



**Türkiye's Compliance with the International Covenant on Civil and Political Rights:
Women's Rights to Life, Freedom of Expression, Freedom of Association, and Equality in
Marriage, Rights of Migrant Women, and Reproductive Rights in Türkiye**

Submitted by The Advocates for Human Rights

a non-governmental organization in special consultative status with ECOSOC since 1996

for the 142nd Session of the Human Rights Committee
14 October 2024 – 8 November 2024

Submitted 16 September 2024

The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates has published more than 30 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence.

The current report was drafted in collaboration with women human rights defenders in the diaspora.

EXECUTIVE SUMMARY

1. This report addresses Türkiye's compliance with its obligations under the International Covenant on Civil and Political Rights (ICCPR) with respect to restrictions to women's right to freedom of expression, association, equality under marriage, support as migrants, and reproductive care. The information in this report was compiled from a review of current laws and policies, along with materials, reports, and analyses produced by the authors, as well as international, regional, and domestic governmental and non-governmental organizations. This report makes a number of recommendations that the State Party should adopt to be in better compliance with the Convention. These recommendations include: (1) refraining from the persecution, intimidation, harassment or imprisonment of civil society representatives who peacefully exercise, among other rights, their freedom of expression, (2) amending Article 187 of Türkiye's Civil Code to ensure that all women can exercise their freedom to keep their maiden name without any substantive or procedural errors, (3) adhering to international non-refoulement standards and domestic laws regarding deportation appeals (4) ensuring migrant women are treated equally to Turkish women when seeking help from domestic violence shelters, and (5) ensure the right of every woman and girl to have full control over matters related to their reproductive health, including eliminating all legal barriers to accessing abortion services.

Türkiye fails to uphold its obligations under the ICCPR

I. Women's Rights to Freedom of Expression and Association

2. The Committee, in its 2021 List of Issues Prior to Reporting, enquired about efforts made by the State Party to decriminalize acts that restrict the right to freedom of expression, including in digital spaces.¹ Similarly, the Committee questioned the compatibility of Law No. 2911 with the ICCPR due to its provisions and application permitting proscription of freedom of assembly on vague grounds.²
3. In reply, Türkiye delineated how amendments to laws intended to counter terrorism permit critical expressions of opinion³ and that Criminal Code of Procedures Article 286 establish a legal remedy for decisions on crimes that cannot be appealed, such as "threatening to create fear and panic among the public" and "provoking the public to hatred and to hostility."⁴ Specifically, Türkiye explained that celebrations of International Women's Day were observed

¹ Human Rights Committee, *List of issues prior to submission of the second periodic report of Türkiye*, (August 25, 2021), U.N. Doc. CCPR/C/TUR/QPR/2, ¶ 24.

² Human Rights Committee, *List of issues prior to submission of the second periodic report of Türkiye*, (August 25, 2021), U.N. Doc. CCPR/C/TUR/QPR/2, ¶ 26.

³ Human Rights Committee, *Second periodic report submitted by Türkiye under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2022 (date received: 3 August 2022)*, UN. Doc. CCPR/C/TUR/2 (April 28, 2023), ¶ 78.

⁴ Human Rights Committee, *Second periodic report submitted by Türkiye under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2022 (date received: 3 August 2022)*, UN. Doc. CCPR/C/TUR/2 (April 28, 2023), ¶ 242.

under parameters permitted by the constitution and that action was taken against those participating in illegal activities.⁵

4. Türkiye restricts freedom of association and expression by creating legislation that violates these rights. Türkiye's Constitution recognizes the right to "unarmed and peaceful meetings and demonstration marches without prior permission." The Constitution also prescribes the possibility of restricting such rights by law "protection of public health and public morals or the rights and freedoms of others."⁶ Türkiye has issued important legislation that highly restricts such rights.⁷
5. The Law No. 2911 on *the Regulation on the Implementation of Law on Meetings and Demonstrations* severely hinders the right to peaceful assembly. Law 2911 weakens the constitution's rights provisions as it includes vague and excessive requirements for individuals to exercise such rights and leaves excessive deference to the executive power to interpret it. According to Article 10, any assembly will be considered illegal unless all organizing committee members sign a declaration 48 hours before the assembly and submit it to the district governor's office during working hours. In that case, the administration has the right to take all measures to disperse it. According to Article 6 of Law No. 2911 provincial governors have the authority to decide on the venue and the route of gatherings to ensure "do not make the daily life of citizens excessively and unbearably difficult." Likewise, Article 19 of Law No. 2911 allows the administration to postpone and ban all meetings in cities and districts for up to one month.
6. Legislation such as Anti-Terror Law No. 3713 represents a severe risk to the rights to freedom of association and expression as it equals the exercise of rights with terrorist activities. Its vague provisions allow authorities to classify demonstrations and marches as terrorist activities. Articles 6 and 7 of the Anti-Terror Law prescribe that those who join demonstrations can be accused of being terrorists or committing terror crimes for their slogans and placards in the demonstrations.⁸ According to findings by Amnesty International, authorities have often used such provisions to investigate and sentence individuals without sufficient evidence, as "it has become a routine judicial practice to prosecute and convict people for broad and undefined terrorism-related offenses without credible and sufficient evidence and on the sole basis of their real or perceived political opinions."⁹
7. There has been a longstanding pattern of Turkish authorities restricting and using excessive force to disperse protests and demonstrations.¹⁰ Authorities have targeted feminist demonstrations commemorating women's rights and denouncing violence against women. In 2021, Turkish riot police "fired the gas and scuffled with the protesters" to disperse demonstrations as part of the commemoration of November 25th, the day against gender-based

⁵ Human Rights Committee, *Second periodic report submitted by Türkiye under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2022 (date received: 3 August 2022)*, UN. Doc. CCPR/C/TUR/2 (April 28, 2023), ¶ 268-269.

