

Association for Struggle Against Sexual Violence Fact Sheet for CSW 67 Sessions

The Association for Struggle Against Sexual Violence (CŞMD) has been carrying out support, awareness and advocacy activities since 2014 in order to reduce sexual/sexualized violence and its damages, and to transform rape culture into a culture of consent.

This factsheet covers recent developments, rights violations and disaster topics from the perspective of access to digital tools on protection and prevention, empowerment and support in relation to sexual violence.¹

1. Current Situation

Civil society organizations in Türkiye, which criticize and draw attention to the fact that public institutions, including ministries, do not share data with each other and the public, monitor rights violations with their own limited resources and share the data from monitoring studies with the public. Rape crisis centers², sexual violence support and solidarity centers, which the The Ministry of Family and Social Services has been committed to establish since 2016, including women and girls with disabilities and trafficked persons, have still not been opened. The failure to open these units causes survivors of sexual violence to experience severe violations of their rights.

One of the developments in the field of digitalization in Türkiye is the digital application KADES. With this application, violence can be reported by pressing a digital button on smartphones and law enforcement officers are directed to the address of the person making the report. In addition, there is currently no other digital tool for reporting violence in Türkiye. It has been announced that 4 million people have downloaded the KADES application since its launch in Türkiye and 561,443 people have reported violence.³ However, there is no reliable information on the type of services offered by KADES.

In Türkiye, disadvantaged groups struggle with deep poverty and therefore cannot benefit from the opportunities brought by digitalization. The lack of these opportunities also makes it impossible for vulnerable groups subjected to violence to access justice. Women and girls with

¹ This information note is based on the monitoring study conducted by the association in 2021 under the name Destek İstemek Hakkım (I Have the Right to Ask for Support), in which 11 public institutions were monitored through evidence-based data collection. In this monitoring study, it was observed that institutions did not provide sufficient support and did not share data with civil society organizations.

² IV. National Action Plan on Combating Violence against Women (2021-2025), p.98

<https://www.aile.gov.tr/media/82082/kadina-yonelik-siddetle-mucadele-iv-ulusal-eylem-plani-2021-2025.pdf>

³ 561 thousand 443 notifications received via KADES

<https://www.trthaber.com/haber/gundem/kades-uzerinden-561-bin-443-ihbar-alindi-726065.html>

disabilities are 3 times more likely to be subjected to violence,⁴ but there is no disabled access in KADES application. Digitalization, technology and digital literacy have a great impact not only at the time of violence but also in raising awareness, especially in the prevention of sexual violence. Vulnerable groups are not provided access to almost any of the steps of prevention, intervention and protection.

According to the poverty data of the Deep Poverty Network, an organization working in this field in Türkiye, women struggling with poverty: marry at a young age for economic reasons, cannot access education rights, cannot work due to care burden, cannot access health services, contraceptives and menstrual products, and cannot access justice when subjected to violence.⁵

Comprehensive sexuality education is not provided in schools as part of preventive and protective studies. Digital spaces offer significant opportunities for youth to learn about sexuality, sexual and reproductive rights through informative and entertaining content. Digital spaces help youth, especially marginalized groups, be reached as well as create and share the information. For youth access to comprehensive sexuality education in digital spaces; youth, including marginalized groups, should lead, advise and initiate the content and provision. For this, it is important to tackle with cyberbullying and digital violence, sexual and gender-based violence in digital spaces. Digital platforms should be more inclusive for marginalized groups and LGBTI+, and design both online and offline initiatives that complement each other in all parts of life for comprehensive sexuality education.

In the last 10 years, most state services in Türkiye have started to be interpreted with religious references and the government has implemented policies in this direction. In addition, under the leadership of the Ministry of Family and Social Services (ASHB), the Ministry of Justice, the Ministry of Interior, the Ministry of National Education (MEB), the Ministry of Health and the Presidency of Religious Affairs jointly prepared the National Action Plan on Combating Violence against Women covering the years 2021-2025. In many of the activities in this national action plan, the Presidency of Religious Affairs is listed among the institutions responsible for the plan. This situation leads to the imposition of the understanding that Islam is the only sect and belief in Türkiye both on women and the policies prepared for women. Women of different sects of Islam, women of different faiths and women of no faith are ignored in this national action plan.⁶ In addition, the authority to perform marriages was granted to muftis⁷, and proposed amendments to the constitution were taken to parliament to be evaluated by the parliamentary commission in violation of the principle of secularism. With the withdrawal from the Istanbul Convention, this situation has adversely affected

⁴ Access to Reproductive Health Services for Women and Girls with Disabilities and Combating Gender-Based Violence, p. 5. <https://www.tapv.org.tr/wp-content/uploads/2020/04/Bask%C4%B1-engelli-kadinlar-ve-kiz-cocuklari-icin-cinsel..G.pdf>

