

17.04.2020

AS THE BILL AMENDING THE LAW ON THE EXECUTION OF SENTENCES COMES INTO FORCE, GOVERNMENT MUST TAKE URGENT ACTION AND UPHOLD ITS RESPONSIBILITIES IN COMBATING VIOLENCE AGAINST WOMEN!

The spiral of violence women, children, and LGBTI+ individuals already find themselves in due to stay-at-home coronavirus measures risks being further exacerbated with the release of child sexual offenders and perpetrators of violence against women following the latest amendments to the Law on the Execution of Sentences and Security Measures. The State must first and foremost uphold its responsibilities in preventing violence against women and children, and inform women as well as the entire public on precautions it has taken!

The “Law no. 5275 amending the Law on the Execution of Sentences and Security Measures and Other Laws” publicly known as the penal execution bill was published in the Official Gazette on the 15th of April 2020 and entered into effect the same day. It is clear that this amendment securing the release of only a certain portion of convicts while leaving tens of thousands of political prisoners, journalists, students, lawyers, local administrators and politicians outside the scope of sentence reductions, and establishing a permanently unequal penal regime is far from protecting public health against the threat of coronavirus. Releases just for the sake of reducing overcrowding in prisons without taking precautionary measures in favour of women, children and disadvantaged groups are putting the lives of women and children at risk.

The draft bill prepared without consulting with women’s organizations featured in the press in mid-March, facing a strong pushback from women’s and LGBTI+ organizations on grounds that it entailed a permanent reduction to sex offenders’ sentences.¹ This resulted in changes to the draft, which was then sent to the Justice Commission with sex crimes removed from its purview. The day the draft was brought to the Justice Commission, the government announced that “sex crimes and violence against women had been kept outside the scope of this reduction to sentences.”² It has, however, become evident over time that this oft-repeated government line is in fact a distortion of the truth.

In addition to permanent regulations reducing the sentences to be executed in certain crimes, the bill also contains temporary articles allowing inmates –once again excluding political prisoners– in closed penitentiaries to be transferred to open prisons and be released from these open prisons under the pretext of a “temporary leave” due to the coronavirus pandemic. Moreover, much as a permanent reduction in the sentences of sex offenders has been avoided through the effort of women’s organizations, it is impossible to say the same for violence against women – despite government claims to the contrary. First of all, there is no crime such as “violence against women” in the Turkish Penal Code. If what is intended by this term is physical violence and deliberate injury, the crime of deliberate injury as well as others women are often subjected to such as threats, calumny, and blackmailing are all within the scope of the permanent reduction brought by this bill. It is therefore utterly false that this reduction in the execution of sentences does not apply to crimes involving violence against women.

¹ <https://www.evrensel.net/haber/400360/kadin-orgutleri-istismarin-ve-siddetin-onunu-acacak-bir-tasariyi-kabul-etmiyoruz>

² <https://www.hurriyet.com.tr/galeri-ceza-infaz-indiriminde-son-durum-ne-41482340>

The temporary regulations presented as measures against the coronavirus pandemic, which risk resulting in an outright amnesty, are much more unsettling. According to the amendments enacted, all convicts currently in open prison facilities with the exception of political prisoners shall be on leave until May 31st, 2020 – a leave which may be extended until November 31st, 2020 in case of need. In other words, everyone in open prisons including those convicted of sex crimes, physical violence against women, femicide or attempted murder are to be released. With a clause appended to the draft bill at the Commission stage in order to increase the number of convicts to be released, the required time period in closed facilities to be eligible to transfer to open prisons has been shortened dramatically. According to this, a convict that has spent a mere couple of months in a closed prison facility may – also taking advantage of permanent sentence reductions – simply walk out. Although these releases have been formulated as a “leave”, they run the risk of turning into permanent discharges as there is no penalty for failing to return from leave and the “leave” itself can be extended for a period as long as 7 months.

The release of thousands of men convicted of sexual assault, child sexual abuse, and violence against women from prison on supposed coronavirus “leave” without any preventive or protective measures for women and children subjected to violence or groups facing discrimination due to their gender identity or sexual orientation amounts to leaving women and children prey to perpetrators, putting at risk the lives of all disadvantaged groups particularly women and children.