⁶ Article 34 of the 1982 Constitution of Türkiye

⁷ See INCL, https://www.icnl.org/wp-content/uploads/cfr_FoA-in-Türkiye.pdf

⁸ Türkiye, Anti-Terror Law No. 3713.

⁹ Amnesty International, *Turkey: Weaponizing Counterterrorism: Turkey Exploits Terrorism Financing Assessment to Target Civil Society*, 2021, available at <https://www.amnesty.org/en/wp-content/uploads/2021/07/EUR4442692021ENGLISH.pdf>

¹⁰ Freedom house, "Freedom in the world 2024, Türkiye", accessed August 29, 2024, <https://freedomhouse.org/country/Türkiye/freedom-world/2024>

violence.¹¹ Mor Çatı Women’s Shelter reports that Turkish authorities frequently restrict individuals from joining protests by cordoning the areas and arbitrarily detains activists even before they assemble for the demonstrations and undertakes. Additionally, Turkish police are reported to target and detain activists in their homes, with reports of strip searches being used as a form of torture during detention.¹² The most common place where women (58.6%) and LGBTI+ (92.5%) are subjected to torture during the detention process is the street/open area¹³. Detentions are reported to be a way of reprisal and torture by Turkish police as judges do not charge most activists due to the constitutional protection of freedom of assembly.¹⁴

8. Local government systematically bans peaceful demonstrations. As an example of such actions, since 2018, the Beyoğlu District Governorship has banned the pacific vigils of the group The Saturday Mothers/People (*Cumartesi Anneleri/İnsanları*), which gathers every Saturday to demand justice for their family members.¹⁵ Authorities engage in arbitrary arrests and detentions of The Saturday Mothers/People, along with the excessive use of force by law enforcement and tactics like "security encirclements" and the unnecessary handcuffing of protesters.¹⁶ Türkiye authorities have also attempted to criminalize movement members and allies after participating in one of the movement’s vigils in 2023 under the charge of “attending illegal demonstrations and marches without arms and failing to disperse despite the warning.”¹⁷ Charges are likely not to result in a sentence.
9. The misuse of the legal system by criminalizing women human rights defenders is a known tactic by the Turkish government to dissuade dissent. The charges against the non-governmental organization (NGO) We Will Stop Femicide organization exemplify such tactics. The NGO was brought to trial for closure under the charges of “activity against law and morals.” According to reports, legal persecution was motivated by the organization's work on women’s rights and its critics of the government’s response to violence against women.¹⁸

¹¹ Reuters, *Turkish police break up ‘violence against women’ protest*, Nov. 25, 2021, available at <https://www.reuters.com/world/middle-east/turkish-police-break-up-violence-against-women-protest-2021-11-25/>

¹² Mor Çatı Women’s Shelter Foundation, Shadow Report to be submitted to the Committee against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment for review during the 80th General Session,20 (July 17, 2024)

¹³ Human Rights Foundation of Türkiye, *Treatment and rehabilitation centres report 2022* (2023), 148, August 27,2014 accessed,https://en.tihv.org.tr/wp-content/uploads/2023/12/HRFT_Treatment_and_Rehabilitation_Centers_report_2022.pdf

¹⁴ Mor Çatı Women’s Shelter Foundation, Shadow Report to be submitted to the Committee against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment for review during the 80th General Session,20 (July 17, 2024)

¹⁵ International Federation for Human Rights, "Türkiye: First hearing in latest trial against Saturday Mothers/People", accessed September 2, 2024, <https://www.fidh.org/en/region/europe-central-asia/Türkiye/Türkiye-first-hearing-in-latest-trial-against-saturday-mothers-people#>

¹⁶ International Federation for Human Rights, "Türkiye: First hearing in latest trial against Saturday Mothers/People", accessed September 2, 2024, <https://www.fidh.org/en/region/europe-central-asia/Türkiye/Türkiye-first-hearing-in-latest-trial-against-saturday-mothers-people#>

¹⁷ International Federation for Human Rights, "Türkiye: First hearing in latest trial against Saturday Mothers/People", accessed September 2, 2024, <https://www.fidh.org/en/region/europe-central-asia/Türkiye/Türkiye-first-hearing-in-latest-trial-against-saturday-mothers-people#>

¹⁸ United States, Department of State Bureau of Democracy, Human Rights, and Labor, Türkiye (Türkiye) 2023 Human Rights Report (2024) 41. accessed Auguts 29, 2024, https://www.state.gov/wp-content/uploads/2024/02/528267_TU%CC%88RKIYE-2023-HUMAN-RIGHTS-REPORT.pdf

Available information indicates that the prosecution filed the case on the grounds of the NGOs disregarding the concept of family “while pretending women’s rights.”¹⁹

10. Türkiye’s persecution of civil society also extends to individual defenders. Of note, the Human Rights Association (İHD) and the Human Rights Foundation of Türkiye (HRFT) denounce that the Türkiye authorities gave
11. Türkiye has increasingly criminalized Kurdish women’s organizations and defenders in recent years because of their rights activism against violence against women.²⁰ In 2022, Authorities arbitrarily detained defenders from the Kurdish women’s movement in multiple cities through hose raids, including members from the Rosa Women's Association and Free Women's Movement (TJA), following their participation in the November 25th demonstrations related to women's rights.²¹
12. Kurdish and pro-Kurdish civil society organizations continue to face challenges in exercising their rights to freedom of assembly and association. Since 2016 and its consequence of the State of Emergency, authorities have closed multiple Kurdish organizations. To this date, available information indicates that many of them remain closed by the government.²²

13. Suggested recommendations

- Refrain from the persecution, intimidation, harassment or imprisonment of civil society representatives who peacefully exercise, among other rights, their freedom of expression in Türkiye.
- Cease all criminalization practices against women human rights defenders and organizations.
- Amend Law No. 2911 and the Anti-Terror Law No. 3713 to bring them fully into line with articles 19 and 22 of the Covenant. Especially:
- Revise Law No. 2911 and amend all articles restricting freedom of expression and association.
 - i. Revise the Anti-Terror Law No. 3713 in order to strictly define an act of terrorism and ensure that counter-terrorism legislation is not used to limit the rights of freedom and association of human rights defenders.

