



SECURING PATHWAYS:
ACCESS TO JUSTICE FOR
REFUGEE AND MIGRANT
WOMEN IN TÜRKİYE

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Refugee
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Introduction

Refugee Rights Turkey (RRT) is a non-governmental organisation working to facilitate access to existing protection mechanisms for persons seeking protection and vulnerable migrants in Turkey, and to promote the alignment of migration and asylum policies and practices in Türkiye with international standards. In this context, RRT has observed the difficulties faced by women refugees and migrants in the context of the services it has been providing for many years. Moreover, these difficulties are not only due to their status as refugees and migrants. As the crisis in Syria has grown protracted and resettlement prospects for all nationalities have diminished, refugee and migrant women and girls who have spent many years in Türkiye in pursuit of a durable solution face challenges in a range of other legal matters, including but not limited to divorce, alimony, child custody, exploitation, protection from violence and harmful practices such as forced or early marriage.

In this context, RRT, with the financial support of the Heinrich Böll Stiftung Turkey Office, organised a National Workshop on Access to Justice for Refugee and Migrant Women in Türkiye on 10-11 November 2023 in Istanbul with 42 representatives from 21 different civil society organisations from different parts of Türkiye. During the workshop, participants shared their observations on the rights violations faced by refugee and migrant women in Türkiye, and in the facilitated sessions of the workshop, participants were asked to share information about their respective organisations and activities, field observations and best practices.

This paper aims to document the challenges of access to justice for refugee and migrant women in Türkiye by bringing together both the facts observed through the services provided by the RRT and the issues raised by the participants at the workshop. The paper begins with an introduction to the concept of access to justice, highlighting the critical importance of adopting a gender perspective. Following this section, the paper discusses refugee and migrant women's access to justice in general, arguing that it is crucial to recognise that the barriers faced by refugee and migrant women and girls in their pursuit of justice go beyond mere language barriers, and that it is important to promote a comprehensive understanding, emphasising that these women and girls face the same barriers, albeit with additional layers, as their non-refugee counterparts. The paper looks specifically at the case of Türkiye in the third section, and in the final section the report evaluates its theme under several subheadings, including barriers to registration, recognition of gender-based asylum claims, persons with special

needs, knowledge gaps about rights and services, and finally challenges due to underlying socio-economic factors.

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Engendering Access to Justice

At its core, the concept of "access to justice" refers to the possibility of having the means to seek a remedy for the enforcement and, where necessary, the protection of rights recognised by law and is now among the fundamental principles of customary international law.¹ As such, it reflects a commitment to upholding the rule of law and underscores the compelling need for legal systems to be not only comprehensive in delineating rights, but also inclusive in providing avenues for their enforcement.

Nevertheless, this definition is rather limited in scope, as it confines access to justice to the realm of legal proceedings and judicial institutions. Simultaneously, it implies that certain preconditions are already met, such as the equality of rights recognised by the legal system, the equal legal capacity of the parties, and the impartiality and effectiveness of remedies.

In practice, however, disadvantaged communities, especially women and girls globally, are acutely aware that these ostensibly prescribed preconditions often remain elusive in the face of deeply rooted systemic inequalities. Thus, a narrow lens on the access to justice would fail to acknowledge the lived experiences and systemic barriers that disproportionately burden these communities and would leave their members stranded in their pursuit of justice. Similarly, such a narrow lens would also overlook the fact that justice as a system is intricately intertwined with a multifaceted framework of organisational and social elements, each of which have a role in setting the extent to which justice is accessible throughout diverse communities and their members.

Embedded in this intricate web are pervasive biases that permeate every level and influence the trajectory of the quest for justice. These biases create an uneven

¹ It is important to note that in addition to Articles 7 and 8 of the Universal Declaration of Human Rights, which provide for the right to equality before the law without discrimination and the right to an effective remedy, Article 14 of the International Covenant on Civil and Political Rights imposes a binding obligation on States Parties to ensure equality before the courts and the right to a fair and public hearing by a competent, independent and impartial tribunal established by law. In addition, the International Convention on the Rights of Persons with Disabilities had explicitly enshrined the right to 'access to justice', requiring States Parties to ensure effective access to justice for persons with disabilities on an equal basis with others. Also relevant in this regard are Article 5 and 6 of the International Convention on the Elimination of All Forms of Racial Discrimination and Article 16, 18 and 24 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. At the regional level, four major treaties contain provisions relevant to women's access to justice. While Articles 6 and 13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms guarantee the right to a fair trial and the right to an effective remedy, respectively, the Istanbul Convention specifically relates to access to justice for women victims of violence, and the Convention on Action against Trafficking in Human Beings addresses access to justice for victims of trafficking. Finally, the European Social Charter (Revised) contains many provisions prohibiting discrimination and a separate standing provision on non-discrimination.

terrain for those seeking justice, often marked by societal prejudices and systemic discrimination. Awareness, or lack thereof, of available legal avenues adds another layer of complexity.

Disadvantaged groups may face barriers in identifying their rights and accessing appropriate channels due to information gaps, further exacerbating their challenges.

The financial burdens associated with legal proceedings and obtaining representation also create additional barriers. For many, the cost of navigating the legal system becomes a prohibitive factor limiting their ability to effectively assert their rights, and this financial burden often leads to disparities in legal representation, with those with limited resources at a disadvantage.

Furthermore, the adequacy or otherwise of infrastructure plays a central role in how accessible and efficient the justice system is. The appropriateness or lack of infrastructure within the justice and law enforcement system is a critical element that shapes the overall experience of individuals seeking legal remedies. That is, inadequate or inappropriate infrastructure can lead to delays, inefficiencies, and unequal treatment before the law, while a lack of resources can reduce the effectiveness of available mechanisms and hinder the timely delivery of justice.

Documentation challenges also form a critical part of this complex web, encompassing issues related to the collection, verification, and submission of necessary documents. Insufficient or inaccessible documentation can hamper the ability of individuals to assert their rights, and this challenge is particularly pronounced for marginalised groups, many of whom face difficulties in obtaining or maintaining the necessary documentation.

Navigating the maze of procedural and evidentiary requirements further complicates the pursuit of justice. Complex rules and procedures, often designed without sufficient due regard to the diverse needs of individuals, can act as barriers and, rather than facilitating an accessible legal system, can render it daunting and exclusive.

Finally, language barriers, particularly for non-native speakers, have the potential to significantly alienate them from the legal process. This linguistic divide can be a formidable challenge, making it difficult for individuals to comprehend, communicate, and actively participate in the process of seeking justice. Furthermore, linguistic barriers can cause alienation that extends beyond mere comprehension. They can hinder individuals' ability to articulate their experiences

and present their cases coherently, leading to misunderstandings and miscommunications that compromise their ability to assert their rights, articulate grievances, or challenge injustices.

It is in this vein that the Committee on the Elimination of Discrimination against Women (CEDAW), in its General Recommendation No.33 on Women's Access to Justice, emphasised the multidimensional nature of the right to access to justice, stating that it encompasses "justiciability, availability, accessibility, good quality, the provision of remedies to victims and the accountability of justice systems".²

Justiciability³, as defined by the Committee, refers to women's unimpeded access to and capacity to claim their rights, while availability requires the establishment, maintenance and financial support of courts, quasi-judicial bodies, or other bodies in remote, rural, and urban areas.⁴ Accessibility, on the other hand, requires that all formal and informal justice systems be physically accessible, affordable, and safe for women, and that these systems be attuned to and responsive to the specific needs of women, particularly those facing intersecting or compounded forms of discrimination.⁵ In addition, good quality means that each element of the justice system meets global standards of competence, effectiveness, independence and impartiality, and that the system is able to provide prompt, appropriate and effective remedies that are enforced and lead to sustainable and gender-responsive conflict resolution⁶; whereas the provision of remedies to victims⁷ demands that justice systems ensure that women have access to effective protection and meaningful redress for any harm they may have suffered. Finally, the accountability of justice systems calls for monitoring to ensure compliance with these principles.⁸

Similarly, in recognition of women's specific needs, the United Nations Development Programme (UNDP) also defines women's access to justice as⁹ "access by women, in particular, from poor and disadvantaged groups, to fair, effective, affordable and accountable mechanisms, for the protection of rights, control of abuse of power, and resolution of conflicts. This includes the ability of women to seek and obtain a fair and just remedy through formal and informal

² Committee on the Elimination of Discrimination against Women ("CEDAW Committee"), General Recommendation No. 33 on Women's Access to Justice, CEDAW/C/GC/33, 3 August 2015, para 1.

³ CEDAW Committee, *ibid.* para 14.a.

⁴ CEDAW Committee, *ibid.* para 14.b.

⁵ CEDAW Committee, *ibid.* para 14.c.

⁶ CEDAW Committee, *ibid.* para 14.d.

⁷ CEDAW Committee, *ibid.* para 14.e.

⁸ CEDAW Committee, *ibid.* para 14.f.

⁹ The United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), UNDP, The United Nations Office on Drugs and Crime (UNODC) and The Office of the United Nations High Commissioner for Human Rights (OHCHR), "A Practitioner's Toolkit on Women's Access to Justice Programming", 2018, p.17.

justice systems and the ability to influence and participate in law-making processes and institutions.”¹⁰

Thus, in this redefined perspective that departs from the conventional paradigm, access to justice becomes more than a conduit for legal remedies and evolves into a comprehensive, equitable and inclusive framework.

On the other hand, this new framework must also recognise that even vulnerabilities are far from being equally distributed. Certain groups, including but not limited to indigenous women, women with disabilities, women living with HIV, older women, victims of trafficking, and migrant and refugee women, confront compounded challenges in navigating the complexities of access to justice. Moreover, vulnerabilities are not isolated, but interrelated and mutually reinforcing, and call for a nuanced and tailored approach to addressing women's specific needs within the legal system.