Research shows that most violence against women occurs inside the home. These days, as the pandemic forces everyone to stay at home, being stuck inside 24/7 with perpetrators of violence increases the risk of violence for women, children and all disadvantaged groups. On top of this, the Council of Judges and Prosecutors (HSK) has instructed in a circular it issued on March 30th, 2020 that “restraining orders to be issued under Law No. 6284 should not put the health of the perpetrator at risk of coronavirus.” These instructions run the risk of impeding barring orders from being issued to perpetrators of violence or women from being placed into shelters.

Under these current circumstances where mechanisms available to women have been limited, making it harder for them to escape domestic violence, and thousands of perpetrators of violence and abuse are set to be released, we are gravely concerned by the lack of an urgent action plan on the part of the state detailing steps to be taken for the protection of women and children. As all of these risks are painfully apparent, stripping women of their ability to obtain restraining orders at a time when thousands of perpetrators shall be released without a systematic protection plan is nothing short of jeopardizing women’s lives.

In light of all of these developments, we, the undersigned organizations, once again remind the state of its obligation to prevent violence against women and children, and call the Ministry of Family, Labour and Social Services and all public authorities responsible to prepare an urgent action plan on violence against women as detailed below and swiftly take the precautionary measures listed in view of the particular circumstances created by the current outbreak:

- 1- The obligation imposed by article 56 of the Istanbul Convention to ensure that women and other individuals subjected to gender-based violence are informed on perpetrators of violence and sexual abuse to be released pursuant to the recent bill on the execution of sentences must be carried out by all means including police and gendarmerie officers, watchmen, neighbourhood representatives, etc., and women reporting a threat to their safety must immediately be provided access to any support they need.
- 2- Perpetrators of violence against women and sexual abuse that are to be released under the recent bill must be monitored effectively, and a strict supervision of perpetrators must be

enacted in order to prevent this coronavirus-related “leave” from becoming a permanent “release”.

- 3- According to the Istanbul Convention, which Turkey is party to, the State has a positive obligation to combat violence against women even under any kind of extraordinary circumstances. Law no 6284 must be implemented swiftly and effectively, prioritizing women and children, without allowing for any negligence or arbitrariness during this pandemic. Protection orders must be issued keeping in mind the special circumstances created by the outbreak and in accordance with the obligation to protect women and children. Failure to comply with protection orders must be penalized.
- 4- An Urgent Action Plan must be announced without further delay in order to prevent any risk of violence against women and children, as well as all disadvantaged groups, and enable them to escape violence during the pandemic. The public must be notified of this through public service announcements providing easy access to information.
- 5- The number and capacities of facilities and spaces that may be used as shelters to meet the growing need for protection and shelter during the pandemic must be rapidly increased, and strict health measures must be enforced in these shelters.
- 6- Taking into account the difficulties and anxiety women experience in reaching hospitals and police stations under pandemic circumstances, it is once again confirmed that sexual violence crisis centers the State is obligated to set up under article 25 of the Istanbul Convention are of critical importance. The necessary steps to establish sexual violence crisis centers must therefore be taken immediately.
- 7- ALO 183 or another helpline for violence against women to be launched immediately must function as a multilingual, 24/7 Emergency Hotline concentrating on gender-based violence only, and women must be provided the social, psychological and legal support they need.

Endorsed by:

1. 17+ Alevi Women
2. May 17 LGBTI+ Association
3. The 28th Istanbul LGBTI+ Pride Week Committee
4. 78'liler Girişimi'nden Kadınlar
5. Women Study Group of the Foundation of the Islands
6. Adana Women's Solidarity Center and Shelter Foundation (AKDAM)
7. Adıyaman Women's Platform
8. Amazon Women and Life Association
9. Anatolia Women's Business Association
10. Anka Üreten Kadın Derneği
11. Adana Women's Platform
12. Antakya Women's Solidarity
13. Antalya Women's Counselling and Solidarity Association
14. Antalya Feminist Collective
15. Atakent Women's Council
16. European Women's Lobby - Turkey
17. Aydın Kadın Efeler Association
18. Ayvalık Women's Initiative
19. Bakırköy Women's Solidarity
20. Başlangıç Kadın Meclisi

