata ilişkin güncel sorunlar ve çözüm önerileri", in Türkiye Barolar Birliği Dergisi, Issue 114, pp. 239-274.

Laws Turkey (n.d.), *Law No. 6284 to Protect Family and Prevent Violence against Woman*: http://www.lawsturkey.com/law/law-to-protect-family-and-prevent-violence-against-woman-6284 (Accessed: 13.12.2022)

LİSTAG (2022) LGBTİ+ Karşıtı "Büyük Aile Buluşması" Yürüyüşüne Dair [About the Anti-LGBTI+ "Great Family Gathering" March]: https://listag.org/2022/09/14/lgbti-karsiti-buyuk-aile-bulusmasi-yuruyusune-dair/ (Accessed: 11.12.2022)

Mor Çatı (2021a) Kadına Yönelik Şiddet: Kadınların Deneyimleri, Kurumlar ve Mecralar *[Women's Experiences, Institutions, and Issues]*: https://morcati.org.tr/kitaplar/kadina-yonelik-siddet-kadinlarin-deneyimleri-kurumlar-ve-mecralar/ (Accessed: 11.12.2022)

Mor Çatı (2021b): The Effects of Male Violence and Mechanisms to Combat Male Violence on Children's Rights Submission to the UN Committee on the Rights of the Child: https://en.morcati.org.tr/reports/the-effects-of-male-violence-and-mechanisms-to-combat-male-violence-on-childrens-rights/ (Accessed: 02.04.2023)

Mor Çatı (2021c). The Monitoring Report on Coordination in Combating Violence against Men, p. 9: https://en.morcati.org.tr/wp-content/uploads/2022/05/The-Monitoring-Report-on-Coordination-in-Combating-Against-Male-Violence-in-Turkey.pdf (Accessed: 24.12.2022)

Mor Çatı (2022) "Türkiye'de kadınların şiddete karşı nasıl korunduğu izleme altında! [How women are protected against violence in Turkey is under monitoring!]: https://morcati.org.tr/basin-aciklamalari/turkiyede-kadinlarin-siddete-karsi-nasil-korundugu-izleme-altinda/ (Accessed: 26.12.2022)

Official Gazette (08.12.2001) Türk Medeni Kanunu [Turkish Civil Code]: https://www.resmigazete.gov.tr/eskiler/2001/12/20011208.htm (Accessed: 25.12.2022)

Official Gazette (22.06.2012) Hukuk Uyuşmazlıklarında Arabuluculuk Kanunu [Law on Mediation in Civil Disputes No. 6325]: https://www.resmigazete.gov.tr/eskiler/2012/06/20120622-1.htm (Accessed: 25.12.2022)

Presidency of the Republic of Turkey Directorate of Communications (2021) "Statement regarding Türkiye's withdrawal from the Istanbul Convention": https://www.iletisim.gov.tr/turkce/haberler/detay/statement-regarding-turkeys-withdrawal-from-the-istanbul-convention *(Accessed: 02.04.2023)*

SES Equality and Solidarity Association (2022) "Rosa: Haklarımız ve hayatlarımız için! | "Barışı inşa etmek için kadın mücadelesini esas alıyoruz": https://www.youtube.com/watch?v=1CCHWvO5Vv0 (Accessed: 26.12.2022)

Sivil Toplum Geliştirme Merkezi (2020) Türkiye'de Adli Yardım Hizmetlerinin Güçlendirilmesi Avrupa Birliği Eşleştirme Projesi – Hukuk Yargılaması ve İdari Yargıda Adli Yardım: https://www.stgm.org.tr/sites/default/files/2020-09/hukuk-yargilamasi-ve-idari-yargida-adli-yardim.pdf (Accessed: 23.12.2022)

Sığınaksız bir Dünya [A World Without Shelter]–Who We Are (n.d): https://en.siginaksizbirdunya.org/who-we-are/ (Accessed: 25.11.2022)

The Care Collective (2020), Care Manifesto: The Politics of Interdependence, Verso, London-New York

Topal, Fırat (16 Mart 2022) "Diyarbakır'da Kadın Mücadelesine Operasyon," *Ekmek ve Gül* Newspaper, Diyarbakır: https://ekmekvegul.net/gundem/diyarbakirda-kadin-mucadelesine-operasyon (Accessed: 25.12.2022)

TUIK (2022) Türkiye Aile Yapısı Araştırması [Turkey Family Structure Survey 2021]: https://data.tuik.gov.tr/Bulten/Index?p=Turkiye-Aile-Yapisi-Arastirmasi-2021-45813 (Accessed: 26.11.2022)