Refugee Women and Their Access to Justice

A demographic that accounts for more than half of the world's displaced population¹¹, refugee women and girls must grapple with a myriad of challenges inherent in their status as displaced persons.

First, the reasons for women's migration are manifold. While some are driven by the prospect of improved economic opportunities or greater autonomy from cultural and social constraints in their countries of origin, others may be forced to leave due to the prevalence of violence and conflict. For example, women facing persecution may be fleeing for reasons related to their race, religion, nationality, or political opinion, but they may also be fleeing because of gender-specific forms of persecution, such as forced marriage, female genital mutilation, or other forms of gender-based violence. Similarly, women often face discrimination amounting to persecution because of their sex, gender, sexual orientation, or gender identity, or sometimes simply because they do not conform to the teachings or views of a prescribed religion or society.

¹⁰ This definition is particularly critical as it, among others, highlights the agency of women in seeking and participating in legal processes. This aspect underscores the importance of empowering women not only as recipients of justice but also as active contributors to the development and shaping of legal frameworks that impact their lives.

¹¹ According to the United Nations High Commissioner for Refugees (UNHCR), by the end of 2022, women and girls accounted for 51% of the world's total forcibly displaced population. See: UNHCR, “Global Trends: Forced Displacement in 2022”, p. 17, <https://www.unhcr.org/global-trends-report-2022>.

It is therefore essential that national systems duly reflect the fact that persecution, as a multifaceted issue, has gender dimensions that manifest themselves in various forms, and adopt a gender-sensitive approach to the interpretation and implementation of refugee protection policies, including by recognising the specific challenges faced by different genders and ensuring that protection policies respond to these gender-specific forms of persecution.

In this regard, the 1951 Convention Relating to the Status of Refugees, while lacking an express wording on gender-related persecution, does provide protection against many forms of such practices.¹² Indeed, in its General Recommendation No. 32, the CEDAW Committee also reaffirmed the availability of such protection by emphasising that “the definition in the 1951 Convention, properly interpreted, covers gender-related claims to refugee status.”¹³

Moreover, at the regional level, the Council of Europe Convention on Preventing and Combating Violence against Women (“the Istanbul Convention”)¹⁴ contains specific articles on women asylum-seekers and refugees, which clearly establishes the obligation of States Parties to ensure that gender-based violence against women is considered a form of persecution within the meaning of the 1951 Convention and that each of the Convention's grounds is interpreted in a gender-sensitive manner¹⁵, and recognises the application of the principle of non-refoulement to victims of violence against women who are in need of protection.¹⁶

Second, the consequences of displacement for women and girls, however, go beyond the immediate dangers of conflict and persecution, thrusting them into a multifaceted web of vulnerability that profoundly shapes their experiences. A particularly poignant aspect of these experiences is the heightened vulnerability to gender-based violence, an unsettling reality that not only pervades their journeys but also persists in the countries in which they arrive.

As they seek safety, refugee and migrant women and girls face the ominous spectre of sexual assault, trafficking, and domestic violence. That is, while women and girls are at immediate risk of sexual assault by a variety of actors, including

¹² UNHCR, Guidelines on International Protection No.1: Gender-Related Persecution with the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees, HCR/GIP/01/01, 7 May 2022 and UNHCR, Guidelines on International Protection No.9, Claims to Refugee Status based on Sexual Orientation and/or Gender Identity within the context of Article 1(A)2 of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees, HCR/GIP/12/09, 23 October 2012.

¹³ CEDAW Committee, General Recommendation No. 32 on the Gender-Related Dimensions of Refugee Status, Asylum, Nationality and Statelessness of Women, CEDAW/C/GC/32, 14 November 2014, para 16.

¹⁴ The Istanbul Convention (CETS No. 210), Istanbul, 11.V.2011.

¹⁵ The Istanbul Convention, Article 60.

¹⁶ The Istanbul Convention, Article 61.

smugglers, during perilous journeys, it is also a fact that criminal networks operating in human trafficking, often transnational, prey on the desperation of those fleeing conflict and persecution in destination countries. Moreover, displacement, with its inherent upheavals and uncertainties, can strain familial structures, contributing to an increased risk of abuse in the homes that should provide some solace, and the loss of traditional support networks further exacerbates this vulnerability, leaving women and girls without the usual safeguards against domestic violence.

Woven into the fabric of their experiences of displacement, these adversities are not isolated incidents, but rather interrelated challenges, and the risk of gender-based violence becomes an insidious undercurrent that affects their physical and mental well-being at every turn. Thus, these individuals not only face the external challenges of dislocation, but also the enduring mental health consequences of being forcibly uprooted and the challenges that come with it.

It is therefore central to recognise that the obstacles confronting refugee and migrant women and girls in their pursuit of justice extend beyond mere language barriers. While these language barriers are certainly a significant challenge, it is imperative not to oversimplify the complexity of their struggles by attributing them solely or primarily to linguistic issues. Rather, it is critical to encourage a comprehensive understanding, emphasising that these women and girls experience the same barriers, albeit with additional layers, as their counterparts who are citizens. Acknowledging their multiple layers of vulnerability is also fundamental to formulating inclusive and effective strategies to address their specific needs and ensure equitable access to justice.

The Case of Türkiye

Türkiye remains the largest refugee hosting country in the world by the end of 2023 and is a home to over 3,2 million Syrian refugees under temporary protection regime- of whom 47,72% are women and girls¹⁷, as well as to around 300 thousand under international protection.¹⁸ In addition, by the end of the same term, there are also around 1,1 million foreigners with short-term, student, family, and other residence permits.¹⁹

¹⁷ Migration Management Presidency of the Republic of Türkiye, Temporary Protection Statistics (as of 21.12.2023), <https://en.goc.gov.tr/temporary-protection27>

¹⁸ United Nations High Commissioner for Refugees (UNHCR) Türkiye, Factsheet September 2023, <https://www.unhcr.org/tr/wp-content/uploads/sites/14/2023/10/bi-annual-fact-sheet-2023-09-turkiyeF.pdf>

¹⁹ Migration Management Presidency, Residence Permits, <https://en.goc.gov.tr/residence-permits>

Türkiye's refugee protection regime is governed by the Law on Foreigners and International Protection (No. 6458) (hereafter LFIP)²⁰ and the Temporary Protection Regulation.²¹ While the latter applies to Syrian nationals as well as refugees and stateless persons arriving from Syria, the former regulates the adjudication of applications for international protection submitted by other nationalities. Despite being a State Party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, Türkiye still maintains a geographical limitation to the Convention, which in practice means that the Convention only applies in full to those originating from European countries²², and therefore for the overwhelming majority of persons seeking international or temporary protection in Türkiye, notwithstanding voluntary return where possible, resettlement to a third country remains the only durable solution.

Türkiye has also ratified most of the international human rights covenants²³, including CEDAW, and is a High Contracting Party to the European Convention on Human Rights²⁴, all of which contain relevant provisions safeguarding access to justice for all, as outlined above. Türkiye has also accepted individual complaints procedures under the Convention against Torture, the International Covenant on Civil and Political Rights, CEDAW, and the Convention on the Rights of Persons with Disabilities²⁵, and instituted the possibility of an individual application to the Constitutional Court for the rights and freedoms protected by the Constitution and the European Convention on Human Rights and its additional protocols, to which Türkiye is a party in 2010.²⁶ However, in 2021, Türkiye abruptly withdrew from the Istanbul Convention.

Since, according to Article 90/5 of the Turkish Constitution, all duly ratified international conventions have the force of law, the safeguards contained in these covenants are therefore part of the domestic legal framework.

Likewise, the Turkish Constitution upholds “the freedom to seek justice” in Article 36, which stipulates that “everyone has the right, through legitimate means and

²⁰ Law on Foreigners and International Protection, 11/4/2013 dated Official Gazette (No: 28615).

²¹ Temporary Protection Regulation, 22.10.2014 dated Official Gazette (No: 29153).

²² According to Article 3/1(b) of the LFIP, "European countries" means "countries which are members of the Council of Europe and other countries to be determined by the President".

²³ With the exception of the International Convention for the Protection of All Persons from Enforced Disappearance, Türkiye has ratified 8 of the 9-core international human rights instruments. See: United Nations Treaty Body Database, The Ratification Status by Country or by Treaty, Türkiye: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=179&Lang=EN

²⁴ As a High Contracting Party to the European Convention on Human Rights, Türkiye accepted the right of individual application to the European Court of Human Rights in 1987 and recognised the compulsory jurisdiction of the Court in 1990.

²⁵ UN Treaty Body Database, op. cit.

²⁶ The Constitutional Court of Türkiye started receiving individual applications on 23 September 2012.

procedures, to assert claims and defences as a plaintiff or defendant before the judicial bodies and the right to a fair trial. No court can refrain from adjudicating the case within its jurisdiction.” Article 40 entitled “protection of fundamental rights and freedoms” further reads that “everyone whose rights and freedoms recognised by the Constitution are violated has the right to demand the opportunity to appeal to the competent authority without delay.” Thus, the right to access to justice and demand the protection of rights is a constitutionally enshrined right in which no distinction is made between citizens and non-citizens, or regular and irregular migrants.

In recognition of disadvantaged individuals, several legislative texts, including the Attorneys Act (No. 1136)²⁷ and the Civil Procedure Code (No. 6100)²⁸, grant such persons the possibility of benefiting from the state-funded legal aid scheme²⁹, which allows for free legal representation and waiver of court fees. In other words, as described in the said provision of the Civil Procedure Code, persons who are wholly or partly unable to meet the necessary costs of the proceedings without causing serious hardship to themselves or their families may benefit from legal aid, provided that their requests are not manifestly unfounded.