¹⁹ Media and Law Studies Association (MLSA), “We Will Stop Femicide Platform closure case rejected” News 2023, accessed August 28 2024, <https://www.mlstaTürkiye.com/en/we-will-stop-femicide-platform-closure-case-rejected>

²⁰ Feride Eralp & Selin Top, “Agendas and current areas of action of the feminist movement in Türkiye” Information Note, Association for Gender Equality Policies, 2022, <https://cinsiyetesitligipolitikalari.org/turkiyede-feminist-hareketin-gundemleri-ve-guncel-eylem-alanlari/#bolum2>

²¹ Feride Eralp & Selin Top, “Agendas and current areas of action of the feminist movement in Türkiye” Information Note, Association for Gender Equality Policies, 2022, <https://cinsiyetesitligipolitikalari.org/turkiyede-feminist-hareketin-gundemleri-ve-guncel-eylem-alanlari/#bolum2>

²² Information in file. See also Turkish Minute, *Report sheds light on shrinking space for civil society in Turkey under state pressure*, March 13 2024, <https://turkishminute.com/2024/03/13/report-sheds-light-on-shrinking-space-for-civil-society-in-turkey-under-state-pressure/>; UK Government, *Guidance Country policy and information note: Gülenist movement, Turkey, October 2023* (accessible) (Updated 9 August 2024), <https://www.gov.uk/government/publications/turkey-country-policy-and-information-notes/475f9b93-76c5-4312-b918-68756604f8ed>

- Refrain from revoking the legal personalities of civil society organizations, including women human rights organizations.
- Ensure the provision of effective assistance and protection to human rights defenders and journalists who are subjected to threats, violence and intimidation, and should ensure that they can carry out their work in appropriate conditions, including by recognizing the right of individuals, organizations and groups to defend human rights, by adopting special legislative measures for their protection.
- Take immediate steps to ensure that all women can exercise their rights to freedom of expression and peaceful assembly and association without interference.
- Investigate, prosecute and appropriately punish, without impunity, all acts of human rights violations against women human rights defenders, including when committed by police officers or other public officials, and provide victims with effective remedies.

II. Women's Rights to Equality in Marriage

14. In the 2021 List of Issues Prior to Reporting, the Committee inquired as to measures put in place, including legislation, that prevent and protect against discrimination based on gender as well as other grounds.²³
15. In response, Türkiye elaborated in its Second Periodic Report on measures relating to hate speech, freedom of thought and conviction, and political participation and representation, without specifically addressing realization of a right to substantive gender equality.²⁴ Türkiye cross-referenced its responses to the List of Issues Prior to Reporting it received from the Committee on the Elimination of Discrimination against Women (CEDAW Committee), in which it explained that divorced parties are legally mandated to resume use of their pre-marital surnames,²⁵ and that married women may apply to use their own surname (alone or in conjunction with that of their husband) as per Turkish Civil Code Article 187 and the related decision of the General Assembly of the Law of the Supreme Court.²⁶
16. Article 187 of Türkiye's Civil Code states "*Married women shall bear their husband's name. However, they can make a written declaration to the Registrar of Births, Marriages and Deaths on signing the marriage deed, or at the Registry of Births, Marriages and Deaths after the marriage, if they wish to keep their maiden name in front of their surname.*"²⁷

²³ Human Rights Committee, *List of issues prior to submission of the second periodic report of Türkiye*, (August 25, 2021), U.N. Doc. CCPR/C/TUR/QPR/2, ¶ 3.

²⁴ Human Rights Committee, *Second periodic report submitted by Türkiye under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2022 (date received: 3 August 2022)*, UN. Doc. CCPR/C/TUR/2 (April 28, 2023), ¶ 42-54.

²⁵ Committee on the Elimination of Discrimination against Women, *Replies of Türkiye to the list of issues and questions in relation to its eighth periodic report (date received: 9 November 2021)*, UN. Doc. CEDAW/C/TUR/RQ/8 (February 25, 2022), ¶ 260.

²⁶ Committee on the Elimination of Discrimination against Women, *Eighth periodic report submitted by Türkiye under article 18 of the Convention, due in 2020 (date received: 26 November 2020)*, U.N. Doc. CEDAW/C/TUR/8 (April 1, 2021), ¶ 247.

²⁷ Turkish Civil Code [Law N. 4721, dated 7/12/2002].

17. Despite several judicial orders to change the current legislation, Türkiye still fails to guarantee the right of married women to use their own surname. The European Court of Human Rights (ECHR) found Article 187 unconstitutional in *Ünal Tekeli v. Türkiye* (2005).²⁸ The highest Turkish Civil Court found it unconstitutional in 2015, and the Turkish Constitutional Court found it unconstitutional in 2023, but the law has not been changed.²⁹
18. As early as 2008, there have been efforts to change such legislation, but none of the bills passed the legislature.³⁰ To the date of this submission, there are efforts to include a new law regarding married women's surnames in the forthcoming judicial package, but whether this is successful remains to be seen.⁸ Currently, the only remedy available to married women who wish to retain their maiden name in Türkiye is individual lawsuits.³¹
19. The Justice and Development Party (AKP) introduced an omnibus bill, which included the issue of surnames. The proposed law is similar to the previous policy which was ruled unconstitutional.³² The proposed legislation would allow married women to use their maiden names along with their husbands' surnames, which is not in line with the Constitutional Court ruling.³³ Other credible information indicates that the proposed regulation would grant certain women, like artists, politicians, and public figures, the privilege to use only their own surnames because they are publicly known by them.³⁴ If applicable, it would be discriminatory among women. Although media outlets reported that the issue may be removed from the bill, women's rights advocates remain vigilant as the judicial reform package is set to be finalized in October 2024.³⁵ If passed, the law would violate the Constitution Article 10, Article, and the United Nations Convention on the Elimination of All Forms of Discrimination against Women.³⁶

20. Suggested recommendations

21. Amend Article 187 of Türkiye's Civil Code to ensure that all women can exercise their freedom to keep their maiden name without any substantive or procedural errors in fulfillment of the ECHR judgment *Ünal Tekeli v. Türkiye* (2005) and other related judgments.