Türkiye Cumhuriyeti Aile ve Sosyal Hizmetler Bakanlığı, Sosyal ve Ekonomik Destek (SED) Hizmeti: https://www.aile.gov.tr/sss/cocuk-hizmetleri-genel-mudurlugu/sed-hizmeti/ (Accessed: 11.12.2022)

Uyumaz, A., Erdoğan, K. (2015). "Aile Hukukundan Doğan Uyuşmazlıkların Alternatif Çözüm Yolları". Dokuz Eylül University Faculty of Law Journal 17, pp. 119-169

Son notlar

1 | For further information on the assembly: https://en.siginaksizbirdunya.org/ (Accessed: 25.11.2022)

2 | For further information on Rosa Women's Association: https://feministbellek.org/rosa-kadin-dernegi/ (Accessed: 25.11.2022)

3 | Sığınaksız bir Dünya [A World Without Shelter]– Who We Are (n.d): https://en.siginaksizbirdunya.org/who-we-are/ (Accessed: 25.11.2022)

4 | 25. Kadın Sığınakları ve Da(ya)nışma Merkezleri Kurltayı Sonuç Bildirgesi [Concluding Declaration of the 25th Assembly on Women's Shelters and Solidarity Centers] (n.d.): https://siginaksizbirdunya.org/haberler/25-kadin-siginaklari-ve-dayanisma-merkezleri-kurultayi-sonuc-bildirgesi/ (Accessed: 25.11.2022)

5 | Full Text of Istanbul Convention (n.d.): https://rm.coe.int/168008482e (Accessed: 02.04.2023)

6 | İbid

7 | Presidency of the Republic of Turkey Directorate of Communications (2021) "Statement regarding Türkiye's withdrawal from the Istanbul Convention": https://www.iletisim.gov.tr/turkce/haberler/detay/statement-regarding-turkeys-withdrawal-from-the-istanbul-convention (Accessed: 02.04.2023)

8 | Istanbul Convention Timeline: https://istanbulsozlesmesi.org/day-to-day-chronology/ (Accessed: 02.04.2023)

9 | TUIK (2022) Türkiye Aile Yapısı Araştırması [Turkey Family Structure Survey 2021]: https://data.tuik.gov.tr/Bulten/Index?p=Turkiye-Aile-Yapisi-Arastirmasi-2021-45813 (Accessed: 26.11.2022)

10 | Bora, Aksu (2010) Kadınların Sınıfı, İletişim Yayınları, Istanbul, p. 60

11 | Bayraktar, Sevi (2011) Makbul Anneler Müstakbel Vatandaşlar, Ayizi Yayınları, Ankara, p. 12

12 | Çakır, Pelin (2022) "Bakım", Feminist Bellek: https://feministbellek.org/bakim/ (Accessed: 26.11.2022)

13 | The Care Collective (2020), Care Manifesto: The Politics of Interdependence, Verso, London-New York, p. 12-13

14 | Eroğlu, Damla (2021) Aile: Devletin Sağ Eli: http://www.sosyaldemokratdergi.org/damla-eroglu-aile-devletin-sag-eli/ (Accessed: 25.11.2022)

15 | Türkiye Cumhuriyeti Aile ve Sosyal Hizmetler Bakanlığı, Sosyal ve Ekonomik Destek (SED) Hizmeti: https://www.aile.gov.tr/sss/cocuk-hizmetleri-genel-mudurlugu/sed-hizmeti/ (Accessed: 11.12.2022)

16 | Mor Çatı (2021a) Kadına Yönelik Şiddet: Kadınların Deneyimleri, Kurumlar ve Mecralar [Women's Experiences, Institutions, and Issues], p. 12: https://morcati.org.tr/kitaplar/kadina-yonelik-siddet-kadinlarin-deneyimleri-kurumlar-ve-mecralar/ (Accessed: 11.12.2022)

17 | Op. cit., p. 43

18 | Op. cit., p. 55

19 | Mor Çatı (2021b): The Effects of Male Violence and Mechanisms to Combat Male Violence on Children's Rights Submission to the UN Committee on the Rights of the Child, p. 4: https://en.morcati.org.tr/reports/the-effects-of-male-violence-and-mechanisms-to-combat-male-violence-on-childrens-rights/ (Accessed: 02.04.2023)

20 | Op. cit., p. 14

21 | Op. cit., p. 14

22 | Eroğlu, Damla (2021). Ibid.

23 | Eroğlu, Damla (2021). Ibid.