This possibility is also extended to foreigners under international or temporary protection and to victims of trafficking.³⁰ That is, while Article 81 of LFIP states that both applicants and beneficiaries of international protection who do not have sufficient means to cover the costs of legal representation are entitled to benefit from the state-funded legal aid scheme, Article 53 of the Temporary Protection Regulation reiterates this right for persons under the temporary protection regime, and Article 28 of the Regulation on Combating Human Trafficking and Protecting Victims³¹ provides for access to legal aid and the provision of information and services related to the legal rights of victims as part of the support programme to be provided to victims of trafficking.

In this context, it is also important to recall that although the Civil Procedure Code normally requires reciprocity for foreigners wishing to benefit from the state-funded free legal aid system³², and the LFIP only waives this requirement for

²⁷ Attorneys Act, 7/4/1969 dated Official Gazette (No: 13168), Article 176. See also Articles 177-181.

²⁸ Civil Procedure Code, 4/2/2011 dated Official Gazette (No: 27836), Article 334. See also Articles 335-340.

²⁹ This scheme is further regulated by the Legal Aid Regulation, 30/03/2004 dated Official Gazette (No. 25418).

³⁰ For a detailed analysis of the applicable law on foreigners' access to the legal aid scheme, see: Refugee Rights Turkey, Access to State-Funded Legal Aid Services by Asylum Seekers and Migrants in Turkey: Challenges and Opportunities, January 2019, <http://mhd.org.tr/images/yayinlar/MHM-74-EN.pdf>.

³¹ Regulation on Combating Human Trafficking and Protection of Victims, 17/03/2016 dated Official Gazette (No: 29656).

³² Article 334/3, Civil Procedure Code.

stateless persons³³ and holders of international protection status³⁴, the Turkish Constitutional Court has ruled in a series of judgments - which now reflect established case law - that denying foreigners the right to legal aid on the sole ground of lack of reciprocity constitutes a violation of the right to access to justice.³⁵

In the case of violence against women and girls, [gender-based] violence is defined in legal terms as "any act or conduct, whether physical, sexual, psychological or economic, occurring in the social, public or private life, that results in, or is likely to result in, harm or suffering to a person, including threats, coercion or arbitrary deprivation of liberty"³⁶ and violence against women as "any act or conduct that is inflicted on women solely because they are women, or that results in gender discrimination against women and a violation of women's human rights, and is defined as violence [in the Law]".³⁷

With respect to its manifestations, the following are criminalised under the Turkish Penal Code³⁸: Physical violence in the form of femicide, assault or torment; psychological violence in the form of threats, insults, blackmail, stalking, discrimination, disturbing the peace and harmony of a person, ill-treatment, violation of privacy or slander; sexual violence in the form of forced sterilisation, causing miscarriage, sexual assault, child abuse, child obscenity, sexual harassment, forced prostitution or forced genital examination, as well as other forms of violence, including trafficking in human beings, inducing suicide, abandonment, deprivation of liberty, violation of the immunity of residence, violation of the freedom to work and to engage in employment, polygamy, and violation of family obligations.

In this context, intentional killing of a spouse or divorced spouse, killing of a woman, or killing for reasons of tradition (i.e. so-called "honour killings") are also classified as aggravating factors, all of which carry aggravated life imprisonment.³⁹ Similarly, intentional assault or torment against a spouse or divorced spouse is also considered an aggravating factor, halving the sentence⁴⁰, and the minimum thresholds for offences such as intentional assault, torture, torment and threat are

³³ Article 51/1(c), Law on Foreigners and International Protection.

³⁴ Article 88/1, Law on Foreigners and International Protection.

³⁵ See, *inter alia*, Mohamma Salem Pashto and Nazi Salem, Application No. 2019/26339, 17.05.2023, <https://kararlarbilgibankasi.anayasa.gov.tr/BB/2019/26339>.

³⁶ Law on the Protection of the Family and Prevention of Violence against Women (No. 6284), 20/3/2012 dated Official Gazette (No: 28239), Article 2/1(d).

³⁷ Article 2/1(ç), Law on the Protection of the Family and Prevention of Violence against Women.

³⁸ Turkish Penal Code, 12/10/2013 dated Official Gazette (No: 25611).

³⁹ Article 82/1 (d), (f), and (k), Turkish Penal Code.

⁴⁰ Articles 86/3 (a) and 96/2 (b), Turkish Penal Code.

increased when committed against a woman.⁴¹ If the offence committed is sexual assault, child molestation, stalking, intentional assault, or torment, or is punishable by more than five years' imprisonment⁴², both Article 234 and Article 239 of the Criminal Procedure Code (No. 5271)⁴³ allow the victim to request the court to appoint a lawyer free of charge during the criminal proceedings if she has none.⁴⁴ The Law on the Protection of the Family and Prevention of Violence against Women (No. 6284)⁴⁵ also describes, among the support services to be provided by the centres for the prevention and monitoring of violence, the "coordination of housing, temporary material assistance, health, legal aid and other services provided to the protected person", thus reiterating the possibility of access to legal aid and representation.

Exploring Hurdles and Promising Practices in Access to Justice for Refugee and Migrant Women

Registration Roadblocks Denying Women Access to Protection

Upon arrival in Türkiye, every foreigner, whether an asylum seeker fleeing persecution in their home country or a migrant seeking a better social and economic future, must navigate a crucial first step: the registration process. Registration is essential as it legalises a person's presence in the country and enables access to basic rights and services, including healthcare, education, and social assistance. The failure to register eventually results in persons becoming undocumented, which not only hinders their access to essential services, but also exposes them to risks such as detention, deportation, and possible exploitation. Those lacking the necessary documentation also face barriers to accessing justice,

⁴¹ Articles 86/2, 94/1 and 96/1 and 106/1, Turkish Penal Code.

⁴² Trafficking in human beings (art. 80/1), aggravated intentional killing (art. 82), aggravated assault resulting in loss of speech or fertility (art. 87/2(c)), torture of a child or pregnant woman (art. 94/2(a)) or committed with sexual harassment (art. 94/3), causing miscarriage (art. 99), sexual assault committed by inserting an organ or other object into the body (art. 102), other aggravated forms of sexual assault such as assault committed against a person who is physically or mentally incapable of defending herself or using weapons or with the cooperation of more than one person (art. 102/2), child molestation (art. 103), child obscenity published or disseminated by means of the press or broadcasting, as well as making it possible for children to see, hear or read these materials (art. 226/5), forced prostitution through the use of threats, violence, deception or taking advantage of the person's desperation (art. 227/4), forced prostitution through the use of violence, deception or taking advantage of the person's desperation (art. 227/4), forced prostitution committed by a spouse, direct ancestor, direct ancestor-in-law, sibling, adoptive parent, guardian, trainer, educator, nurse, or any other person responsible for the protection and supervision of a person (art. 227/5) are offences punishable by more than five years' imprisonment under the Turkish Penal Code.

⁴³ Criminal Procedure Code (No. 5271), 17/12/2004 dated Official Gazette (No: 25673).

⁴⁴ If the victim has not reached the age of eighteen years, is deaf or inarticulate or is disabled to the extent that he/she is unable to express himself/herself and does not have a representative, a representative shall be appointed without his/her request. See, Article 234/2, Criminal Procedure Code.

⁴⁵ Article 15/1(b), Law on the Protection of the Family and Prevention of Violence against Women.

which restricts their ability to seek redress for the injustices and grievances they suffer.

The Presidency for Migration Management (hereafter PMM) is responsible for the registration of applicants for international protection or temporary protection. This body streamlines and manages registration procedures through its provincial and sub-provincial directorates. Upon successful registration, individuals are issued with an official document called the International Protection Applicant ID or, in the case of those under temporary protection, the Temporary Protection ID, both of which contain a unique foreigner ID number. These documents and the number not only serve as legal confirmation of the individual's legal presence in the country⁴⁶, but also facilitate access to fundamental rights and freedoms. For instance, access to healthcare and other essential services, or even buying a travel ticket is typically dependent on being able to present these documents when prompted.

In recent years, however, the PMM has undergone a discernible shift in its regulatory approach to the registration of persons seeking international or temporary protection, which have had mixed impacts on various demographic groups. Notably, the PMM has officially initiated the suspension of temporary protection registrations first in Istanbul as of July 2019⁴⁷ and later in the capital Ankara at the end of 2021⁴⁸, a practice that has subsequently been extended as part of what has been termed the “dilution policy”.

The authorities have framed the gradual expansion of this policy as a means of mitigating the geographical clustering of foreigners, citing security considerations, optimising the coordination of public services and the ostensible need to avoid social segregation. That is, many individuals were reported to have been turned away by the respective migration authorities on the grounds of closures and without being directed to alternatives, thereby being left in a state of uncertainty as to where they could complete the registration process. It was not until mid-2022⁴⁹ that such extensive restrictions were officially acknowledged, with the PMM initially announcing that 781 neighbourhoods across 54 provinces were closed to temporary protection and international protection as well as to

⁴⁶ Article 76/1, Law on Foreigners and International Protection & Article 22/1 and 22/2, Temporary Protection Regulation.

⁴⁷ PMM, İstanbul İlinde Bulunan Yabancılar Hakkında Basın Açıklaması, 01.01.2023, <https://istanbul.goc.gov.tr/istanbul-ilinde-bulunan-yabancilar-hakkinda-basin-aciklamasi-01012023>

⁴⁸ PMM, Ankara İli Özelinde Alınan Kararlar Hakkında Duyuru, 02.09.2021, <https://www.goc.gov.tr/ankara-ili-ozelinde-alinan-kararlar-hakkinda-duyurubasinaciklamasi>

⁴⁹ PMM, Mahalle Kapatma Duyurusu Hakkında, 16.05.2022, <https://www.goc.gov.tr/mahalle-kapatma-duyurusu-hk>

residence permits, and the list has rapidly escalated to 1169 neighbourhoods in 63 provinces by July 2022.⁵⁰

While both announcements explicitly outlined exceptions for new-borns and nuclear family reunifications, there were also reports of additional exemptions being granted for specific exceptional circumstances, including serious medical conditions, educational needs, and emergency situations such as pregnancy. It is to be noted, however, that there have also been reports of inconsistent implementation of these exceptions and therefore a lack of standardisation.