²⁸ *Ünal Tekeli v. Türkiye*, 2005 ECHR §68 (Feb. 16); Daily Sabah, *Court Ruling a Victory for Maiden Name Usage in Türkiye*, Oct. 5, 2015, <https://www.dailysabah.com/Türkiye/2015/10/05/court-ruling-a-victory-for-maiden-name-usage-in-Türkiye>

²⁹ Daily Sabah, *Court Ruling a Victory for Maiden Name Usage in Türkiye*, Oct. 5, 2015,

<https://www.dailysabah.com/Türkiye/2015/10/05/court-ruling-a-victory-for-maiden-name-usage-in-Türkiye>.

³⁰ Seda İrem Çakırca, *Evli Kadının Soyadına İlişkin Güncel Gelişmelerin Değerlendirilmesi*, 70 Istanbul University Faculty of Law Journal 145, 162 (2012).

³¹ Seda İrem Çakırca, *Evli Kadının Soyadına İlişkin Güncel Gelişmelerin Değerlendirilmesi*, 70 Istanbul University Faculty of Law Journal 145, 162 (2012).

³² Hurriyet Daily News, *AKP Submits New Omnibus Bill to Parliament*, July 4, 2024,

<https://www.hurriyetdailynews.com/akp-submits-new-omnibus-bill-to-parliament-198119>

³³ Hurriyet Daily News, *AKP Submits New Omnibus Bill to Parliament*, July 4, 2024,

<https://www.hurriyetdailynews.com/akp-submits-new-omnibus-bill-to-parliament-198119>.

³⁴ ArtıGerçek Newspaper, August 28, 2024 <https://artigercek.com/kadin/iddia-akp-soyadi-duzenlemesinde-issarlibu-kez-unlulere-ayricalik-kadinlar-315871h>

³⁵ Yeni Şafak, *9. Yargı Paketi Son Dakika Açıklamalar: 9. Yargı Paketi Ne Zaman Yürürlüğe Girecek, Meclis'te Onaylandı mı? 4-4 Ceza İndirimi, Genel Af...*, July 31, 2024, <https://www.yenisafak.com/foto-galeri/ozgun/9-yargi-paketi-son-dakika-aciklamalar-9-yargi-paketi-ne-zaman-yururluge-girecek-mecliste-onaylandi-mi-4-4-ceza-indirimi-genel-af-4635381/>

³⁶ Bianet, *Ankara Bar Association Women's Rights Center: We have earned our surname, we are not giving it up*, July 2024, available at <https://bianet.org/haber/ankara-barosu-kadin-haklari-merkezi-soyadimizi-kazandik-vazgecmiyoruz-297172>

Rights of Migrant Women in Türkiye

22. The Committee raised in its 2021 List of Issues Prior to Reporting reports of expulsion of migrants, refugees, and asylum seekers that are conducted in a manner that violates international standards and run contrary to the right to *non-refoulement*.³⁷ The Committee also noted concerns about access to shelters and psychosocial services for victim-survivors of violence against women.³⁸
23. Regarding *non-refoulement*, Türkiye noted its legal framework upholding the principle in line with the 1951 Convention on the Status of Refugees as reflected in Law no. 6458 Article 4 and return procedures implemented according to various national programs and readmission agreements.³⁹ It provided no response regarding review of actual return practices. Shelters and psychosocial support services for victim-survivors of violence against women were discussed without reference to access based on nationality,⁴⁰ though Türkiye mentioned a project implemented with the UN Population Fund focusing on gender-based violence experienced by Syrians in Türkiye.⁴¹
24. While Türkiye currently provides temporary protection for 3.6 million Syrian refugees, indicated strong anti-refugee sentiment.⁴² This view is reflected by the State Party's vow to resettle refugees in areas of Turkish-occupied Syria.⁴³ Additionally, anti-immigrant sentiment spurred Turkish authorities to arrest and deport hundreds of Syrians between February and July of 2022.⁴⁴ Furthermore, at least 28,734 Afghans were returned to Afghanistan in the same year according to the Ministry of the Interior.⁴⁵ Migrants also report being forced to sign forms that claim they had voluntarily agreed to return and being threatened with detention for not complying.⁴⁶ According to Turkish officials about 340,000 refugees have voluntarily returned

³⁷ Human Rights Committee, *List of issues prior to submission of the second periodic report of Türkiye*, (August 25, 2021), U.N. Doc. CCPR/C/TUR/QPR/2, ¶ 15.

³⁸ Human Rights Committee, *List of issues prior to submission of the second periodic report of Türkiye*, (August 25, 2021), U.N. Doc. CCPR/C/TUR/QPR/2, ¶ 7.

³⁹ Human Rights Committee, *Second periodic report submitted by Türkiye under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2022 (date received: 3 August 2022)*, UN. Doc. CCPR/C/TUR/2 (April 28, 2023), ¶ 197.

⁴⁰ Human Rights Committee, *Second periodic report submitted by Türkiye under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2022 (date received: 3 August 2022)*, UN. Doc. CCPR/C/TUR/2 (April 28, 2023), ¶ 104-109, 114.

⁴¹ Human Rights Committee, *Second periodic report submitted by Türkiye under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2022 (date received: 3 August 2022)*, UN. Doc. CCPR/C/TUR/2 (April 28, 2023), ¶ 115.

