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# HER AFTERMATH

THE IMPACT OF EARTHQUAKES IN TÜRKİYE:  
BARRIERS TO ACCESS TO JUSTICE AFTER THE  
EARTHQUAKES – FIELD RESEARCH FINDINGS ON  
WOMEN'S LEGAL PRIORITIES



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## INTRODUCTION

On 6 February 2023, two devastating earthquakes, measuring 7.7 and 7.6 on the Richter Scale, struck Kahramanmaraş region in Türkiye. In the days after the initial earthquakes, thousands of aftershocks followed.<sup>1</sup> The impact was felt across the southeast region of Türkiye, and a state of emergency was declared in 11 provinces.<sup>2</sup> The provinces of Hatay, Kahramanmaraş, Adıyaman, Malatya and Gaziantep (Islahiye and Nurdağı districts) were reportedly hardest hit. These earthquakes are the largest experienced in Türkiye in the last century, and the most significant to strike the country's southeast region in hundreds of years.

Even for an earthquake-prone region, the disaster was unprecedented in its scope and the magnitude of the destruction it caused. Overall, according to the information from the Government of Türkiye, about 15.8 million people in the region, of which half are women and girls, were indirectly or directly affected.<sup>3</sup> More than 50.000 people in Türkiye lost their lives and more than 100.000 were injured.<sup>4</sup> 3.3 million people have been displaced and almost 2 million are being sheltered in temporary settlement areas. Apartment towers and village houses were demolished and damaged across a vast territory of 110,000 square kilometers.<sup>5</sup>

Global evidence suggests that crises affect women and girls disproportionately because of pre-existing gender inequality and social norms that impact the articulation of their needs, as well as their access to specific services.<sup>6</sup> Initial assessments revealed that women and girls had been severely affected by the earthquakes, there was a real risk that pre-existing inequalities would be exacerbated<sup>7</sup> and violence against women and girls increased in the region.<sup>8</sup> The global humanitarian community has reached a consensus that gender equality and the empowerment of women and girls are imperative requirements for effective humanitarian action. However, it has also recognized that more efforts are needed to put gender equality commitments into practice and to ensure these are not optional, but central to all coordinated preparedness and response programmes.<sup>9</sup>

In its General Recommendation No. 33 on women's access to justice, the Committee on the Elimination of Discrimination against Women (CEDAW Committee) states that access to justice *"encompasses justiciability, availability, accessibility, good quality, the provision of remedies for victims and the accountability of justice systems"*.<sup>10</sup> The recommendation emphasizes that accessibility requires that *"all justice systems, both formal and quasijudicial, be secure, affordable and physically accessible to women, and be adapted and appropriate to the needs of women, including those who face intersecting or compounded forms of discrimination"*.<sup>11</sup> However, as with other rights, access to justice can also be difficult to enjoy in times of disaster. Gendered impacts of the disaster should be taken into consideration in all measures to be taken for ensuring women's access to justice. At the same time, in line with CEDAW Committee's guidance, disaster efforts should factor in women's access to justice for disaster-induced damages.<sup>12</sup>

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1 According to the Turkish Disaster and Emergency Management Presidency (AFAD).

2 Adıyaman, Gaziantep, Kilis, Hatay, Malatya, Diyarbakır, Adana, Osmaniye, Kahramanmaraş and Şanlıurfa and Elazığ. On 03.04.2023, AFAD announced that additional 6 cities were added to the earthquake region, which are: Bingöl, Kayseri, Mardin, Tunceli, Niğde and Batman. For the purposes of this research; Adıyaman, Gaziantep, Hatay, Malatya and Kahramanmaraş will be referred to as the "earthquake region" or "the region", since the research only covered them.

3 Presidency of the Republic of Türkiye, Presidency of Strategy and Budget-Türkiye Earthquakes Recovery and Reconstruction Assessment. Available at this [link](#).

4 UN OCHA (April 2023) Türkiye Humanitarian Needs and Response Overview- Interim Update. Available at this [link](#).

5 Supra Note 3.

6 This is also underlined by the CEDAW Committee in its General Recommendation No. 37 on gender-related dimensions of disaster risk reduction in a changing climate, available at this [link](#).