21. Independent Women's Association
22. A Woman A Life Association
23. Biz Cinsel Yönelim ve Cinsiyet Kimliği Araştırmaları Derneği
24. Bodrum Women's Solidarity Association
25. Buca Women's Platform
26. Bursa Women's Platform
27. Çekmeköy Women's Council
28. Association for Struggle Against Sexual Violence
29. Association for Gender Equality Watch
30. Çanakkale Association for Utilization of Women's Handicrafts
31. Çanakkale Women's Solidarity
32. Çanakkale Women's Platform
33. Çanakkale LGBTI+ Initiative
34. Çekmeköy Women's Platform
35. Çeşme Kadın Girişimi ve Üretim Kooperatifi (ÇEŞKA)
36. Çiğli Evka-2 Women's Culture Association
37. Demir Leblebi Fanzine
38. Demir Leblebi Women's Association
39. Demokratik Alevi Dernekleri Kadın Meclisi
40. Deniz Yıldızı Women's Solidarity Association
41. Denizli Women's Platform
42. Confederation of Revolutionary Workers Unions (DİSK) Women's Committee
43. DİSK Birleşik Metal Sendikası Kadın Komisyonu / DİSK
44. Diyarbakir Dicle Amed Women's Platform
45. Ege Kadın Buluşması Platformu / Ege
46. Eğitim-senli Kadınlar
47. Edirne Women's Counseling Centre Association
48. Edirne Women's Platform
49. Edirne City Council Women's Assembly
50. Ekmek ve Gül
51. Erktolia
52. Ev Eksenli Çalışan Kadınlar Çalışma Grubu
53. Eşit Yaşam Derneği
54. Katre Women's Counseling and Solidarity Association
55. Esenyalı Women's Solidarity Association
56. Equality Watch Women's Group
57. Housewives Solidarity and Development Association EVKAD – Adana
58. FeminAmfi
59. Feminist Kadın Çevresi
60. Fethiye Women's Counseling and Solidarity Association
61. Filmmor
62. Gazi Cemevi Kadın Meclisi
63. Gaziantep ZeugMADİ LGBTİ+
64. Genç Yeşiller Kadınları
65. Giresun Women's Platform
66. Gözaltında Cinsel Taciz ve Tecavüze Karşı Hukuki Yardım Bürosu
67. Güç-Kat Dezavantajlı Kadınlar Sosyal Yardımlaşma ve Dayanışma Derneği
68. Gül Suyu Gülenisu Kadın Dayanışma Evi Derneği

69. Günebakan Women's Association
70. HAKİM'li Kadınlar
71. Halkevci Kadınlar
72. Havle Kadın Derneği
73. Hatay Women are Strong Together
74. HDK Kadın Meclisi
75. Women's Commission of Human Rights Association, Ankara
76. Women's Commission of Human Rights Association, İstanbul
77. İlerici Kadınlar Meclisi
78. İmece Ev İşçileri Sendikası
79. İskenderun Women's Platform
80. Istanbul Feminist Institute
81. İzmir Amargi
82. Izmir Women's Solidarity Association
83. İzmir Kadın Dünyası Derneği
84. Izmir Women's Platform
85. Kadıköy Kent Konseyi Kadın Meclisi
86. Kadıköy Kent Konseyi LGBTİ+ Meclisi
87. Association for Support of Women Candidates
88. We Will Stop Femicide Platform
89. Women's Studies Association
90. The Foundation for Women's Solidarity
91. Women's Education and Labor Association
92. Kadın Emeği Kolektifi
93. Social Equality with Women and Men Association
94. Kadın Haklarını Koruma Derneği
95. Women's Coalition - International Working Group
96. Kadın Meclisleri
97. Kadın Mühendisler, Mimarlar, Şehir Plancılar Grubu
98. Kadın Savunma Ağı
99. Women Writers' Association
100. Kadınca Yaşam Derneği
101. Women for Women's Human Rights (WWHR) - New Ways
102. Women are Strong Together - İstanbul
103. Women are Strong Together - İzmir
104. Kadınların Gücü Kültür Eğitim Dayanışma ve Yardım Sevenler Derneği (KADGÜÇ)
105. Kadınların Kurtuluşu
106. Women's Solidarity Foundation
107. Women's Legal Aid Centre - KAHDEM
108. Karadeniz Women's Solidarity Association
109. Kamer Foundation
110. Campus Witches
111. Kampüssüzler'den Kadınlar
112. KAOS GL Association
113. Kapadokya Women's Solidarity Association
114. Karabağlar Kadın Girişimi Üretim ve İşletme Kooperatifi
115. Kayseri Women's Solidarity Association
116. Independent Women's Newspaper