Although the delays in registration have undoubtedly resulted in a gap in access to basic rights for all those affected, the reported impacts of this policy of spatial deconcentration on women were manifold and pronounced. At the forefront of these challenges is the sense of isolation that emerges from reduced access to the social and cultural networks they once relied upon. These networks are far more than mere conveniences; they represent avenues for support, information sharing and community bonding, all of which are crucial to women's adaption to a new environment and culture. The dilution policy has therefore inadvertently but critically severed these critical ties, leaving women in a state of increased isolation and vulnerability.

In addition, the neighbourhoods that remain open for registration are often associated with higher costs of living. This factor becomes increasingly burdensome against the backdrop of the country's deteriorating economic conditions. In this new environment, women who had already navigating financial insecurities found themselves facing a dual challenge. On the one hand, there is a need to secure affordable housing in an ever-shrinking pool of accessible neighbourhoods, whereas on the other, they must content with the overall increased costs in these areas. Moreover, this restriction on spatial mobility meant that even those with improved financial means were unable to move to better housing in the same neighbourhood where a degree of support and familiarity had been established.

Finally, the Turkish authorities have decided to register recently arrived Syrians primarily in temporary accommodation centres⁵¹ as of June 2022. Exceptions, i.e. the possibility to register at a provincial directorate of migration management,

⁵⁰ PMM, Mahalle Kapatma Duyurusu Hakkında, 30.06.2022, <https://www.goc.gov.tr/mahalle-kapatma-duyurusu-hk2>

⁵¹ By the end of 2023, there were a total 9 temporary accommodation centres in 7 seven provinces, including Adana, Hatay, Kahramanmaraş, Osmaniye, and Malatya. See: PMM, Distribution of Syrian Refugees in the Scope of Temporary Protection according to Shelter Centres, <https://en.goc.gov.tr/temporary-protection27>

have been granted to those who have family members already registered, those who have travel restrictions due to medical conditions, those who are family members of a Turkish national or a foreigner with a residence or work permit or registered under international protection, and finally those whose accommodation in these centres is considered inappropriate by the authorities due to their specific needs.⁵² Furthermore, those registered in these centres are required to remain there, with daily entry and exit only allowed to those whose security vetting has been concluded.

Along with the right to liberty and the security implications of this practice, it has also been reported that, as exemptions are primarily linked to the presentation of documents such as a marriage certificate, a family booklet, a medical certificate or a disability report, women are particularly affected by this requirement, either because they often do not have these documents or because they have to remain in these centres pending the presentation of these documents by their spouses to secure their exit.

Assessment of Asylum Claims Based on Gender, Sexual Orientation, and Gender Identity

As previously mentioned, the asylum system in Türkiye operates under a dual structure, with two primary protection regimes designed for Syrians and non-Syrians. The temporary protection regime established in 2014⁵³ provides group-based protection to Syrian asylum seekers fleeing persecution in Syria, including Syrian nationals, refugees, and stateless individuals arriving in Türkiye from Syria. Non-Syrian asylum seekers are subject to the international protection regime. Protection is granted on an individual basis after assessments conducted by migration management authorities to determine each person's eligibility for protection.

According to the official data published by the PMM, a total of 19,017 individuals applied for international protection at the end of 2023⁵⁴, with Afghanistan, Iraq, and Iran being the top three countries of origin. While this figure reflects the total number of individuals registered under the international protection procedure, it does not provide a detailed insight into the number of individuals undergoing the procedure and how many were granted or refused protection. The inadequacy of the data also extends to the gender composition of those registered under

⁵² UNHCR, Registration with the Turkish authorities, <https://help.unhcr.org/turkiye/information-for-syrians/reception-and-registration-with-the-turkish-authorities/>

⁵³ Türkiye's temporary protection regime is governed by the Temporary Protection Regulation which was issued by the Council of Ministers in 2014 as per Article 91 of the LFIP.

⁵⁴ PMM, Uluslararası Koruma, <https://www.goc.gov.tr/uluslararasi-koruma-istatistikler>

international protection, as there is a lack of sex-disaggregated information and specific details on the number of female applicants. The dataset also lacks information on the sexual orientation and/or gender identity of the applicants for international protection.

The domestic legal framework for international protection makes a distinction based on the origin of asylum seekers, which stems from Türkiye's geographical limitation to the 1951 Refugee Convention - a limitation maintained since ratification. Accordingly, asylum seekers from European countries (i.e. Council of Europe member states) can be given refugee status, while those from non-European countries can be granted conditional refugee status. Individuals who do not qualify for refugee or conditional refugee status, but who would face the death penalty or torture if returned to their country of origin, or who face an "individualised risk of indiscriminate violence" due to situations of war or internal armed conflict, qualify for subsidiary protection. The LFIP essentially covers three categories of international protection: those granted refugee status, those granted conditional refugee status and those granted subsidiary protection.⁵⁵

Under the LFIP, asylum seekers claiming international protection must substantiate their well-founded fear of persecution in their home country on the five specific grounds of political opinion, race, religion, nationality, or membership of a particular social group. However, the LFIP does not explicitly include sexual orientation or gender identity among the specified grounds for international protection.

Despite the legislative gap, practice reportedly allows for the granting of international protection for persecution based on gender, sexual orientation, or gender identity. However, it is difficult to accurately assess the prevalence of such cases as there is no official data on the number of people granted protection on these grounds. Furthermore, there are no publicly available, clearly defined standards for the assessment of such claims by migration management authorities. This lack of a standardised approach leads to ambiguity and raise concerns about the effectiveness of the asylum process in dealing with gender, sexual orientation, and gender identity claims.

The reported cases, which highlight the challenges women face in presenting claims of persecution based on their gender, sexual orientation and gender identity to migration management authorities when seeking international protection, highlight a structural issue. Women in the asylum system face complex challenges that are rooted in systemic deficiencies, in particular the lack of an

⁵⁵ Articles 61, 62, and 63 of the LFIP.

inclusive and gender-sensitive framework in legislation, policy formulation and operational implementation. Beyond the inherent difficulty of articulating persecution related to their gender, sexual orientation or gender identity, women struggle to navigate a system that lacks the sensitivity and understanding necessary to grasp the nuances of such claims.

A critical dimension of these challenges lies in the criteria used to assess the credibility of asylum claims, which often require a high standard of proof, creating a significant barrier to justice for women seeking refuge. The very nature of gender-based persecution, which often takes place in private spaces away from the public eye, places a significant burden on survivors who lack concrete documentation or witnesses to substantiate their situation during the asylum application process. Another common problem in this context is that women often refrain from reporting the harm they have suffered in their home countries for fear of reprisals or because of a prevailing culture of impunity, resulting in a lack of official documentation to support their claims. The act of fleeing persecution itself often results in the loss and destruction of vital documents, leaving asylum-seeking women without the official proof they need to access protection.

Confronted with a lack of documented evidence to support their claims of gender-based persecution, women often resort to supplementing their oral testimony with country-of-origin information, but this approach does not always guarantee them the protection they seek. In several reported cases, migration management authorities are reluctant to accept the credibility of country-of-origin information that meticulously describes patterns of severe, blatant, or widespread gender-based violence in certain countries. Despite the submission of comprehensive reports documenting the dire circumstances in certain regions, there remains a significant gap between the information presented and the willingness of the authorities to acknowledge the gravity of the situation. This remains evident even in cases where such patterns are prevalent in countries such as Afghanistan or Iran, as the country-of-origin information provided by women is not accepted as compelling evidence to substantiate their claims of gender-based persecution by migration management authorities.

Furthermore, the reported cases highlight that when women disclose sensitive information about their experiences of gender-based persecution, they usually face a deep fear of stigma and discrimination. This fear is a significant barrier to their ability to effectively articulate their need for international protection. The lasting effects of trauma on women add a layer of complexity to the process, which naturally leads to inconsistencies in the presentation of a chronological and comprehensive asylum claim. The shortage of female interpreters exacerbates this

difficult situation, creating additional obstacles for women trying to convey the details of their ordeal. Given that gender-based persecution often triggers complex emotions such as guilt, fear, shame, and a reluctance to disclose abuse, this reluctance is exacerbated when dealing with officials and men in general. This further complicates the journey for refugee women seeking justice and protection.

Reports suggest that married women also face additional obstacles within the asylum system, where their claims are often assessed alongside those of their husbands, who are prioritised as primary claimants. This approach which heavily focuses on the husband's narrative silences the voices of women who may have separate, valid reasons for seeking asylum. Not only does this deprive women of agency over their experiences, but it also undermines the fundamental principle of individual assessment, potentially leading to an incomplete and biased understanding of the challenges they face. A crucial aspect of this issue is the restriction placed on women's ability to articulate their own claims of sexual and gender-based persecution, a task that is further complicated when it involves disclosures by their husbands.

It is reported that women seeking asylum on account of their sexual orientation or gender identity (SOGI) face intersectional challenges that significantly impede their access to justice. These challenges arise not only from their gender but are compounded by the additional layer associated with their sexual orientation or gender identity. As in cases of gender-based violence, the task of providing evidence to substantiate claims of persecution based on their sexual orientation or gender identity becomes a formidable undertaking. Persecution based on women's sexual orientation or gender identity often takes subtle forms that defy easy documentation, leaving these women with a lack of concrete evidence and facing scepticism from migration management authorities. This challenge is particularly pronounced when women have experienced persecution that has gone unreported due to a variety of factors, including a pervasive fear of reprisals, cultural taboos, a lack of trust in authorities, concerns about jeopardising family safety, or a belief that reporting may not result in meaningful action.