7 UN Women (March 2023) UN Women Brief on Earthquakes in Türkiye: Impacts and Priorities for Women and Girls. Available at this [link](#).

8 UN Women, Her Aftermath – The Impact of the Earthquakes in Türkiye: Focus on Prevention and Response to Violence against Women and Girls, p.6. Available at this [link](#).

9 IASC (2017) Policy Gender Equality and the Empowerment of Women and Girls in Humanitarian Action. Available at: [link](#).

10 CEDAW/C/GC/33, paragraph 1. The full text of the recommendation is available at this [link](#).

11 CEDAW/C/GC/33, para. 14/c.

12 CEDAW/C/GC/37, para. 26 and 27.

In line with these principles, UN Women and the Union of Turkish Bar Associations (UTBA) conducted qualitative field research in earthquake affected provinces Adıyaman, Gaziantep, Hatay, Kahramanmaraş and Malatya. The research aimed at:

- Identifying the most pressing issues women face to exercise their rights in the aftermath of the earthquake, hence their priority legal needs; and,
- Gaining insights into what can be done to support women in fully exercising their rights before competent authorities.

This report summarizes the main findings of the research and provides recommendations for further work which can be conducted during the recovery process on women's access to justice. Initial findings of the report shaped the joint activities conducted with UTBA and UN Women, on enhancing women's post-earthquake legal literacy, as such; identified legal areas were used as part of technical legal refreshers targeting lawyers registered under aforementioned local bar associations, which were transferred to group information dissemination sessions facilitated by lawyers in temporary settlement areas for women, and during the production of informative legal materials which can be of use in the affected region.

## METHODOLOGY

The field research used qualitative methods. The research included (i) bilateral meetings with provincial bar associations, (ii) multi-stakeholder meetings including bar associations, public institutions and civil society organizations that work directly with women; and (iii) focus group discussions<sup>13</sup> (FGDs) with women.

All three methods were implemented in Gaziantep, Hatay, Kahramanmaraş, Malatya and Adıyaman during August-September 2023. In sum, five FGDs, five bilateral bar association meetings, and five multi-stakeholder meetings were held, one per each targeted province. Bar association and multi-stakeholder meetings for Adıyaman were held online, whereas all others were conducted on-sight.<sup>14</sup> All of the focus group discussions were made face-to-face in each province. Representation from public authorities and civil society varied, whereas in all provinces Bar Associations and Violence Prevention and Monitoring Centers were consulted. In total, the research reached out to 44 women who survived the earthquake living in temporary settlement areas,<sup>15</sup> 14 lawyers, 18 public officials, and 2 civil society representatives.

The multi-stakeholder meetings and bilateral meetings with the Bar Associations revealed important preliminary information on the barriers faced by women in the region in accessing justice, including the context of violence against women (VAW). For each of the targeted provinces, both meetings allowed a general analysis of the post-earthquake situation from the perspective of service providers and provided data on what issues should be addressed more in detail during the FGDs, which formed the basis of the field research.

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<sup>13</sup> Focus group discussion is "an interactive interview between pre-selected participants, led by a moderator and focused on a specific set of topics". (Monique M. Hennink, Focus Group Discussions, New York: Oxford University Press, 2014, p. 1). It is an interactive discussion based on a common characteristic or experience of the selected participants. The search for a certain homogeneity in the group on the basis of common characteristics stems from the idea that participants can convey their views more easily among people who are similar to them (Hennink, p. 38-39). In the field research, the main common denominator of women with different characteristics from different provinces was that they have experienced the earthquakes on February 6, 2023 and aftershocks.

<sup>14</sup> Due to the earthquake in Malatya which occurred on 10 August 2023, meeting with Adıyaman Bar Association and the multi-stakeholder meeting in Adıyaman were cancelled. They were later held online.

<sup>15</sup> Focus group discussions were held with 6 women in Gaziantep, 11 women in Hatay, 7 women in Kahramanmaraş, 14 women in Adıyaman and 6 women in Malatya. The focus group in Malatya originally planned for August was repeated in September, due to interruptions in the initially planned focus group discussion on 10 August 2023.