117. Confederation of Public Workers Union (KESK) Women's Assembly
118. Koza Women's Association
119. Karya Women's Association
120. Kirkyama Kadın Dayanışması
121. Red Pepper Association
122. KİKAP Trabzon
123. Körfez Bağımsız Kadın Dayanışması
124. Lotus Kadın Yaşam ve Dayanışma Derneği
125. Kuir Eskişehir Lgbti Topluluğu
126. Maltepelı Kadınlar
127. Mardin Şahmaran Kadın Platformu
128. Mersin Women's Platform
129. Mezopotamya Kadın Kooperatifi
130. Purple Roof Shelter's Foundation
131. Purple Association for Women's Solidarity
132. Mor Salkım Women's Solidarity Association
133. Mor Sarmaşık
134. Muğla Emek Benim Kadın Derneği
135. Ordu Association for Empowering Women
136. Özgür Genç Kadın
137. Özgür Renkler LGBTİ+ Derneği
138. Özgürlük İçin Hukukçular Derneği Kadın Komisyonu
139. Samandağ Women's Solidarity Association
140. Samsun Women's Solidarity
141. Sancaktepe Yerel Demokrasi Kadın Meclisi
142. Sasalı Sosyal Dayanışma ve Geliştirme Derneği'nden Kadınlar
143. Seyhan Kadın Çocuk Dayanışma Eğitim ve Kültür Derneği (SEKAD)
144. Women Without Borders
145. Sosyal Dayanışma Ağı - SODA
146. Socialist Women's Assembly
147. Söke Kadın Sığınma Danışma ve Dayanışma Derneği
148. Sultangazi Kadın Dayanışma
149. Women from Nonviolent Education and Research Association
150. Tarsus Women's Platform
151. Union of Chambers of Turkish Engineers and Architects Istanbul Women's Commission
152. Toplumsal Dayanışma için Psikologlar Derneği (TODAP) Kadın Komisyonu
153. Trabzon Kadın Gelişim ve İletişim Derneği
154. Turkish Medical Association Women Medicine and Woman and Health Branch
155. Federation of Women's Associations of Turkey
156. Women's Initiative for Peace between Greece and Turkey (WINPEACE)
157. Turkish Women's Union
158. Flying Broom Women Communication and Research Association
159. Flying Broom Foundation
160. Ural Women's Solidarity Association
161. Üniversiteli Kadın Kolektifi
162. Kapatılan VAKAD Aktivistleri
163. Van Ahtamar Kadın Platformu
164. Van Barosu Kadın Hakları Komisyonu

165. Yalova Women's Platform
166. Yaşam Evi Kadın Dayanışma Derneđi
167. Life Cooperative for Women, Environment, Culture, and Management/Operation
168. Life Women's Centre Association
169. Yaşamda Kadın ve Sanat Derneđi
170. Yeni Demokrat Kadın
171. Yeni Yaşam Derneđi'nden Kadınlar
172. Yenyol'dan Kadınlar
173. Yeşil Feministler
174. Yeşil Sol Kadınlar
175. Yoğurtçu Kadın Forumu
176. Yunuslara Özgürlük Platformu'ndan Kadınlar
177. Zonguldak Women's Platform