24 | LİSTAG (2022) LGBTİ+ Karşıtı "Büyük Aile Buluşması" Yürüyüşüne Dair [About the Anti-LGBTI+ "Great Family Gathering" March]: https://listag.org/2022/09/14/lgbti-karsiti-buyuk-aile-bulusmasi-yuruyusune-dair/ (Accessed: 11.12.2022)

25 | KADEM (2020) İstanbul Sözleşmesi Hakkında [About the Istanbul Convention]: https://kadem.org.tr/istanbul-sozlesmesi-hakkinda/ (Accessed: 11.12.2022)

26 | Laws Turkey (n.d.), Law No. 6284 to Protect Family and Prevent Violence against Woman: http://www.lawsturkey.com/law/law-to-protect-family-and-prevent-violence-against-woman-6284 (Accessed: 13.12.2022)

27 | Kurt Konca, Nesibe (2014) "Türk hukukunda tebligata ilişkin güncel sorunlar ve çözüm önerileri", in Türkiye Barolar Birliği Dergisi, Issue 114, p. 241.

28 | Sivil Toplum Geliştirme Merkezi (2020) Türkiye'de Adli Yardım Hizmetlerinin Güçlendirilmesi Avrupa Birliği Eşleştirme Projesi – Hukuk Yargılaması ve İdari Yargıda Adli Yardım, p. 7: https://www.stgm.org.tr/sites/default/files/2020-09/hukuk-yargilamasi-ve-idari-yargida-adli-yardim.pdf (Accessed: 23.12.2022)

29 | Op. cit., p. 7

30 | Op. cit., p. 8

31 | Laws Turkey (n.d.) Ibid.

32 | Ibid.

33 | Ibid.

34 | Mor Çatı (2021c). The Monitoring Report on Coordination in Combating Violence against Men, p. 9: https://en.morcati.org.tr/wp-content/uploads/2022/05/The-Monitoring-Report-on-Coordination-in-Combating-Against-Male-Violence-in-Turkey.pdf (Accessed: 24.12.2022)

35 | Op. cit., p. 10

36 | Uyumaz, A., Erdoğan, K. (2015). "Aile Hukukundan Doğan Uyuşmazlıkların Alternatif Çözüm Yolları". Dokuz Eylül University Faculty of Law Journal 17, p. 128

37 | Official Gazette (22.06.2012) Hukuk Uyuşmazlıklarında Arabuluculuk Kanunu [Law on Mediation in Civil Disputes No. 6325]: https://www.resmigazete.gov.tr/eskiler/2012/06/20120622-1.htm (Accessed: 25.12.2022)

38 | Full Text of Istanbul Convention (n.d.), Ibid.

39 | Istanbul Bar Association (2019). Aile Hukukunda Arabuluculuk Olmaz [No Mediation in Family Law]: https://www.istanbulbarosu.org.tr/HaberDetay.aspx?ID=14275&Desc=Aile-Hukukunda-Arabuluculuk-Olmaz- (Accessed: 25.12.2022)

40 | Official Gazette (08.12.2001) Türk Medeni Kanunu [Turkish Civil Code]: https://www.resmigazete.gov.tr/eskiler/2001/12/20011208.htm (Accessed: 25.12.2022)

41 | Laws Turkey (n.d.) Ibid.

42 | Official Gazette (08.12.2001) Ibid.

43 | Ibid.

44 | Ibid.

45 | KSDM_Kurultayi (2022). Twitter post November 12, 10:30 hours: https://twitter.com/KSDM_Kurultayi/status/1591332554078310400 (Accessed: 25.12.2022)

46 | Human Rights Association Diyarbakır Branch (2022) Diyarbakır'da 16.03.2022 Tarihinde Gözaltına Alınan 24 Kadının Yaşadığı Hak İhlalleri Raporu [Report of the Rights Violations of 24 Women Detained in Diyarbakır on 16.03.2022]: https://ihddiyarbakir.org/Content/uploads/02a3d0db-b2bd-49e0-b8df-b1a95209a940.pdf (Accessed: 25.12.2022)

47 | Topal, Fırat (16 Mart 2022) "Diyarbakır'da Kadın Mücadelesine Operasyon," Ekmek ve Gül Newspaper, Diyarbakır: https://ekmekvegul.net/gundem/diyarbakirda-kadin-mucadelesine-operasyon (Accessed: 25.12.2022)

48 | HDP (2022) Demokratik Yerel Yönetimler Kadın Kurulu Raporu [Democratic Local Governments Women's Board Report], p. 1.

49 | Op. cit., p. 2.

50 | Çifter, Sevgi (2016) Kayyımdan Sonra Kadınlar [Women After Trustees]: https://www.5harfliler.com/kayyimdan-sonra-kadin/ (Accessed: 25.12.2022)

51 | HDP (2022) Ibid., p. 4.