These obstacles faced by asylum-seeking women seeking international protection for persecution based on gender, sexual orientation and gender identity sometimes result in the rejection of their claims by migration management authorities. Although women make efforts to access justice through the judiciary, administrative courts sometimes reject their appeals against decisions by migration management authorities to deny them protection. Women encounter comparable obstacles within the judicial system, as administrative courts often

require a high standard of evidence, which can make it challenging for them to establish a credible risk of persecution in their country of origin.

One example is the case of an Iranian woman who survived sexual violence, forced marriage and domestic abuse at the hands of her threatening husband, and whose application for international protection was rejected by the immigration authorities. On appeal, the first instance administrative court rejected her claim on the grounds that there was no concrete documentation to prove the veracity of her allegations of gender-based violence. The court also overlooked information from the country of origin highlighting Iran's widespread challenges in addressing gender-based violence, the availability of appropriate shelters, and the significant risk that she would face gender-based violence upon her return.⁵⁶

There are also positive examples of asylum-seeking women facing persecution based on gender, sexual orientation and gender identity successfully accessing justice through appeals against decisions by migration management authorities denying them international protection. In these cases, administrative courts recognise the challenges inherent in substantiating claims of persecution based on gender, sexual orientation, and gender identity. They facilitate the process by presuming the credibility of the women's oral testimony and the country-of-origin information provided, thus easing the burden of proof, which typically requires concrete documentary evidence.

An illustrative case is that of an Afghan woman who applied for international protection based on gender-based persecution because of threats and coercion by the Taliban because of her role as a teacher and hairdresser. Her application for international protection was rejected by the migration authorities on the grounds that there was no documentary evidence to support her claims. On appeal, the Higher Administrative Court overturned the first instance court's initial rejection, citing an inadequate and ineffective assessment of the credibility of her claims of gender-based persecution. Importantly, the court emphasised that the denial of women's right to work should be considered persecution. It also underlined the importance of assessing claims for international protection in the light of information from the country of origin, pointing out that the conditions prevailing in Afghanistan created a severe atmosphere of repression which amounted to persecution of women.⁵⁷

⁵⁶ Denizli Administrative Court (Case No: 2022/466, Decision No: 2023/355, Decision Date: 09/02/2023).

⁵⁷ Bursa Regional Administrative Court (Case No: 2021/151, Decision No: 2021/468, Decision Date: 30/11/2021). This case can be accessed through the RRT's online Case-Law Database at the following link: <https://multecihukuku.net/%C4%B0%C3%A7tihat-veritaban%C4%B1/bursa-bim-3-dava-dairesi-2021-468-sayili-karari/>.

Lingering Challenges Faced by Women with Special Needs

The Turkish legislation governing the two protection regimes establishes a category of 'persons with special needs' which includes 'unaccompanied minors, persons with disabilities, the elderly, pregnant women, single parents with minor children, victims of torture, rape and other forms of psychological, physical or sexual violence'.⁵⁸ This categorisation is intended to prioritise applicants and beneficiaries of international protection and temporary protection in asylum procedures and in the granting of rights and services, with a view to addressing their specific needs and reducing the vulnerabilities they may face. While addressing vulnerability is commendable, it is important to note that inclusion in this category is not based on factors related to sexual orientation or gender identity. Furthermore, vulnerability is not ascribed solely based on gender, unless pregnancy or single motherhood is a contributing factor.

The recently adopted Regulation on Alternatives to Detention, however, introduces a broader category of 'vulnerable persons' to fill the gaps in the classification of 'persons with special needs'. This expanded category includes individuals who have substance abuse, physical or mental illness, a tendency to harm themselves or others, infectious diseases, or are suspected victims of trafficking in human beings, are children at risk, or have been identified as vulnerable by the United Nations High Commissioner for Refugees (UNHCR).⁵⁹ As the UNHCR vulnerability assessment framework includes groups that are overlooked in the category of 'persons with special needs', it is crucial to actively apply this broader provision for enhanced protection, especially for women with various special needs. Yet there is a lack of information on the ground about the frequency with which migration management authorities apply this provision.

Migration management authorities are responsible for determining whether individuals seeking protection fall within the defined category, thereby justifying their prioritised treatment in terms of various procedures, rights, and benefits.⁶⁰ Despite the paramount importance of this task, the current asylum system currently lacks a transparent, publicly accessible screening mechanism specifically designed to identify persons with special needs.

An examination of the obstacles faced by specific groups of women within the category of persons with special needs reveals a complex relationship with the vital aspect of access to justice. These women face multiple challenges that not

⁵⁸ Article 3(1) (l) of the LFIP and Article 3(1)(l) of the Temporary Protection Regulation.

⁵⁹ Article 4 (1) (ö) of the Regulation on Alternatives to Detention.

⁶⁰ Article 67 of the LFIP and Article 48 of the Temporary Protection Regulation.

only highlight their distinct vulnerabilities, but also underscore the central role of an equitable and accessible legal system in alleviating their struggles. The forthcoming research will unravel the multiple dimensions of these barriers and provide insight into the complex interplay of social, legal, and institutional factors that profoundly affect these women's ability to access justice. This research aims to shed light on the multifaceted nature of their struggles and advocate for more inclusive and responsive policies to address their specific needs and rights.

- **Survivors of Sexual and Gender Based Violence:** Refugee women often face the pervasive threat of sexual and gender-based violence (SGBV), which extends beyond their countries of origin to the perceived havens in which they seek asylum. However, the intricate interplay of refugee status, cultural nuances and existing barriers within the host country's legal framework weaves a complex tapestry that hinders these women in their pursuit of justice for SGBV violations. In the context of Türkiye, where local women already face significant challenges in accessing justice for SGBV violations, refugee women face an even more daunting array of obstacles in their quest for redress and protection. These challenges, ranging from legal and social barriers to systemic complexities, make it exceptionally difficult for them to access justice and address the traumatic experiences they have endured.

One significant barrier preventing women survivors of SGBV from accessing justice is their reluctance to report instances of domestic violence committed by their spouses or intimate partners due to the looming spectre of retaliation. Paradoxically, if the accused partner responds with a counter-report, the woman may find herself at risk of deportation for alleged public order offences. The reluctance to report domestic violence stems not only from the immediate fear of repercussions for women but also from the possibility that their reported partner may be deported, leaving them in a vulnerable and isolated position. In such circumstances, women may face economic hardship and the overwhelming responsibility of being the sole carer for their children. This challenging situation can often hinder them from seeking help from official institutions.

Certain legal eligibility requirements for shelters also pose significant challenges for refugee women seeking to escape the threat of SGBV.⁶¹ The mandatory age limit of 60 years makes it difficult for older women to access resources, raising concerns about their increased vulnerability to violence. To improve accessibility, it is recommended that the age limit be reconsidered, and alternative resources be made available for older women. Furthermore, within these legal parameters, there is a distinction made between the children of women, which creates

⁶¹ Article 13 of the Shelters Regulation establishes the admission conditions for shelters.

inequality. While it is possible for women to accommodate their daughters until they turn 18, they are not allowed to stay in the shelter with their sons over the age of 12. Although the law provides for alternative accommodation for women with sons over 12, gaps in implementation leave them without accommodation options. As a result, women who have sons over the age of 12 are unable to access protection from the risk of SGBV due to a lack of alternative options for caring for their children or a reluctance to be separated from them.

Another reported legal barrier for refugee women experiencing SGBV to access shelters is the requirement to register and obtain documentation from migration management authorities. However, lack of documentation proves to be a challenge for women who are reluctant to interact with authorities due to the potential risk of deportation associated with their unregistered status. When women seek assistance, being denied access to shelters due to lack of documentation exacerbates their difficulties, leaving them vulnerable to SGBV without the necessary safeguards and perpetuating a perpetual state of vulnerability and risk. Even when duly registered and in possession of proper documentation, refugee women are often instructed to apply for shelter in the province where they are registered. This practice is concerning because these provinces are often the most vulnerable to SGBV, undermining the very purpose of providing safety.

The reported practical differences between foreign and Turkish women in meeting the shelter admission requirements set by the Violence Prevention and Monitoring Centre (ŞÖNİM) in some provinces create additional barriers to justice. Unlike local women, who are not required to report, refugee women are forced to report violence by their spouses or file for divorce to access shelters, even though there is no explicit legal requirement to do so. This disparity creates significant barriers for foreign survivors to fulfil this obligation, who already face challenges in reporting SGBV due to fear of retaliation, potential deportation, and gender-insensitive attitudes within law enforcement. By being denied access to shelters, foreign women find themselves trapped in an environment where their vulnerability to ongoing violence continues unchecked.

In addition to meeting reception requirements, the insufficient capacity of government-provided shelters is a significant barrier for refugee women seeking access to these facilities in cases of SGBV. According to the Ministry of Family and Social Policies' 2022 records, the country has 149 shelters with a total capacity of

3,624 people, with an average occupancy rate of 75 per cent.⁶² While 112 of these shelters are managed by the Ministry, the rest are run by municipalities and NGOs. As the shelters cater for both local and foreign women, these low figures underline serious capacity issues given the prevalence of SGBV in the country, which affects both groups. This is compounded by the uneven distribution of these shelters, which are mainly concentrated in metropolitan areas such as Istanbul and Ankara, while regions with densely populated refugee populations, such as Gaziantep, Adana and Şanlıurfa, face a severe shortage of women's shelters.

Moreover, the challenges refugee women face in dealing with SGBV persist even after they are admitted to shelters. Observations consistently highlight instances of discrimination, not only by social workers, but also by other citizens who may hold prejudices against them because of their status as foreigners. This form of discrimination, rooted in cultural differences and prejudices, deepens the vulnerability of these women within the supposed safety of shelters. There is also a notable lack of culturally sensitive care within these shelters, which hinders the provision of comprehensive support tailored to the diverse cultural backgrounds and experiences of refugee women facing SGBV. The lack of interpreters who are proficient in the languages spoken by refugee women further exacerbates the difficulties by limiting their ability to communicate effectively and to express their needs, share their experiences and seek the support that is crucial to their recovery. Faced with these challenging circumstances, many refugee women choose not to stay in shelters, a decision often influenced by first-hand accounts from other women of disturbing incidents in these shelters.