Both the meetings and the FGDs were shaped by the highlights derived from previous research, guides prepared for this purpose<sup>16</sup> and UN Women's previous findings and observations.<sup>17</sup> Discussion themes were divided into four as private law issues, public law issues, issues related to violence and issues concerning children. Guiding questions for meetings and semi-structured questions for FGDs were prepared. Both sets of questions were reviewed and finalized by the UN Women team (which included lawyers, an expert psychologist, and a legal academic specializing in socio-legal studies) and members of the UTBA Women's Law Commission (TÜBAKKOM).

It should be noted that the research had a specific focus on legal issues that women identified as "problems" or "urgent needs", and did not aim to address their general satisfaction with different services related to housing, shelter, basic needs and the like. Therefore, the findings and recommendations included in the current report are only focused on these particular issues and do not cover satisfaction with various services and assistance received in the post earthquake period. In this respect, the very valuable and selfless work undertaken by governmental and civil society actors, as well as local bar associations in the earthquake zone, despite institutional and personal loss and damage experienced, and the good practices generated in face of the ongoing humanitarian concerns have to be commended.<sup>18</sup>

Participants of the FGDs were selected on a voluntary basis<sup>19</sup> by civil society and government stakeholders who are Türkiye Earthquake Response Protection Sector stakeholders in the field and in contact with women.<sup>20</sup> Each focus group consisted of 6 to 14 women, selected to ensure diversity based on age, marital status and other categories.<sup>21</sup> Within the scope of the study, all FGDs were conducted face-to-face in temporary settlement centers.<sup>22</sup>

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16 The most important text in this context was the "Legal Guide for Earthquake Victims" of the Union of Turkish Bar Associations. For the complete guide, see this [link](#). (Last accessed: 19.08.2023).

17 UN Women, Brief on Earthquakes in Türkiye: Impact and Priorities for Women and Girls, March 2023. The full report is available at this [link](#). (Last accessed: 19.08.2023); UN Women, Her Aftermath: The Impact of the Earthquakes in Türkiye: Perspectives of Civil Society Organizations Working for the Rights of Women and Girls, May 2023. The full report is available at this [link](#). (Last accessed: 19.08.2023); UN Women, Her Aftermath: The Impact of the Earthquakes in Türkiye: Focus on Prevention and Response to Violence Against Women and Girls, July 2023. The full report is available at this [link](#). (Last accessed: 31.10.2023)

18 Findings on good practices can be found in the Reports provided in supra note 17.

19 It was explained to the participants before the focus group discussions, which lasted approximately 1-1.5 hours, were based on the principle of voluntariness and confidentiality, and they were reminded that they could leave the interview at any time if they wished. No voice recorder was used in the interviews. Based on the consent of all participants, the dictation feature of the Microsoft 365 mobile application was used so that transcriptions can be put into text. The transcriptions were also compared with the notes of 3 different researchers.

20 In line with the principle of participation which is also underlined in the CEDAW Committee General Recommendation No. 37, para 27.

21 Supra Note 15.

22 As an overall note, the position of the researcher and their relationship with the research subjects should be mentioned. This issue, which is referred to as reflexivity and positionality in qualitative research, is related to the position of the researcher in relation to others and the awareness of the dynamics affected while conducting the research (See Norman Denzin; Yonna S. Lincoln (Eds), The SAGE Handbook of Qualitative Research, London: SAGE, 2018. pp. 102, 277, 444). In qualitative research, it is generally argued that the researcher's explanation of where they position themselves in the field not only makes the research more understandable, but also affects access to the interviewees and the reliability of the information obtained (See: Ayça Ergun, Aykan Erdemir, "Negotiating Insider and Outsider Identities in the Field: "Insider" in a Foreign Land; "Outsider" in One's Own Land", p. 18, <https://doi.org/10.1177/1525822X09349919>). The position of the researcher is "relational, not discrete". The relationship and interaction between "the researcher" and "the researched" is as important in the interpretation as it is in the quality of the data obtained. The researcher may be positioned as an insider in the sense of being close to the characteristics of the interviewees, or as an outsider to their common experience (See: For ethical issues related to being an "insider" or "outsider" researcher, see Bridgette Toy- Cronin, "Ethical Issues in Insider-Outsider Research", in The SAGE Handbook of Qualitative Research Ethics, Ed. Ron Iphofen; Martin Tolich, London: SAGE, pp. 455-469). In the present research as well, the position of the researchers need to be taken into consideration. The fact that the researchers were women who had not experienced the earthquake and lived in distant provinces caused the discussions to progress at differing paces. While not being an earthquake survivor put the researchers in an outsider position, experiences of womanhood and the women's issues as common identities facilitated the exchange of information among insiders.