⁴² Human Rights Watch, "Türkiye: Hundreds of Refugees Deported to Syria," 2022, available at <https://www.hrw.org/news/2022/10/24/Türkiye-hundreds-refugees-deported-syria>

⁴³ Human Rights Watch, "Türkiye: Hundreds of Refugees Deported to Syria," 2022, available at <https://www.hrw.org/news/2022/10/24/Türkiye-hundreds-refugees-deported-syria>

⁴⁴ Human Rights Watch, "Türkiye: Hundreds of Refugees Deported to Syria," 2022, available at <https://www.hrw.org/news/2022/10/24/Türkiye-hundreds-refugees-deported-syria>

⁴⁵ Amnesty International Türkiye Report, 2023, available at <https://www.amnesty.org/en/location/europe-and-central-asia/western-central-and-south-eastern-europe/turkiye/report-turkiye/>

⁴⁶ The Guardian, *'It's not legal': UN stands by as Türkiye deports vulnerable Syrians*, 2019, available at <https://www.theguardian.com/global-development/2019/aug/23/its-not-legal-un-stands-by-as-Türkiye-deports-vulnerable-syrians>

to Syria by 2019. Still, United Nations High Commissioner for Refugees (UNHCR) has only monitored 62,000 returnees, signifying that there is a discrepancy between the State Party's reports and international monitoring.⁴⁷ The process of deportation usually takes months, but human rights lawyers reveal that clients are deported within a few days.⁴⁸

25. Once they are deported, migrants, especially women and members of the LGBT+ community, can face serious consequences.⁴⁹ For example, a trans woman who had all proper documents, living in Türkiye legally in 2019, was detained by police for trying to obtain medical aid for her partner.⁵⁰ She contacted UNHCR to appeal the decision to deport, but she was returned to Syria the next day.⁵¹ She was taken by Hayat Tahrir al-Sham agents and forced into the trunk of a car 100 meters from the border. She has not been heard from since then.⁵² Actions taken against this woman violate international non-refoulement standards and Turkish law which grants a 15-day period to appeal deportations.⁵³
26. When not facing deportation, migrant women are still at risk due to working conditions in Türkiye. Financial need forces many migrant women to take informal low-paying positions, leaving them without insurance or retirement opportunities.⁵⁴ They are usually paid less than their Turkish counterparts for the same work.⁵⁵ Common positions for migrants, like housekeeping and care work, often come with occupational risks like injuries due to heavy lifting and exposure to harsh chemicals.⁵⁶ To avoid additional discrimination, some Syrian

⁴⁷ The Guardian, *'It's not legal': UN stands by as Türkiye deports vulnerable Syrians*, 2019, available at <https://www.theguardian.com/global-development/2019/aug/23/its-not-legal-un-stands-by-as-Türkiye-deports-vulnerable-syrians>

⁴⁸ The Guardian, *'It's not legal': UN stands by as Türkiye deports vulnerable Syrians*, 2019, available at <https://www.theguardian.com/global-development/2019/aug/23/its-not-legal-un-stands-by-as-Türkiye-deports-vulnerable-syrians>

⁴⁹ Human Rights Watch, "Türkiye: Hundreds of Refugees Deported to Syria," 2022, available at <https://www.hrw.org/news/2022/10/24/Türkiye-hundreds-refugees-deported-syria>

⁵⁰ The Guardian, *'It's not legal': UN stands by as Türkiye deports vulnerable Syrians*, 2019, available at <https://www.theguardian.com/global-development/2019/aug/23/its-not-legal-un-stands-by-as-Türkiye-deports-vulnerable-syrians>

⁵¹ The Guardian, *'It's not legal': UN stands by as Türkiye deports vulnerable Syrians*, 2019, available at <https://www.theguardian.com/global-development/2019/aug/23/its-not-legal-un-stands-by-as-Türkiye-deports-vulnerable-syrians>

⁵² The Guardian, *'It's not legal': UN stands by as Türkiye deports vulnerable Syrians*, 2019, available at <https://www.theguardian.com/global-development/2019/aug/23/its-not-legal-un-stands-by-as-Türkiye-deports-vulnerable-syrians>

⁵³ The Guardian, *'It's not legal': UN stands by as Türkiye deports vulnerable Syrians*, 2019, available at <https://www.theguardian.com/global-development/2019/aug/23/its-not-legal-un-stands-by-as-Türkiye-deports-vulnerable-syrians>

⁵⁴ Association for Migration Research, "Exigency, Negotiation, Change: The Work Experiences of Refugee Women and Gender Relations," 2020, available at <https://gocarastirmalaridernegi.org/attachments/article/161/Exigency%20Negotiation%20Change.pdf>

⁵⁵ Association for Migration Research, "Exigency, Negotiation, Change: The Work Experiences of Refugee Women and Gender Relations," 2020, available at <https://gocarastirmalaridernegi.org/attachments/article/161/Exigency%20Negotiation%20Change.pdf>

⁵⁶ UKRI GCRF Gender, Justice & Security Hub Migration & Displacement Stream Gendered Dynamics of Labour Migration, "Gendered Dynamics of International Labour Migration: Migrant Domestic and Care Workers in Istanbul,"

women report hiding their nationality to protect themselves from verbal harassment in the workplace.⁵⁷ The State Party instituted reforms to the work permit system to prevent these types of risks to migrants.⁵⁸ However, migrants face difficulty obtaining these permits and have to adhere to strict requirements in order to maintain them.⁵⁹ There is a significant gender gap in the recipients of work permits, so migrant women are often less protected under the law than their male counterparts.⁶⁰ Since the permits are tied to a specific employer, migrant women who experience sexual harassment or abuse in the workplace are unable to change jobs or seek recourse without losing their permit and source of income.⁶¹

27. Whether migrant women experience abuse at home or in their workplace, their status as migrants limits their access to resources. Language barriers are one of the first obstacles these women can experience when seeking support.⁶² For example, a young Syrian woman who had been living in Türkiye for six years sought help when her husband started sending threats to her and her newly born child.⁶³ On February 22, 2022, using a translator, she asked a hospital for help, and they directed her to the police.⁶⁴ The police did not have a translator to explain the preventive order to her, so she was forced to find her own interpreter.⁶⁵ They also did not issue the order until March 5 nor inform the woman what to do if her husband violated the order.⁶⁶