- **Women and Girls Forced into Marriages:** The issue of women and girls being forced into marriages is a complex and pervasive challenge within both the host and refugee communities in Türkiye. Three prominent manifestations of this problem are polygamy, religious marriages that circumvent legal requirements, and violations of early and forced marriages. Within refugee communities, these marriages often serve as a negative “coping” mechanism, allowing families to pool resources and expand their support networks. Rooted in traditional patriarchal customs, such marriages are also seen as a “protective shield for the honour of women and girls”. However, these practices can have serious detrimental consequences, reinforcing unequal power dynamics and exacerbating vulnerabilities, ultimately impacting the well-being of women and girls.

⁶² See: the Statement from the Ministry of Family and Social Policies, <https://www.aile.gov.tr/ksgm/haberler/aile-ve-sosyal-hizmetler-bakanligi-kadin-konukevlerini-yayginlastiriyor/>.

The 2015 annulment by the Constitutional Court of the criminalisation of religious marriages has further complicated the situation.⁶³ With legal deterrents against marriages conducted solely through religious ceremonies removed, there are now no penal sanctions for such marriages lacking a legal component. This development weakens oversight needed to regulate marriages, leading to a loosening of control over criminal acts such as early and forced marriages and polygamous practices. Although polygamous marriages are prohibited under the Civil Code and criminalized by the Turkish Penal Code, there is an observed phenomenon of refugee and Turkish citizen men, particularly in rural areas, engaging in such marriages, especially through religious ceremonies, with refugee women as their second or third wives.

Furthermore, there exists a substantial lack of awareness regarding the legalization of marriage among refugee women, especially those from countries contributing to the refugee influx in Türkiye, such as Syria and Afghanistan. Marital norms in these countries permit polygamous unions established by religious rules. However, these marriages lack legal recognition in Türkiye, presenting challenges for women who are consequently deprived of essential rights granted to legally recognised marriages. Women in polygamous or religious unions encounter significant constraints, including rights of divorce, alimony, child custody, as well as the inability to seek Turkish citizenship based on marriage. Additionally, the legal status of children born from such unions is complex, as Turkish law considers them the offspring of single, unwed mothers unless their Turkish fathers actively assert paternity. However, refugee women are often unaware of the legal rules in Türkiye governing marriages, leaving them exposed to these constraints.

- **Single Women with Minor Children:** Single refugee women, who bear the sole responsibility for caring for their minor children and household tasks, are one of the most vulnerable groups within the broader refugee population in Türkiye. In war-torn communities, the prevalence of female-headed households is common, often due to the absence or loss of fathers in conflict. According to available data, approximately one third of refugee households in Türkiye are headed by women, including widows, single mothers, or single women.⁶⁴ These statistics are based on declarations made by individuals to the authorities and there are variations in family composition, with some cases including other male adults in the household and others not. Nevertheless, these data are crucial in highlighting the prevalence of such households within the refugee community in Türkiye.

⁶³ Turkish Constitutional Court, 27/5/2015 case number 2014/36 E., 2015/51 K.

⁶⁴ See: UN Women, <https://eca.unwomen.org/en/news/stories/2021/02/un-women-strengthens-the-gender-responsiveness-of-the-syrian-refugee-resilience-programmes-in-turkey>.

Observations from the field often highlight the heightened vulnerability of female-headed households that rely heavily on social or humanitarian assistance for their income. This pervasive problem among refugee communities in Türkiye is exacerbated by the fact that, prior to the conflict that forced them into exile, many women managed their households but relied on the financial security and protection provided by the men in their families. As a result, female-headed households in the host country are significantly more likely to have no working members, plunging them into the depths of extreme poverty. The combination of poverty and heavy dependence on aid also leads to food insecurity and malnutrition, with children in female-headed households experiencing reduced meal frequencies. Faced with these dire circumstances, some women are forced to allow their children to work or, in the absence of alternatives, to leave them unattended while they seek ways to generate income.

SGBV is reported to be a pervasive and distressing challenge for single refugee women, encompassing multiple forms of violence and exploitation. The increased risk of SGBV, particularly in displaced or overcrowded settings where the lack of male protection makes them more vulnerable, underscores the severity of the problem. Economic barriers compound their plight, with precarious financial situations being exploited by employers, landlords or others, leading to abuse. However, the social stigma attached to SGBV, particularly in conservative refugee communities, often discourages women from reporting and seeking help, perpetuating a cycle of silence and vulnerability. Practical barriers such as limited transportation, childcare concerns and fear of retaliation also make it difficult for women to access critical support services and assistance, highlighting the need for comprehensive efforts to address and reduce the multiple challenges they face.

The heavy financial burden and childcare and domestic responsibilities placed on single refugee women with children also hinder their ability to seek legal redress in cases of abuse. Limited financial resources are a significant barrier to obtaining legal representation and meeting the costs associated with legal proceedings. The intricacies of the legal system, including understanding their rights and filing the necessary paperwork, become overwhelming when juxtaposed with the immediate need for food and safety. The balancing act between seeking legal redress and addressing urgent daily concerns creates a complex dilemma for these women and increases their vulnerability. The urgency of securing necessities such as shelter, food and childcare often takes precedence, relegating the pursuit of legal remedies to a secondary concern. This situation reinforces a cycle of systemic injustice in which the most vulnerable are left without the means to access the legal protection they desperately need.

Furthermore, single refugee women face a significant challenge in registering the birth of their new-borns. This issue is particularly prominent in discussions about Syrians under temporary protection, possibly due to their higher numbers compared to other refugee populations. Many Syrian women do not register and certify their children's births due to a lack of awareness of the importance of doing so and giving birth in informal settings. Even when births are officially documented, Syria's nationality law is discriminatory towards women, as it only allows Syrian fathers to confer nationality, with minimal exceptions. It is crucial to legally document a child's birth and collect specific information about the father, including name, place of birth and family details, to pave the way for Syrian children to claim their citizenship and facilitate their repatriation to Syria once stability is restored in the region. Due to the unfortunate circumstances in which tens of thousands of Syrian fathers are deceased, missing, or involved in the civil war, children born in exile may face hurdles in claiming their Syrian citizenship when they eventually return home.

- **Pregnant Women:** The increased vulnerability of pregnant women is particularly pronounced for refugee women, who face additional challenges arising from a complex interplay of legal, physical, psychological, and social factors. Within this complex landscape, the legal and administrative barriers faced by pregnant refugee women emerge as an important aspect that significantly affects their ability to access essential services. Registering with and obtaining the necessary documentation from migration management authorities proves to be a daunting hurdle for many, hindering pregnant refugee women's access to essential services such as health care. The lack of proper documentation makes it difficult for pregnant refugee women to access medical care or the support they need in relation to motherhood.

Prioritised registration in the final stages of pregnancy should be standard practice, but unfortunately this is not consistently applied by migration management authorities in different provinces. Some pregnant women, lacking a clear understanding of the process, are reluctant to register and obtain documentation for fear of deportation. The barriers that pregnant refugee women without recognised legal status face in accessing prenatal care and maternal health services not only jeopardise the health of both mother and child, but also contribute to a cycle of health inequalities that can persist into the early years of the child's life. As a result, the prevalence of home births is increasing due to the lack of essential health care, putting both women and children at significant risk of complications.

- **Women with Diverse Sexual Orientations and Gender Identities:** LGBTQ+ refugee women in Türkiye face a complex dilemma as they flee persecution related to their sexual orientation and/or gender identity in their home countries, only to encounter similar violations in what they perceive as a safe haven. Refugee women who identify as LGBTQ+ face discrimination on multiple fronts due to the intersectionality of their refugee status and sexual orientation and/or gender identity. These women are often confronted with social exclusion and isolation in both host and refugee communities, hindering their ability to build crucial support networks.

The challenge of isolation and loneliness is even deeper for women who have fled their home countries with their families and resettled with them in Türkiye. This situation is made even more difficult by the need to conceal their sexual identity from close relatives due to the fear of possible discrimination, stigma and even harm. The constant fear of being judged or rejected by their own families adds another layer of complexity to the challenges they face. Additionally, some women may be coerced into heterosexual marriages due to societal expectations that prioritise such unions as a means of preserving cultural and traditional norms. These women may find themselves in an environment where their identity is compromised, leading to a struggle to conform to established norms and maintain a certain social image. The visibility of women within the broader LGBTIQ+ refugee population is significantly low.

Accessing services and securing rights in Türkiye is a challenge for refugee women of diverse sexual orientations and gender identities. Migration management authorities and service providers, including health professionals and social workers, are often not equipped to address issues related to sexual orientation and gender identity. This can result in insensitive practices that discourage women from approaching official institutions. As a result, access to health services can be hampered, which is particularly critical for trans women who require regular medication and care, such as hormone treatment.

Furthermore, refugee women of different sexual orientations and gender identities often face significant barriers when seeking protection in shelters to escape the threat of violence. The registration process can be complex, leaving some undocumented and impeding their access to shelters.

- **Women with Disabilities:** Refugees with disabilities in Türkiye face particular challenges that create further barriers to securing their basic human rights. The intersectionality of identity complicates these challenges, particularly for refugee women who are dealing with the complexities of being both women and refugees.

These individuals are often vulnerable to discrimination and bias from service providers, creating significant barriers to accessing basic rights and services. A major obstacle is the lack of effective programmes for persons with disabilities in general, compounded by a lack of reliable statistics, data, and analysis for both citizens and refugee populations with disabilities. This information gap hinders the development of targeted solutions to address the specific needs of this vulnerable group.