⁵ Research on Women's Poverty <https://derinyoksullukagi.org/raporlar/kadin-yoksullugu-hakkinda-bilgi-notu-talepler/>

⁶ 2021-2025 Action Plan on Combating Violence against Women <https://www.aile.gov.tr/media/82082/kadina-yonelik-siddetle-mucadele-iv-ulusal-eylem-plani-2021-2025.pdf>

⁷ Circular on marriage authorization granted to Muftis <https://hukukmusavirligi.diyenet.gov.tr/Documents/N%C4%B0KAH%20GENELGES%C4%B0.pdf>

children's rights and the rights of women and LGBTI+⁸ , paving the way for comments encouraging sexual abuse and abuse through marriage, legislative initiatives to pardon perpetrators of abuse, and the revelation of incidents of child abuse in religious orders and communities has caused outrage in society.⁹ In December 2022, as a result of a newspaper report, a trial started in the Hiranur Foundation of the İsmailağa sect, where a girl was married off at the age of 6 to an older male member of the sect and the abuse continued for a long time.¹⁰ The child survivor who is the subject of the trial stated that she repeatedly tried to report the abuse but was prevented from doing so by public institutions.

2. A Human Rights Assessment from a Gender Perspective: February 6 Earthquakes

On 06.02.2023, two earthquakes centered in Kahramanmaraş and affected 10 provinces in total. The public has not yet received data on the extent of rights violations due to reasons such as the inability of local journalists to report on the severe loss of rights and human rights violations in this earthquake, the state of emergency declared in the region and the government's suppression of the freedom of expression of the press¹¹ , the government's failure to share data on Twitter in line with the situation shared by the public.

Human Rights Violations during the First Response to the Earthquake

Türkiye is an earthquake country. Before the 2023 earthquake, in 1999, according to official reports, there were 17,480 deaths, 23,781 injuries, 505 people were disabled, 285,211 houses and 42,902 workplaces were damaged. According to a 2010 parliamentary investigation report, 18,373 people died and 48,901 people were injured in the earthquake.¹² After this earthquake, an earthquake tax was started to be collected from the public under the name of special consumption tax in order to prepare for other earthquakes in the country, and the earthquake-related legal legislation was amended to cover all construction processes and new rules were introduced. However, the earthquake taxes collected for more than 20 years¹³ until the 2023 earthquake were not spent on earthquake-resistant construction during this period, and none of the persons/institutions found responsible for the 1999 earthquake were

⁸ How were LGBTI+s criminalized in the process of leaving the Istanbul Convention?

<https://tr.boell.org/tr/2022/06/24/istanbul-sozlesmesinden-cikilan-surecte-lgbtilar-nasil-kriminalize-edildi>

⁹ Their numbers increased rapidly during the AKP rule: 'They are deceiving with knowledge, Islam and the Qur'an. <https://www.cumhuriyet.com.tr/siyaset/akp-iktidari-doneminde-sayilari-hizla-artti-ilim-islam-kuranla-kandiriyorlar-2010823>

¹⁰ Child Abuse in Cults <https://www.evrensel.net/haber/476441/tarikatta-cocuk-istismari-bakanlik-davaya-mudahil-olduk-akp-sozcusu-takip-ediyoruz-dedi>

¹¹ Broadcast ban imposed on non-government TV channels over earthquake news

<https://www.gazeteduvar.com.tr/rtukten-halk-tv-tele-1-ve-fox-tvye-deprem-cezasi-haber-1605044>

¹² 1999 Gölcük earthquake balance sheet

https://tr.wikipedia.org/wiki/1999_G%C3%B6lc%C3%BCk_depremi#:~:text=Resm%C3%AE%20raporlara%20g%C3%B6re%2017.480%20%C3%B6l%C3%BCm,bin%20901%20ki%C5%9Fi%20ise%20yaraland%C4%B1

¹³ Earthquake taxes collected in 23 years

<https://tr.euronews.com/2023/02/11/deprem-vergisi-22-yilda-ne-kadar-vergi-toplandi-bununla-kac-konut-yapilabilirdi>

punished¹⁴ and held accountable. Despite the severe consequences of the 1999 earthquake, the status of earthquake taxes was not investigated, corruption was not fought, and promises of zoning amnesty/peace¹⁵ were made before the general elections in order to prevent the inspection of buildings, to give building permits to buildings that were not earthquake resistant and to increase the number of votes. No women-focused civil society organizations or women were directly involved in the decision-making mechanisms regarding all these processes.

