

CEDAW (The Convention on the Elimination of All Forms of Discrimination against Women) 82nd Session Information Note by the Association for Struggle Against Sexual Violence (CŞMD)

CEDAW 82ND SESSION: WILL RAPE CRISIS CENTERS BE OPENED?

The 82nd session of the CEDAW Committee, which monitors implementation of the Convention on the Elimination of All Forms of Discrimination against Women by the states parties and gives them recommendations, took place in Geneva June 2022.

Representatives from the Ministry of Family and Social Services, Ministry of Foreign Affairs, Ministry of the Interior, Ministry of Justice, Ministry of Health, Ministry of National Education, and Turkish Employment Agency (İŞKUR) from Türkiye participated and reviewed Türkiye's responses to the 8th periodic report and the questions. We have monitored the process and contributed to the joint report as part of the CEDAW Civil Society Executive Committee, composed of 20 women and LGBTI+ organizations, including Foundation for Women's Solidarity, Association for Struggle Against Sexual Violence, Women for Women's Human Rights- New Ways, Mor Çatı Women's Shelter Foundation, Kaos GL, and Turkish Women's Union.

In the report presented to the CEDAW Committee, we, as CŞMD, have prepared a shadow report based on the output of our "I Have the Right to Ask for Support" monitoring activity which focuses on areas like the support units, lack of rape crisis centers or sexual violence counseling and solidarity centers, the inadequacy and non-inclusivity of shelter services, data sharing related problems, in-house training on sexual violence, hotlines, comprehensive education on sexuality, protective and preventive work, holistic policies, and which monitors if the legislation and action plans are implemented or not.



Here are CŞMD's observations and remarks about the 82nd session:

At the CEDAW sessions, during the review process of Türkiye, we have not been able to find any interlocutors from state representation for a long time, so it was important to experience the meeting as non-governmental organizations.

Data Can Be Shared Within Seconds

For many years, official institutions in Türkiye have not been publishing data about human, children, women, and LGBTI+ rights. Nevertheless, when Türkiye was making a presentation in the session, the members of the Committee received answers to their questions within seconds with responses such as "According to the data we have received or retrieved from the system just now..." which showed that the data can, in fact, be easily extracted and shared from the database. Leaving the issue of data reliability aside, we had made an application to 11 state institutions to obtain some information as part of our fieldwork and were left without an answer by many of them. If this data can be shared easily, we demand that the state periodically shares sexual violence data. We want to ask the following questions: How many sexual violence cases have taken place in Türkiye in the last year? How many of the perpetrators were penalized by the court? How many survivors could make use of the support mechanisms? And the question which was left unanswered: Why have you withdrawn from the Istanbul Convention?

We have seen that some of the Committee members had read the shadow reports by the civil society, and they insistently kept asking their questions based on these reports. Some questions, on the other hand, were left unanswered. The most important of these questions

was the following: “Why have you withdrawn from the Istanbul Convention?” In fact, the significance and function of international conventions are to ensure the accountability of the signatories. The withdrawal from the Istanbul Convention bears the risk of withdrawal from other international conventions as well, at the discretion of one person. A very diplomatic answer was given to this question. However, at some point, we heard a defense statement saying, "That convention wasn't that useful anyway." Hence, we wonder: How much was the Convention put in practice so that it was deemed to be useless at some point?

The representative from the Ministry of Justice answered the question about women's suspicious deaths and honor killings. However, the Ministry of Justice only referred to the relevant pieces of legislation and left the question unanswered. In addition, the question about the closure case against the We Will Stop Femicide Platform and Tarlabası Community Center were left unanswered.



Abortion and Access to Sexual Health

Answering the members' questions at the session on sexual health and reproductive health topics, the Ministry of Family and Social Services stated that they offer free-of-charge birth control services to all citizens, based on Article 10 of the Constitution which reads "Everyone is equal before the law without distinction as to language, race, color, sex, political opinion, philosophical belief, religion, and sect, or any such grounds."

To the question "Is abortion accessible for all women?", the answer was that there was a 10-week legal limitation to abortion and it could be performed in all public hospitals up until 20 weeks based on the decision of the prosecutor's office in cases of sexual violence, rape, and sexual abuse, the hospitals cannot show reluctance or arbitrariness about performing the abortion, and that abortion is accessible for women from all walks of life.

For us, a 20-week legal limitation to abortion after sexual assault is a violation of rights. Because in such a case, a survivor should not have to wait for the decision of the prosecutor to have access to diagnostic and therapeutic methods that would prevent sexually transmitted diseases (HIV, PEP medicine therapy, emergency birth control, etc.) and to abortion immediately after sexual assault. If there were Rape Crisis Centers, these services would be accessible to survivors from all walks of life at these centers.

As one of the members of the Committee insistently asked, a statement on LGBTI+ rights was also made. Derya Yanık, the Minister of Family and Social Services, pointed out the Constitution and said that everyone in the country had equal rights; LGBTI+ individuals were also protected according to Article 10 of the constitution, and there was no discrimination. When we think about the violence imposed on the Pride Parade and LGBTI+ individuals in recent years, we can see that equality and prohibition of discrimination are not ensured at all.

Will Rape Crisis Centers Be Opened?

In response to the question about what has been being done for those exposed to sexual violence, the Ministry said that at the obstetrics and gynecology units or the emergency medicine units with gynecologists, there is currently a 24/7 handling of rape cases. They pointed out how important Rape Crisis Centers and Sexual Violence Counseling and Solidarity Centers were and said that they already had the legal basis for centers that would provide services. They also added that they were planning on opening 5 medical support units for victims of sexual crimes in Türkiye. However, they did not give a schedule about when these would be opened.

In our country there are no rape crisis centers, there is no telephone hotline specific to sexual violence and the system does not work for the best interest of the survivor either. It is

unacceptable to have gynecology clinics that do not have any holistic support mechanisms such as legal counseling, psychological support, collection of evidence, or taking statements to handle sexual violence cases. Considering the lack of a systematic or coordinated approach at the application centers, we see that there is an urgent need for centers focusing on sexual violence. Therefore, we expect that the promise made in front of the international mechanisms to open rape crisis centers must be kept!

Turkish Criminal Code Article 103 and Abuse of Children Through Marriage

As it may be remembered, a bill was brought to the agenda that would pave the way for forced marriages at an early age through Article 103 of the Turkish Penal Code and envisages impunity if the perpetrator and the victim were to get married. At the CEDAW session, members of the Committee had some questions about the subject. About the question on the amendments proposed for Article 103 of the Turkish Criminal Code, Derya Yanık said that sexual abuse against children was a defined crime under the Turkish Criminal Code and that sexual abuse had to be evaluated within the framework of the obligation to notify. Minister Yanık has also pointed out that impunity through noncompliance or marriage was out of the question. However, the response in practice to this question is the danger of normalizing forced marriages at an early age through the amendments made. We know very well that even the opening of this article to the discussion has given fearlessness to perpetrators. We also know that thanks to the solidarity and resistance of women and LGBTI+ organizations, the amendment did not get through the Parliament. We are faced with a threat where sexual abuse against children can be accepted and where the sexual, economic, psychological, and physical abuse of children through marriage can become ordinary.

Despite all of it, we will persist with our struggle, and we will not give up on our rights and our lives!

The questions of the Committee and the answers of Derya Yanık can be found on the Twitter account of Women for Women's Human Rights - New Ways and also on the UN media page:

<https://mobile.twitter.com/kadinih/status/1536712698934841347>

<https://media.un.org/en/asset/k1j/k1jl9xc1pu>