Access to support and assistance for refugees with disabilities depends on obtaining a disability certificate from a hospital authorised by the Ministry of Health, which requires a disability threshold of 40% or more. However, many people in this category experience delays in the registration and documentation process, resulting in barriers to accessing hospitals and obtaining disability reports. This mirrors the challenges faced by other unregistered refugee groups and highlights significant barriers to accessing their rights, services, and support. The difficulties go beyond the lack of disability reports. Refugees with disabilities awaiting registration/documentation also face challenges in accessing essential health services while undocumented. This has a compounding effect, further marginalising an already vulnerable group and hindering their ability to live a dignified life.

In this context, women face barriers that go beyond the challenges faced by the wider refugee population with disabilities. The combined effect of delayed registration and lack of disability documentation increases the vulnerability of refugee women with disabilities. These barriers have a unique impact on women's health and overall well-being, particularly through reduced access to sexual and reproductive health services. The intersectionality of disability and gender further complicates their situation. This heightened vulnerability increases the risk of gender-based violence, as the lack of official documentation makes it more difficult for them to seek protection and assistance.

In addition, refugees with disabilities face different levels of support in accessing assistive devices depending on their legal status. Syrians under temporary protection may receive partial coverage of the cost of assistive devices as outlined in the Health Implementation Directive, but they are responsible for covering the remaining costs not covered by the Social Security Institution. On the other hand, people under international protection need a general health insurance for coverage, leaving those without either ineligible for coverage of the cost of assistive devices. For many, limited access to these devices is a significant barrier to accessing essential rights and services. A similar differential treatment can be observed in the case of home care for disabled people, where applicants and

beneficiaries of international protection are eligible, while Syrians under temporary protection are excluded due to the lack of a validity period on their identity documents. As an alternative, the ESSN provides cash assistance to persons with disabilities whose reports indicate a disability rate of more than 40 per cent. However, not everyone has the means to access the cash assistance provided by the ESSN, which poses a challenge in ensuring comprehensive support for all persons with disabilities.

Linguistic Challenges Creating Barriers for Women

A major challenge arising from the experience of forced migration is the language barrier that permeates the lives of asylum seekers. This barrier significantly affects their ability to participate in various daily practices and hinders their integration into the host society. Among the affected population, refugee women face a particularly pronounced struggle to access their rights and essential services due to this language barrier. The struggle to overcome the language barrier is not just a linguistic challenge, but a complex interplay of social, economic, and educational issues. Several factors contribute to women's difficulties in learning the language, including their primary responsibility for childcare and household management, limited awareness of available language courses, time constraints, economic challenges, and varying levels of education, with some facing problems of illiteracy.

Addressing this challenge requires the provision of qualified and professional translation services in a variety of settings, including legal affairs, educational institutions, medical facilities, municipalities, and law enforcement. Despite notable official efforts to bridge language gaps, such as the establishment of the PMM's Communication Centre for Foreigners (YIMER-157) in 2015, which provides services in several commonly spoken languages, these services do not adequately meet the needs of women. An important aspect of this problem is that many women are unaware of the availability of this service. Even when they are aware, the service is provided over the telephone, which introduces potential risks such as miscommunication due to the lack of non-verbal cues, loss of contextual information and the possibility of technical problems disrupting the flow of communication. In hospitals, for example, most doctors are reluctant to use telephone translation with patients because of the potential risk of misinterpretation and the loss of essential elements that contribute to effective healthcare communication.

In the area of legal affairs, language barriers emerge as a significant obstacle to refugee women's access to justice. There are several facets to this issue that

underscore the hurdles women face. First and foremost, a limited command of the Turkish language poses a challenge for women in understanding their legal rights and navigating the intricacies of legal procedures. This situation hinders their ability to effectively engage with the legal system and advocate for themselves. Complex documentation and information, often only available in Turkish, restricts their access to critical legal knowledge and prevents them from making informed decisions about their cases. Language barriers also contribute to a reluctance to report incidents of abuse, discrimination, or rights violations to the authorities due to the limited availability of interpreters in law enforcement agencies and courthouses, as individuals are concerned about expressing themselves appropriately without adequate language support. In many cases, this fear is compounded by the potential impact on their personal relationships, with concerns that seeking legal redress may exacerbate tensions or lead to further harm.

Another crucial aspect of the language barrier issue arises when refugee women who courageously report abuse seek justice through the legal system. In this context, legal documents, including court orders, official communications, and notices in Turkish, often leave women struggling to understand the ongoing legal processes and their responsibilities. Beyond the linguistic challenges, the complexity extends to the intricate terminology and legalese in these documents, which is a significant hurdle for women with limited exposure to the Turkish legal system. At the same time, different cultural perspectives and educational backgrounds further complicate the interpretation of such legal materials. This multifaceted challenge highlights the urgent need for support and interventions to empower refugee women to understand the legal landscape they are navigating. However, access to adequate legal support and advice is a challenge for many, particularly access to legal aid services provided by provincial bar associations, which hinders their ability to effectively navigate the complex legal terrain.

Knowledge Gap in Refugee Women's Rights and Services

A common observation is that refugee women often find themselves in difficult circumstances, characterised by a notable lack of accurate and up-to-date information about their rights, legal obligations, available remedies, and support services. This information gap is a formidable obstacle that hampers their access to justice on several fronts. The effects of this lack of knowledge are manifested in asylum procedures and include challenges in understanding and asserting their rights, obtaining legal status, fulfilling obligations, and challenging adverse decisions before the competent courts. Beyond asylum procedures, the knowledge gap extends to broader issues such as seeking redress for workplace

exploitation, domestic violence, and other gender-based violations. Lack of awareness of available remedies hinders their ability to seek justice for the abuses they have suffered.

To provide a more detailed explanation and to paint a clearer picture of the issue, it is worth noting that a significant number of refugee women face a lack of awareness of behaviours that qualify as violence. Many are unaware that practices such as religious and polyamorous marriages, which are particularly prevalent in certain conservative and patriarchal communities, have no legal validity in Türkiye. More worryingly, there is a significant gap in the understanding of the criminalisation of forced and child marriages. In the context of a patriarchal social structure, domestic violence is sometimes normalised, leading to its acceptance as a routine occurrence for women. Unfortunately, some women trying to escape the threat of violence are unaware of the shelters available. Even when they seek the assistance of law enforcement officials for acts of violence, they are often not informed of the possibility of seeking shelter.

The lack of clarity and awareness exacerbates the challenges of redressing injustices and highlights the need to equip women with the knowledge and tools to effectively seek justice in the face of SGBV and other violations. Providing this knowledge is not just about providing information, but about empowering these women, enabling them to actively engage with the resources available to them, and cultivating a sense of autonomy and resilience in the face of adversity. Even when they know where to go for help, refugee women may be reluctant to disclose incidents of abuse due to factors such as social stigma, deep-rooted cultural sensitivities, and fear of retaliation. Language barriers and a lack of trust in authorities also contribute to this reluctance. In addition, dependency dynamics, where women may be financially or housing dependent on the perpetrator, create a sense of vulnerability that discourages them from seeking help.

Addressing the intersectionality of being a refugee woman requires a tailored and comprehensive approach to support mechanisms. Cultural nuances play an important role, requiring initiatives that respect and understand different social backgrounds through competent outreach and programming. In addition, recognising the specific circumstances of refugee women, such as different reasons for displacement or family composition, is crucial to providing flexible and adaptable support. Long-term empowerment and resilience building, including educational opportunities and psychosocial support, are essential components of self-reliance initiatives. Community involvement in the design and implementation of support programmes is key, as it facilitates a better

understanding of specific needs and preferences, while promoting a sense of ownership and trust within the refugee community.

Challenges of Women Due to Underlying Socioeconomic Factors

Refugees in Türkiye face significant barriers to entering the labour market and difficulties once employed. The prevailing trend among Türkiye's refugee population is to engage in informal employment, characterised by low wages, exploitative working conditions, and the constant fear of deportation. This problem is particularly acute for refugee women, who face a complex set of challenges as they seek opportunities in the labour market, including in the informal sector. They face entrenched cultural and gender barriers, and the complexity of balancing traditional roles assigned to women, such as domestic work and family care, which hampers their employment prospects. Reduced labour market activity among refugee women can also be attributed to societal gender norms, as some conservative and patriarchal norms restrict women's participation in the labour market.

The Ministry of Labour and Social Security's annual statistics detailing the allocation of work permits to the foreign population provide a crucial perspective on the challenges surrounding access to legal employment.⁶⁵ In 2022, the most recent year for which data is available, a total of 212,682 work permits were issued to foreigners, revealing a relatively low percentage of individuals with authorised work permits compared to the total foreign population. This figure is further broken down into 57,829 permits issued to women, or 27.2 per cent, and 154,853 permits issued to men, or 72.8 per cent, underscoring the stark gender disparity and highlighting the existing challenges foreign women face in accessing formal employment opportunities. Although the data do not specifically disaggregate information based on refugee status, a closer look at the nationality breakdown reveals revealing patterns regarding work permits issued to individuals from different countries. The number of work permits issued to individuals from Afghanistan, Iraq, Iran and Syria, the most common nationalities among refugees, is 4,957, 3,606 and 6,905 respectively. A closer look at the gender-disaggregated information within this dataset reveals a worrying trend. Only 465 Afghan women, 501 Iraqi women, 2,826 Iranian women and 7,397 Syrian women have been granted work permits, highlighting the gender disparity that underscores the challenges refugee women face in securing legal employment opportunities.

⁶⁵ The annual statistics on work permits from the Ministry of Labour and Social Security can be accessed at <https://www.csgb.gov.tr/istatistikler/calisma-hayati-istatistikleri/resmi-istatistik-programi/calisma-izin-istatistikleri/>.