52 | Evrensel (3 December 2021) Tecavüz faili Musa Orhan'ın 10 yıl hapis cezası veren mahkeme tutuklama talebini reddetti: https://www.evrensel.net/haber/449362/tecavuz-faili-musa-orhanin-10-yil-hapis-cezasi-veren-mahkeme-tutuklama-talebini-reddetti (Accessed: 26.12.2022)

53 | Diyarbakır Şiddetle Mücadele Ağı 2022 Yılı Raporu (2022), p. 6: https://bianet.org/system/uploads/1/files/attachments/000/003/710/original/S%CC%A7I%CC%87DDETLEMU%CC%88CADELEAG%CC%86I2022RAPORU.pdf?1669384668 (Accessed: 26.12.2022)

54 | SES Equality and Solidarity Association (2022) "Rosa: Haklarımız ve hayatlarımız için! | "Barışı inşa etmek için kadın mücadelesini esas alıyoruz": https://www.youtube.com/watch?v=1CCHWvO5Vv0 (Accessed: 26.12.2022)

55 | Kara, Mahsum (2021) "İpek Er'in avukatı: Musa Orhan'ın tutuklanması talebi görmezden geliniyor," Evrensel Daily, September 18, Diyarbakır: https://www.evrensel.net/haber/442988/ipek-erin-avukati-musa-orhanin-tutuklanmasi-talebi-gormezden-geliniyor (Accessed: 26.12.2022)

56 | Evrensel (24 November 2022) Taksim'deki 25 Kasım eylemine yasak: Müsaade istemiyoruz, şiddetsiz bir hayat istiyoruz!: https://www.evrensel.net/haber/475460/taksimdeki-25-kasim-eylemine-yasak-musaade-istemiyoruz-siddetsiz-bir-hayat-istiyoruz (Accessed: 26.12.2022)

57 | Evrensel (30 November 2022) 25 Kasım Kadın Platformu'ndan suç duyurusu: Polis şiddetine sessiz kalmıyoruz: https://www.evrensel.net/haber/475868/25-kasim-kadin-platformundan-suc-duyurusu-polis-siddetine-sessiz-kalmiyoruz (Accessed: 26.12.2022)

58 | 25. Kadın Sığınakları ve Da(ya)nışma Merkezleri Kurltayı Sonuç Bildirgesi [Concluding Declaration of the 25th Assembly on Women's Shelters and Solidarity Centers] (n.d.), Ibid.

59 | Ibid.

60 | Ibid.

61 | Mor Çatı (2022) "Türkiye'de kadınların şiddete karşı nasıl korunduğu izleme altında! [How women are protected against violence in Turkey is under monitoring!]: https://morcati.org.tr/basin-aciklamalari/turkiyede-kadinlarin-siddete-karsi-nasil-korundugu-izleme-altinda/ (Accessed: 26.12.2022)

62 | Kandiyoti, Deniz (2016) "Locating the politics of gender: Patriarchy, neo-liberal governance and violence in Turkey", Research and Policy on Turkey, s. 104-105

63 | European Parliament (2019) "EU accession to the Istanbul Convention and other measures to combat gender-based violence": https://www.europarl.europa.eu/doceo/document/TA-9-2019-0080_EN.pdf (Accessed: 26.12.2022)

About the Istanbul Policy Center-Sabancı University-Stiftung Mercator Initiative

The Istanbul Policy Center–Sabancı University–Stiftung Mercator Initiative aims to strengthen the academic, political, and social ties between Turkey and Germany as well as Turkey and Europe. The Initiative is based on the premise that the acquisition of knowledge and the exchange of people and ideas are preconditions for meeting the challenges of an increasingly globalized world in the 21st century. The Initiative focuses on two areas of cooperation, EU/German-Turkish relations and climate change, which are of essential importance for the future of Turkey and Germany within a larger European and global context.

Elif Çiğdem Artan, 2022/23 Mercator-IPC Fellow. She received her PhD at TU Berlin - IGK - Center for Metropolitan Studies.

The interpretations and conclusions made in this analysis belong solely to the author and do not reflect IPC's official position

İstanbul Sözleşmesi'nden Çekildikten Sonra 6284 numaralı Kanunun Fiili Uygulaması Türkiye'de Yapısal ve Kurumsal Ataerkil Şiddetle Mücadele
26 p.; 30 cm. - (Istanbul Policy Center-Sabancı University-Stiftung Mercator Initiative)

Cover Design and Page Layout: MYRA

Istanbul Policy Center
Bankalar Caddesi Minerva Han No: 2 Kat: 4
34420 Karaköy-İstanbul
T +90 212 292 49 39
ipc@sabanciuniv.edu - ipc.sabanciuniv.edu

IPC
ISTANBUL POLICY CENTER
SABANCI UNIVERSITY
STIFTUNG MERCATOR INITIATIVE