2024, available at <https://thegenderhub.com/wp-content/uploads/2023/08/Migrant-Domestic-and-Care-Workers-in-Istanbul.pdf>

⁵⁷ Association for Migration Research, “Exigency, Negotiation, Change: The Work Experiences of Refugee Women and Gender Relations,” 2020, available at

<https://gocarastirmalaridernegi.org/attachments/article/161/Exigency%20Negotiation%20Change.pdf>

⁵⁸ UNHCR, “High Commissioner welcomes Turkish work permits for Syrian Refugees,” 2016, available at <https://www.unhcr.org/us/news/stories/high-commissioner-welcomes-turkish-work-permits-syrian-refugees>

⁵⁹ Refugee Rights Türkiye, “Securing Pathways: Access to Justice for Refugee and Migrant Women in Türkiye,” 2023, available at https://mhd.org.tr/images/yayinlar/HBS_AccessToJustice_Final_Public.pdf

⁶⁰ Refugee Rights Türkiye, “Securing Pathways: Access to Justice for Refugee and Migrant Women in Türkiye,” 2023, available at https://mhd.org.tr/images/yayinlar/HBS_AccessToJustice_Final_Public.pdf

⁶¹ Refugee Rights Türkiye, “Securing Pathways: Access to Justice for Refugee and Migrant Women in Türkiye,” 2023, available at https://mhd.org.tr/images/yayinlar/HBS_AccessToJustice_Final_Public.pdf

⁶² Human Rights Watch, “Combating Domestic Violence in Türkiye: The Deadly Impact of Failure to Protect,” 2022, available at <https://www.hrw.org/report/2022/05/26/combating-domestic-violence-Turkiye/deadly-impact-failure-protect>

⁶³ Human Rights Watch, “Combating Domestic Violence in Türkiye: The Deadly Impact of Failure to Protect,” 2022, available at <https://www.hrw.org/report/2022/05/26/combating-domestic-violence-Turkiye/deadly-impact-failure-protect>

⁶⁴ Human Rights Watch, “Combating Domestic Violence in Türkiye: The Deadly Impact of Failure to Protect,” 2022, available at <https://www.hrw.org/report/2022/05/26/combating-domestic-violence-Turkiye/deadly-impact-failure-protect>

⁶⁵ Human Rights Watch, “Combating Domestic Violence in Türkiye: The Deadly Impact of Failure to Protect,” 2022, available at <https://www.hrw.org/report/2022/05/26/combating-domestic-violence-Turkiye/deadly-impact-failure-protect>

⁶⁶ Human Rights Watch, “Combating Domestic Violence in Türkiye: The Deadly Impact of Failure to Protect,” 2022, available at <https://www.hrw.org/report/2022/05/26/combating-domestic-violence-Turkiye/deadly-impact-failure-protect>

28. Deportation is another specific vulnerability that migrant women encounter when seeking help for domestic violence. The same woman discussed above hesitated to report her husband, fearing that he would be deported.⁶⁷ The deportation of a partner can leave migrant women isolated and facing greater economic hardships.⁶⁸ Alternatively, as a form of retaliation, their partner can counter-report them, so the women themselves can face deportation.⁶⁹ Thus, if migrant women lack the appropriate documentation, they may hesitate to seek support from official institutions entirely.
29. Migrant women are required to register and obtain documentation from migration authorities before entry into domestic violence shelters.⁷⁰ Women who lack the proper documents are denied access to the shelters, perpetuating their vulnerability to their abusers.⁷¹ Even migrant women with proper documentation are told to apply to shelters inside their provinces. Yet, it is within these provinces where women face the greatest risk of violence.⁷² Furthermore, unlike Turkish women, migrant women must file for divorce or report any violence to authorities even though there is no legal requirement to do so.⁷³ Due to these compounding difficulties, migrant women tend not to receive assist at shelters. However, in the case that they do gain access to the shelters, migrant women experience discrimination from both social workers and other women at the shelter.⁷⁴ The shelters do not provide culturally sensitive care, so the support migrant women receive is not tailored to their needs.⁷⁵ The shelters also lack appropriate interpreters who speak relevant languages, meaning migrant women cannot express their needs nor share their experiences easily.⁷⁶ Unregistered migrant women cannot access to these social support mechanisms at all. They are not accepted to the shelters.⁷⁷

⁶⁷ Human Rights Watch, “Combatting Domestic Violence in Türkiye: The Deadly Impact of Failure to Protect,” 2022, available at <https://www.hrw.org/report/2022/05/26/combatting-domestic-violence-Türkiye/deadly-impact-failure-protect>

⁶⁸ Refugee Rights Türkiye, “Securing Pathways: Access to Justice for Refugee and Migrant Women in Türkiye,” 2023, available at https://mhd.org.tr/images/yayinlar/HBS_AccessToJustice_Final_Public.pdf

⁶⁹ Refugee Rights Türkiye, “Securing Pathways: Access to Justice for Refugee and Migrant Women in Türkiye,” 2023, available at https://mhd.org.tr/images/yayinlar/HBS_AccessToJustice_Final_Public.pdf

⁷⁰ Refugee Rights Türkiye, “Securing Pathways: Access to Justice for Refugee and Migrant Women in Türkiye,” 2023, available at https://mhd.org.tr/images/yayinlar/HBS_AccessToJustice_Final_Public.pdf

⁷¹ Refugee Rights Türkiye, “Securing Pathways: Access to Justice for Refugee and Migrant Women in Türkiye,” 2023, available at https://mhd.org.tr/images/yayinlar/HBS_AccessToJustice_Final_Public.pdf

⁷² Refugee Rights Türkiye, “Securing Pathways: Access to Justice for Refugee and Migrant Women in Türkiye,” 2023, available at https://mhd.org.tr/images/yayinlar/HBS_AccessToJustice_Final_Public.pdf