Despite the legislative changes introduced with the adoption of the Law on the International Labour Force in 2016, aimed at facilitating refugees' access to formal employment opportunities, the informal market remains more prevalent. The need for refugees to obtain a work permit through their employer, which constitutes a structural barrier, is the main legal obstacle preventing them from obtaining legal employment. In this context, the associated costs, including the permit application fee⁶⁶, the monthly minimum wage, social security contributions and taxes, are perceived as burdensome for employers. Employers are also concerned about the stability of refugee workers' legal status and the associated risk of turnover or interruption of employment, which further contributes to the reluctance to hire refugees legally. Misconceptions and stereotypes about refugees, such as assumptions about their work skills, educational background, and overall contribution, also play a role in shaping employers' attitudes. In addition, some employers have concerns about the smooth integration of refugees into the workplace, fearing challenges that may arise from different communication styles and perceived differences in cultural norms.

To add to the complexity of the situation, refugees with different protection statuses face different legal requirements to obtain a work permit, which affects their ability to access formal employment. For example, those in possession of an identity document indicating refugee or subsidiary protection status are automatically granted a work permit, without the need for a separate application.⁶⁷ In contrast, Syrians under temporary protection and non-European persons with conditional refugee status can apply for a work permit six months after their registration date.⁶⁸ This group is also restricted to working only in the province of registration, as determined by the migration management authorities. This restriction has a negative impact on their economic prospects, particularly as metropolitan provinces with greater economic opportunities are closed to registration, limiting access to wider industries and the labour market. It therefore hinders their ability to explore employment opportunities, limits their potential earnings and adds to the challenge of meeting basic needs and supporting themselves and their families.

Syrians under temporary protection and those who have applied for or been granted conditional refugee status are particularly disadvantaged due to an

⁶⁶ For information on work permit fees and document fees established for the year 2024, please refer to the following link: <https://www.csgb.gov.tr/uigm/calisma-izni/calisma-izin-harclari-ve-degerli-k%C3%A2git-bedeli/>.

⁶⁷ Article 89(4)(b) of the LFIP and Article 4 of the Regulation on Work Permit for Applicants for and Beneficiaries of International Protection.

⁶⁸ Article 89(4)(a) of the LFIP; Articles 6 and 9 Regulation on Work Permit for Applicants for and Beneficiaries of International Protection. Article 29 of the Temporary Protection Regulation; Articles 4 and 5 of the

employment quota that applies to them. In general, the number of beneficiaries of temporary protection in a workplace is limited to 10% of the Turkish citizens employed there.⁶⁹ For applicants or conditional refugees, this quota is further tightened to 5% of Turkish citizens in a workplace. This legal requirement to enter the labour market is more pronounced in certain provinces where refugees are concentrated. For those registered in these provinces, meeting the quota becomes even more difficult, adding an additional layer of complexity to their search for employment opportunities. The onerous nature of the quota also discourages employers from hiring them legally, thereby limiting their integration into the formal labour market. Moreover, it is crucial to note that these quotas are enforced without regard to gender, reflecting a lack of gender sensitivity and a disregard for women's vulnerability in their pursuit of equitable employment opportunities.

Another obstacle preventing refugees from fully exercising their right to work is the restrictive nature of work permits, which are tied to a specific employer and job and are initially issued for one year. Subsequently, refugees can apply for an initial extension of up to two years, with the possibility of further extensions of up to three years each. However, if a refugee worker decides to leave his or her current job, the permit expires. The system requires a foreigner with a work permit to reapply and obtain a new permit to work elsewhere. Even if a work permit is granted with a particular employer, the individual must navigate complex procedures and adhere to specific principles to change positions within the same employer's workplace or move to other branches within the same industry. This strict framework creates significant challenges for refugees, forcing them to constantly seek legal employment through a precarious reliance on their current employers. For refugee women, this problem is exacerbated, limiting their ability to change jobs or seek recourse in cases of workplace abuse, as the fear of losing their income traps them in vulnerable situations.

On the other hand, the formal employment process undermines the competitive advantage of refugee workers over their national counterparts, particularly in low-skilled sectors such as manufacturing and construction. In these sectors, refugees may find it easier to secure employment, but often at the cost of accepting lower wages and foregoing essential social security benefits. The urgency to secure employment, driven by the need for a stable income, often leads refugees to accept these adverse conditions. The problem is compounded by a lack of awareness of their rights, leaving refugees unaware of the protections and entitlements available to them. In addition, the constant fear of being dismissed and the inherent risk of losing their only source of income forces refugees to

⁶⁹ See: <https://www.calismaizni.gov.tr/calisma-izni-hakkinda/gecici-koruma/>.

tolerate precarious working conditions and to gravitate towards informal employment, creating a significant obstacle to their efforts to legalise their employment.

In this context, employment opportunities for refugee women are uneven and limited. The minority who are engaged in livelihood activities often find themselves in blue-collar positions, such as in the textile and food industries, or they take on daily roles as domestic workers. These observations shed light on a worrying aspect of women's circumstances, exposing structural violence with a gendered dimension by highlighting a distinct economic vulnerability faced by women. The precarious economic situation not only limits refugee women's employment opportunities, but also increases their vulnerability to SGBV and exploitation by fostering isolation, reducing access to support services, and creating power imbalances. This increased vulnerability is a direct result of shortcomings in laws governing women's access to employment, perpetuating the economic marginalisation of refugee women. Economic pressures drive some women into sex work, increasing their exposure to further risks and exploitation.

The challenges outlined above have profound implications for refugee women's access to justice in a number of ways. The significant gender gap in work permits, combined with the prevalent reliance on informal employment, creates a precarious scenario in which women are often deprived of crucial legal protections. Women's limited employment opportunities force them into informal and exploitative work environments, where legal protections are often non-existent. The lack of adequate legal protection exposes refugee women to exploitation and unfair labour practices, leaving them without effective recourse and perpetuating a cycle of injustice and economic vulnerability. Faced with these challenges, many refugee women find it difficult to navigate complex legal processes due to a lack of resources. The impact of cultural and gender barriers further exacerbates the problem, not only limiting women's awareness of their rights, but also hindering their ability to engage with and access justice mechanisms.

Recommendations

Refugee and migrant women and girls face additional challenges due to displacement, including heightened vulnerability to gender-based violence. These vulnerabilities intersect and reinforce each other, requiring a nuanced approach to addressing their specific needs within the legal system.

Türkiye, as the largest refugee hosting country globally, has legal frameworks in place to protect access to justice for refugees, including women. However, despite being a state party to relevant international conventions and having national legislation that upholds access to justice as a fundamental right for all, Türkiye still faces challenges in ensuring effective access to justice for refugee women and girls, particularly in the context of gender-based violence.

In conclusion, a comprehensive approach is needed to address the complex barriers that refugee and migrant women and girls face in accessing justice. This approach must be gender-sensitive, recognise the specific challenges faced by these individuals and ensure that legal systems are accessible, affordable, and responsive to their needs.

- The 'dilution policy' and its impact on women's access to registration should be reviewed and changes made to ensure that the policy does not disproportionately affect women's access to essential services and social networks.
- There should be clear guidelines and consistent implementation of exceptions to registration restrictions, particularly for women facing exceptional circumstances such as serious medical conditions, educational needs, and emergency situations.
- The challenges faced by women in meeting documentation requirements for registration exemptions should be addressed and alternative verification methods should be considered to ensure that women are not unduly burdened by these requirements.
- Policies regarding the registration of Syrians in temporary accommodation centres should be reviewed to ensure that they do not unduly restrict women's liberty and security, particularly regarding the presentation of exit documents.
- Clear and standardised procedures for the assessment of asylum claims based on gender, sexual orientation and gender identity should be developed and implemented, ensuring that they are sensitive to the specific challenges faced by these individuals.
- Comprehensive training on gender issues, including cultural sensitivity and appropriate interviewing techniques, should be provided to migration management authorities.
- Gender disaggregated data on asylum applications and outcomes should be collected and published, including information on the number of applications based on gender, sexual orientation, and gender identity.
- The availability of female interpreters should be increased.

- The criteria used to assess the credibility of protection claims should be reviewed to ensure that the particular challenges faced by women and persons of diverse sexual orientations and gender identities are taken into account.
- Measures should be implemented to address the fear of retaliation that prevents women from reporting instances of SGBV, including assurances of protection from deportation and support for women who come forward.
- Eligibility criteria for shelters should be reviewed to ensure that they are accessible to all women, regardless of their age or the gender of their children, and that alternative options are available for women who do not meet the current criteria.
- Foreign women survivors of SGBV should be treated equally to Turkish women in terms of access to shelters, without requiring them to report violence or file for divorce as a condition of admission.
- The capacity of government-provided shelters should be increased to meet the needs of both local and foreign women survivors of SGBV, especially in regions with high refugee populations.
- Measures should be developed and implemented to ensure that refugee women survivors of SGBV have access to legal assistance to navigate the complex legal framework and to address any legal barriers they may face in seeking justice.
- Awareness-raising campaigns should be conducted targeting both refugee and host communities to inform them about the legal requirements for marriage in Türkiye and the consequences of forced marriage, including the rights of women and girls.
- Measures should be taken to ensure that women and girls who are forced into marriage have access to legal support and assistance in navigating the legal system to seek redress and protection.
- Cooperation between government agencies, NGOs and international organisations should be promoted to ensure a comprehensive and coordinated response to the needs of vulnerable refugee women.
- Greater engagement with the refugee community should be introduced to better understand their needs and preferences, and they should be involved in the design and implementation of support programmes.
- Programmes should be implemented to provide refugee women with skills training, vocational education, and entrepreneurship opportunities to enhance their employability and economic independence.
- Gender-sensitive policies should be developed and implemented to address the specific challenges faced by refugee women, including cultural and gender norms that limit their access to employment and economic opportunities.

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