## KEY FINDINGS

According to the framework put forth by the Council of Europe, barriers to access to justice are discussed along two main lines: “legal and institutional” and “social, cultural and economic”.<sup>23</sup> In times of disaster, these barriers are likely to deepen, especially for disadvantaged groups “on the basis race, colour, sex, language, religion, political or other opinion, national or social origin, property, disability, birth, age or other status”.<sup>24</sup> As underlined earlier, among these groups, women and girls experience the greatest difficulties.<sup>25</sup> The field research sought to identify the main obstacles to access to justice and women's prioritized legal needs based on this framework.

The research found that in the aftermath of the earthquake, women faced both types of barriers, as explained below. Overall, among women who participated in the FGDs; feelings of helplessness, resignation and distrust in institutions or their ability to provide needed information, services or protection were prominent. The fact that they survived the earthquake, but faced significant difficulties in the aftermath and the sometimes unclear processes in dealing with these difficulties made women tired and frustrated. These findings demonstrated the need for wider outreach in accessible information dissemination activities, and psychosocial support for survivors.

*“We don't know our tomorrow, we look at everything with a question mark. We were grateful, we are alive now; but I apologize, we said, ‘lucky the dead or lucky the living?’. We all said this, we were reset.*

Woman earthquake survivor from Hatay

In general, throughout the FGDs, it was observed that women sometimes provided more superficial information on some questions, yet that they also brought up some issues themselves without being asked. For example, they were more hesitant to talk about violence and more defensive about early marriages.<sup>26</sup> On the other hand, they were more eager to talk about their concerns and worries regarding the safety or future of their children and were more courageous in voicing their complaints in this regard.

Accordingly, concerns around children were the main issue on which the focus groups found common ground. There was also a common view on the inadequacy of information and unpredictability of later phases of recovery. The most controversial issue was found as “the adequacy of the post-earthquake response”. While some participants thought that support at the earlier phases, especially in terms of shelter and basic needs, was “unquestionably” adequate, others disagreed completely. Finally, overall, the youngest women in the group were more reticent in participating into the discussions.



UN Women representatives attend a discussion with a CSO after the earthquakes in Gaziantep, Türkiye. Photo: İlkin Eskipehlivan / UN Women

<sup>23</sup> Council of Europe, Report of the Online Roundtable on “Framework for Measuring Access to Justice, Including the Specific Challenges Faced by Women”, 2022, pp. 9-11. The full report is available at: <https://rm.coe.int/kadinlarnin-adalete-erisimin-olculmesi-yuvarlak-masa-toplantisi-raporu-1680a876ba>; Lori MANN et al., Handbook for Legal Aid Lawyers on Women's Access to Justice in Türkiye, November 2022, pp. 14-15: <https://www.coe.int/tr/web/ankara/-/kadinlarnin-adalete-erisimine-ilişkin-yeni-yayınlar-artık-Çevrimiçi>.

<sup>24</sup> IASC, Operational Guidelines on the Protection of Persons in Situations of Natural Disasters, 2011, p.15. Available at: [https://www.ohchr.org/sites/default/files/Documents/Issues/IDPersons/OperationalGuidelines\\_IDP.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/IDPersons/OperationalGuidelines_IDP.pdf)

<sup>25</sup> Women Empowerment in Humanitarian Action Working Group – Türkiye Terms of Reference, p. 1.