⁷³ Refugee Rights Türkiye, “Securing Pathways: Access to Justice for Refugee and Migrant Women in Türkiye,” 2023, available at https://mhd.org.tr/images/yayinlar/HBS_AccessToJustice_Final_Public.pdf

⁷⁴ Refugee Rights Türkiye, “Securing Pathways: Access to Justice for Refugee and Migrant Women in Türkiye,” 2023, available at https://mhd.org.tr/images/yayinlar/HBS_AccessToJustice_Final_Public.pdf

⁷⁵ Refugee Rights Türkiye, “Securing Pathways: Access to Justice for Refugee and Migrant Women in Türkiye,” 2023, available at https://mhd.org.tr/images/yayinlar/HBS_AccessToJustice_Final_Public.pdf

⁷⁶ Refugee Rights Türkiye, “Securing Pathways: Access to Justice for Refugee and Migrant Women in Türkiye,” 2023, available at https://mhd.org.tr/images/yayinlar/HBS_AccessToJustice_Final_Public.pdf

⁷⁷ Mor Çatı Women’s Shelter Foundation, Shadow Report to be submitted to the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families for review during the 38th General Session (July 29, 2024)

30. Regarding other social support mechanisms against gender-based violence, there are similar difficulties for migrant women. The Alo 183 Social Support Line provides support in Arabic, yet it is not an emergency hotline service that is dedicated to specialized support for women who experience violence. When migrant women apply for protective and preventive orders at the police stations, they face police officers who deter women and attempt mediation with the perpetrator.⁷⁸

31. Suggested recommendations

- Ensure adherence to international non-refoulement standards and domestic laws regarding deportation appeals.
- Implement measurable steps to dismantle the set of legislation, policies and practices that foster the current anti-refugee rhetoric.
- Avoid placing asylum seekers, especially women and children, in administrative detention and provide alternatives to detention for adult asylum seekers, so that detention is used only as a last resort and for as short a period as possible.
- Promote equal access to work permits for female migrants and discontinue the practice of tying work permits to specific employers.
- Ensure sufficient translators are available for migrant women seeking assistance regarding domestic violence in police stations, shelters, and other relevant institutions.
- Entry criteria for domestic violence shelters should be reviewed to ensure shelters are accessible to all women regardless of their immigration status, and alternative options are available for migrant women who do not meet the existing criteria.
- Ensure migrant women are treated equally to Turkish women in terms of access to shelters and other social support mechanisms, and care within them.
- Refrain from requiring migrant women to report violence or file for divorce as a condition of admission to shelters.

Sexual and Reproductive Rights in Türkiye

32. Under Turkish law, women have been permitted to receive an abortion at public hospitals since 1983.⁷⁹ In 2005, The State Party established a ten-year national action plan for expanding reproductive and sexual healthcare.⁸⁰ However, Türkiye has several shortcomings in reproductive health legislation and its implementation, which prevent women from receiving the care they need. For example, the national action plan was halted in the 2010s, and the State

⁷⁸ Mor Çatı Women's Shelter Foundation, Shadow Report to be submitted to the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families for review during the 38th General Session (July 29, 2024)

⁷⁹ Lara Villalon, *The Guardian*, "It was my right, but they refused": Turkish women denied access to free and safe abortions," 2022, available at <https://www.theguardian.com/global-development/2022/jul/05/legal-yet-virtually-banned-turkish-women-denied-right-to-free-safe-abortions>

⁸⁰ Yılmaz, Volkan, and Paul Willis, 2020, "Challenges to a Rights-Based Approach in Sexual Health Policy: A Comparative Study of Türkiye and England" *Societies* 10, no. 2: 33. <https://doi.org/10.3390/soc10020033>

Party announced a plan to address the recent decline in population growth.⁸¹ The emphasis on population regulation has further reduced the number of policies designed to improve reproductive and sexual rights.⁸²

33. Access to reproductive care and education has been restricted in part due to the population goals of the State Party.⁸³ There is a lack of education on the subject in the school system, so youth in Türkiye have limited knowledge about STI transmission and contraceptives.⁸⁴ Additionally, physicians can skip questions about sexual health when attending to unmarried women.⁸⁵ A lack of information leads to more unwanted pregnancies and negative health outcomes⁸⁶
34. Turkish law allows the termination of pregnancy up to the tenth week of pregnancy or longer in the case of rape.⁸⁷ This provision short by standard health guidelines since pregnancy frequently cannot be identified until the fourth or fifth week, and women need time to decide beyond that timeframe.⁸⁸ A majority of legal systems, which allow abortion, permit it through at least the twelfth week.⁸⁹
35. Additionally, the Turkish legal system is one of few that pursues the consent of the spouse of the pregnant person.⁹⁰ Technically, there are no legal ramifications if a woman does not obtain consent. However, a spouse is permitted to claim compensation from the pregnant person and

⁸¹ Yılmaz, Volkan, and Paul Willis, 2020, "Challenges to a Rights-Based Approach in Sexual Health Policy: A Comparative Study of Türkiye and England" *Societies* 10, no. 2: 33. <https://doi.org/10.3390/soc10020033>

⁸² Yılmaz, Volkan, and Paul Willis, 2020, "Challenges to a Rights-Based Approach in Sexual Health Policy: A Comparative Study of Türkiye and England" *Societies* 10, no. 2: 33. <https://doi.org/10.3390/soc10020033>

⁸³ Yılmaz, Volkan, and Paul Willis, 2020, "Challenges to a Rights-Based Approach in Sexual Health Policy: A Comparative Study of Türkiye and England" *Societies* 10, no. 2: 33. <https://doi.org/10.3390/soc10020033>

⁸⁴ Yılmaz, Volkan, and Paul Willis, 2020, "Challenges to a Rights-Based Approach in Sexual Health Policy: A Comparative Study of Türkiye and England" *Societies* 10, no. 2: 33. <https://doi.org/10.3390/soc10020033>