The current government in Türkiye violated the right to life by failing to take action within the first 36 hours after the disaster and failing to intervene urgently, showing that no positive results were drawn from the 1999 earthquake.¹⁶ AFAD, the public institution that undertook the coordination of the disaster, failed to provide organizational capacities. A state of emergency was declared in the region, thus preventing the public and civil society from working together in this disaster. During this period, many GSM operators and power lines in the region collapsed at the first stage, and GSM operators did not report the signals coming from under the rubble and transmit them to the disaster coordination.¹⁷ It was only possible to reach many people under the rubble through personal messages sent from smartphones. Since communication was fast thanks to Twitter, the civilian population wove a digital solidarity network among themselves. During this communication efforts, the Republic of Türkiye has directly violated the right to life by restricting access to Twitter by the President's decree within the scope of its own domestic laws and applying band throttling, thus denying citizens the right to information and those under the rubble and their relatives the chance to be rescued.¹⁸ Due to the one-man regime, the imposition of coordination from a central point in the disaster has become a concrete indicator of the violence of power and patriarchy.

Human Rights Violations During the Intervention Process

During the disaster period, the relationship between the conservative policies carried out by the state and various religious organizations and communities that are not supervised by the state came to the agenda again, especially in terms of children. The Directorate of Religious Affairs, which has a budget 4.5 times¹⁹ more than AFAD²⁰, a state institution tasked with disaster response, issued a fatwa²¹ stating that there is no obstacle to marriage between the

¹⁴Impunity in the '99 earthquake and bringing those responsible for the earthquake to state institutions <https://www.evrensel.net/haber/483435/depremde-cezasizlik-sorumlulardan-kimi-milletvekili-kimi-danisman-ordu>

¹⁵ Zoning Peace Official Website <https://imarbarisi.csb.gov.tr/>

¹⁶ President asks for public forgiveness for the first days of the earthquake <https://www.bbc.com/turkce/articles/cw0e3dwwn1jo>

¹⁷GSM operators did not report phone signals to rescuers <https://www.diken.com.tr/bilisim-uzmani-gsm-operatorleri-enkaz-altindan-gelen-sinyalleri-raporlamadi/>

¹⁸ Twitter restricted in Türkiye in aftermath of earthquake <https://netblocks.org/reports/twitter-restricted-in-Türkiye-in-aftermath-of-earthquake-oy9LJ9B3>

¹⁹ Diyanet's 2023 budget: 35 Billion TL, 910 million, 653 TL <https://www.dogrulukpayi.com/dogruluk-kontrolu/diyanet-isleri-baskanligi-nin-2023-icin-ongorulen-butcesi-35-milyar-910-milyon-653-bin-tl-mi>

²⁰ Diyanet's budget is 4.5 times the budget of Afad <https://www.sozcu.com.tr/2023/ekonomi/diyanetin-butcesi-afadin-4-5-kati-7589028/>

²¹ <https://www.cumhuriyet.com.tr/siyaset/diyanetin-evlatlik-aciklamasina-ilahiyatcilerden-sert-tepki-2053618>

children of earthquake victims and their adoptive parents, in violation of the Turkish Civil Code, and state institutions did not initiate any legal action regarding this situation. In addition, two civil society organizations filed a criminal complaint due to the lack of information on the situation of some 60 children in the earthquake zone who were placed in community houses, and the Ministry of Family confirmed that the children were taken by religious foundations.²²

Türkiye has deep poverty. In disasters, vulnerable groups that are at the bottom of the social hierarchy and experience disadvantages are more affected. Especially women, refugees, persons with disabilities, children and LGBTI+ persons are discriminated against in the disaster area and due to this discrimination, especially women and girl refugees are at increased risk of being subjected to violence and abuse, and it was even found that a child of Syrian origin who was taken from the rubble to the hospital was subjected to abuse.²³ Limited access to rights has increased the risk of sexual violence against these groups in the region.²⁴ It is also known that only the municipalities of the earthquake provinces close to the government were called by the Presidency in the first hours of the earthquake²⁵, which violates the state's obligation to protect people without discrimination and thus the government loses its legitimacy for civil society. In fact, 115 billion Turkish Liras was collected to help civil society during the disaster, but no information was given about the fate of this aid.²⁶

Public authorities did not take adequate safety measures regarding cases of sexual violence in the disaster area. People who did not have access to smartphones due to deep poverty could not make their calls for help through social media platforms. There are problems such as insensitivity of public institutions to the needs of the people affected by the disaster, incomplete tent support, remote access of tent cities to city centers and villages. People's privacy is violated due to being forced to stay together in crowded groups and the lack of places such as toilets and changing rooms. All these privacy violations increase the risk of children, queer people and women being abused and subjected to sexual violence. In addition, single women are not allowed to stay in the tent areas and it was learned that the tents are collected only for families.²⁷ It has also been observed that trans women and LGBTI+ persons cannot access assistance, shelter and safe evacuation.²⁸