⁸⁵ Mori Çati Women's Shelter Foundation, "Input for the Special Rapporteur on Violence Against Women, Its Causes and Consequences," 2022, available at <https://en.morcati.org.tr/reports/input-for-the-special-rapporteur-on-violence-against-women-its-causes-and-consequences/>

⁸⁶ Mori Çati Women's Shelter Foundation, "Input for the Special Rapporteur on Violence Against Women, Its Causes and Consequences," 2022, available at <https://en.morcati.org.tr/reports/input-for-the-special-rapporteur-on-violence-against-women-its-causes-and-consequences/>

⁸⁷ Mori Çati Women's Shelter Foundation, "Input for the Special Rapporteur on Violence Against Women, Its Causes and Consequences," 2022, available at <https://en.morcati.org.tr/reports/input-for-the-special-rapporteur-on-violence-against-women-its-causes-and-consequences/>

⁸⁸ Hatice Kübra Ercoşkun Şenol, Pelin Ercoşkun, "The right to terminate pregnancy (abortion): reflections from Türkiye," *Journal of Law and the Biosciences*, Volume 10, Issue 2, July-December 2023, Isad023, <https://doi.org/10.1093/jlb/Isad023>

⁸⁹ Hatice Kübra Ercoşkun Şenol, Pelin Ercoşkun, "The right to terminate pregnancy (abortion): reflections from Türkiye," *Journal of Law and the Biosciences*, Volume 10, Issue 2, July-December 2023, Isad023, <https://doi.org/10.1093/jlb/Isad023>

⁹⁰ Hatice Kübra Ercoşkun Şenol, Pelin Ercoşkun, "The right to terminate pregnancy (abortion): reflections from Türkiye," *Journal of Law and the Biosciences*, Volume 10, Issue 2, July-December 2023, Isad023, <https://doi.org/10.1093/jlb/Isad023>

anyone who assisted them in ending the pregnancy, demonstrating that there are sanctions to abortion without the consent of a spouse.⁹¹

36. Although abortion remains legal, further restrictions from medical and governmental bodies result in a de facto ban on the procedure. By law, doctors cannot tell a pregnant person not to have an abortion, but many doctors refuse to perform the procedure.⁹² One study found that of 295 public hospitals contacted, only 3 percent provided voluntary abortion without restrictions in 2020.⁹³ Furthermore, 19 percent of the hospitals did not have a doctor or department to perform the procedure as compared to 2016 when all hospitals had relevant personnel, showing a decline in the availability of reproductive care.⁹⁴ Private hospitals are not viable alternative as they can be prohibitively expensive for many women.⁹⁵ Those who can afford private care report stigmatization on the part of practitioners and unsolicited advice urging them to reconsider.⁹⁶

Suggested questions/recommendations for the Government of Türkiye

- Ensure that women have the right to make their own informed choices regarding sexual and reproductive health rights, to ensure the right to bodily integrity and personal autonomy.
- Ensure the right of every woman and girl to have full control over and decide freely and responsibly on matters related to their sexuality and sexual and reproductive rights, free from discrimination, coercion and violence,
- Eliminate all legal barriers to accessing abortion, including the requirement for spousal consent and its consequently sanctions for women.
- Integrate comprehensive sexual and reproductive health education into school curriculums to inform young people about their rights and health.
- Implement mandatory training programs for healthcare providers on safe abortion practices and reproductive rights to ensure non-judgmental and professional care.

⁹¹ Hatice Kübra Ercoşkun Şenol, Pelin Ercoşkun, “The right to terminate pregnancy (abortion): reflections from Türkiye,” *Journal of Law and the Biosciences*, Volume 10, Issue 2, July-December 2023, lsad023, <https://doi.org/10.1093/jlb/lsad023>

⁹² Lara Villalon, *The Guardian*, “‘It was my right, but they refused’: Turkish women denied access to free and safe abortions,” 2022, available at <https://www.theguardian.com/global-development/2022/jul/05/legal-yet-virtually-banned-turkish-women-denied-right-to-free-safe-abortions>

⁹³ Mary Lou O’Neil, Deniz Altuntaş & Alara Şevval Keskin. *Legal But Not Necessarily Available: Abortion Services at Public Hospitals in Türkiye*. 2020. Kadir Has University Gender and Women’s Studies Research Center. <https://gender.khas.edu.tr/sites/gender.khas.edu.tr/files/inline-files/Abortion-Report-2020-ENG-new.pdf>

⁹⁴ Mary Lou O’Neil, Deniz Altuntaş & Alara Şevval Keskin. *Legal But Not Necessarily Available: Abortion Services at Public Hospitals in Türkiye*. 2020. Kadir Has University Gender and Women’s Studies Research Center. <https://gender.khas.edu.tr/sites/gender.khas.edu.tr/files/inline-files/Abortion-Report-2020-ENG-new.pdf>

⁹⁵ The Guardian, ‘It was my right, but they refused’: Turkish women denied access to free and safe abortions, Jul. 5, 2022, available at <https://www.theguardian.com/global-development/2022/jul/05/legal-yet-virtually-banned-turkish-women-denied-right-to-free-safe-abortions>

⁹⁶ Sinem Esengen, 2024, “‘We had that abortion together’: abortion networks and access to il/legal abortions in Türkiye,” *Culture, Health & Sexuality*, 26(9), 1119–1133. <https://doi.org/10.1080/13691058.2023.2301410>

- Conduct public awareness campaigns to educate the community about reproductive rights and the legal aspects of abortion.
- Strengthen awareness-raising campaigns for society as a whole, in order to address social and cultural patterns and stereotypes that facilitate tolerance of gender-based violence.
- Allocate sufficient public funds to support abortion services, making them accessible to all women regardless of their economic status.
- Implement mandatory training programs for healthcare providers on safe abortion practices and reproductive rights to ensure non-judgmental and professional care.
- Undertake substantive steps to regulate conscientious objection.