²² Ministry of Family Affairs confirms that children of earthquake victims stayed in the house of IHH <https://www.evrensel.net/haber/482693/bakanlik-depremzede-cocuklarin-ihh-mensubunun-evinde-oldugunu-dogruladi>

²³ Child pulled from rubble sexually abused in hospital <https://m.bianet.org/bianet/diger/274896-enkazdan-cikarilan-cocuga-hastanede-cinsel-istismar>

²⁴ Only AKP municipalities were called after the earthquake <https://www.diken.com.tr/erdogan-deprem-aramalarinda-chpli-belediye-baskanlarini-pas-gecti/>

²⁵ Tents are inadequate in earthquake zone <https://www.diken.com.tr/17nci-gunde-kahramanmarasli-depremzede-cadir-bulamiyoruz/>

²⁶ 115 Billion TL aid collected <https://www.trthaber.com/haber/gundem/turkiye-tek-yurek-toplanan-bagis-115-milyar-146-milyon-528-bin-lira-746586.html>

²⁷ No tent provided for woman living alone <https://www.evrensel.net/haber/481682/tek-basina-yasayan-afetzede-kadinin-barinmasina-aile-engeli>

²⁸ What do LGBTI+ survivors of the earthquake experience? <https://ekmekvegul.net/gundem/depreamin-ardindan-ayrimcilik-buyuyor-depremzede-lgbtiller-neler-yasiyor>

3. Our Suggestions and Demands to State Institutions

Institutions within all ministries should work in coordination and, when necessary, develop collaborations and sign protocols with rights-based women's and LGBTI+ organizations. In order to work directly in the disaster zone and with people evacuated from the region, experienced women's and LGBTI+ organizations should carry out activities in the earthquake zone and these activities should not be prevented.²⁹

Demands from the Ministry of Family and Social Services:

-Authorized public institutions should urgently take security measures for the prevention, intervention and protection of cases of sexual violence and sexual abuse in the disaster zone. The first of these security measures is to open an emergency precaution tent/place where women, refugees, LGBTI+ persons and children can safely apply directly in the earthquake zone against rights violations. In addition to this emergency precaution tent, an emergency hotline should be set up that can be used only for violations that occurred during the earthquake.

-It should urgently be made clear which state institutions are operating in the disaster area and from which state institutions or individuals' survivors of sexual violence can seek support. Data on these cases should be kept.

-Civil society organizations with long years of experience in the field of women, children and LGBTI+ should be included in the post-disaster coordination process by public authorities. Violations of the rights of women, children and LGBTI+ persons should be recorded and these violations should be monitored.

-Immediate implementation of a child protection policy is needed to prevent neglect and abuse to which children may be exposed as a result of the disaster.

-Public authorities should clearly specify the types of support services they provide in relation to sexual violence and the capacities of the personnel working in support services should be developed in a rights-oriented manner with the support of civil society organizations working in this field.

-In order to increase digital literacy, central and local authorities should provide free trainings for women, girls and LGBTI+ persons, distribute smartphones and tablets to those who cannot access technological devices and people should be encouraged to do so.

Requests from the Ministry of Interior, the Ministry of Justice, Ministry of National Education, the Ministry of Health and the Union of Turkish Bar Associations:

-Rape Crisis Centers should be urgently opened in Türkiye in partnership with the Ministry of Family and Social Services and the Ministry of Justice within hospitals under the auspices of the Ministry of Health to ensure that evidence is still preserved when survivors are ready to enter the judicial process, and the right approach to the survivor as the access to justice is

²⁹ Women detained for distributing supplies in earthquake zone <https://bianet.org/bianet/yasam/274867-polisten-guzelburc-ta-erzak-dagitan-kadinlara-fiili-gozalti>

limited for vulnerable groups. PreP medication should be provided free of charge by health institutions after sexual assault, rape and risky sexual intercourse.

-Institutions providing support services on sexual violence should make special arrangements for older adults, sex workers, refugees and asylum seekers, LGBTI+ persons and non-Turkish speakers.

-Special applications should be made for the disabled, transportation to institutions should be accessible to the disabled, and this service should be provided especially for those who need sign language interpretation.

- For to protect sexually transmitted diseases and pregnancy, birth control pills and sexual health products should be sent to the region urgently. Safe abortion must be provided urgently for all.

-The current situation of refugee women and girls should be monitored and data should be shared by the Directorate of Migration Management.

- In cooperation with the Ministry of Justice and the Union of Turkish Bar Associations, survivors should be provided with lawyers and advocacy services to access support services.

-Comprehensive sexuality education should be provided in schools by the Ministry of National Education and Türkiye should adopt a sexual rights-based approach. Access to sexual and reproductive health materials for the disaster area should be provided free of charge.