<sup>26</sup> Although this problem has been mentioned by institutions, during focus group discussions in all five provinces, women claimed that early marriages “no longer” occur in their province, that girls want to continue their education and that marriages are now taking place at a “later” age. In order to understand what this “later” age is, the answer to the question “For example, at what age do they get married?” in Malatya was “18-19”.



## **A. LEGAL AND INSTITUTIONAL BARRIERS TO ACCESS TO JUSTICE: “EVEN WE, AS LAWYERS, DID NOT KNOW WHICH INSTITUTION WAS WHERE”**

The most fundamental obstacles to access to justice are related to legal and institutional structures. The inadequacy of institutions to manage judicial demands, the overcapacity of the administrative structure and the lack of personnel who have difficulty in serving the relevant population constitute the general framework of these obstacles.<sup>27</sup> The research found that legal and institutional barriers in the earthquake region are related to both the physical access to institutions and the qualified functioning of institutions.

### **1. Absence or Dysfunction of Institutional Structures in Access to Justice: “They thought there was nowhere to turn to...”**

Due to the large-scale loss of life, destruction of infrastructure, and the ensuing chaotic atmosphere; previously functioning mechanisms on access to justice were largely absent or dysfunctional during initial post-earthquake phase. In a chaotic environment where even lawyers did not know which institutions to apply to, the stagnation of processes and the dysfunctionality of institutions led people living in the region to think that there is an overall sense of “nowhere to turn to” for gaining information on their earthquake-related rights and procedures. According to the accounts of women and service providers; although the situation improved as more time passed, the issue of limited and uneven information about rights and service providers persisted as of the time of the field research.

Many public buildings in the region were damaged, staff of civil society organizations and public personnel were among the casualties of the earthquake, and were victimized. In addition to the personnel who lost their lives in the earthquake, the number of those requesting transfer from the earthquake zone to different regions increased. This was reported as a very traumatic situation for the remaining staff, who survived the earthquake, to continue providing services to other earthquake survivors, including VAW-specific services. For example, a social worker who participated in stakeholder meetings expressed their experience as follows:

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*I am currently staying in a tent given to me by my brother-in-law. You are asking one earthquake victim to be a cure for another earthquake victim, I lost my 23-year-old son and I lost 11 relatives and the system is asking me to come and work again. We are not complaining, we are selfless.*

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In addition to personnel problems with respect to their numbers and well-being, the lack of uniformity in practices due to the interrupted and impacted institutional infrastructure was reported as another problem which still persists. In the earthquake region, solutions to various issues such as property damage assessments, appear to differ between provinces. An earthquake survivor who came to Hatay from Malatya expresses this situation as follows:

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*There is another thing about the institution[s], I want[ed] to enter my house and take out what was not broken. I want[ed] a damage assessment from the Treasury Office;[so that] I can prove that it has been damaged and accordingly, they should pay me for the loss. I couldn't get passed anyone, the law is not clear, and when I waited, [my belongings] were stolen. It's like a state law in America, it works one way in Hatay and another way in Malatya.*

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As stated in CEDAW Committee General Recommendation No. 33, the continuity of institutions and the lack of complexity of processes are directly related to the questionability, availability and accessibility of the justice system.<sup>28</sup> The problems expressed by FGD participants in the field research, especially in relation to these three principles, point to institutional barriers to access to justice. Women interviewed in Hatay stated that they lost their faith in the system regarding where to turn for learning about post-earthquake procedures relating to demolitions, damage assessments, financial support for survivors, and many other legal and administrative problems induced by the earthquake.

As a result of not receiving answers from authorities which they have applied to (which are a variety of service providers operational in temporary settlement areas or district/provincial institutions including watchmen and law enforcement), or being referred to other institutions for their problem to be solved, women conveyed their feeling that the importance of the issues they bring forward were undermined, that they were reminded of being grateful for what they have already been provided in terms of basic needs.

<sup>27</sup> Julinda BEQIRAJ; Lawrence MCNAMARA, International Access to Justice: Barriers and Solutions Bingham Center for the Rule of Law Report, October 2014, p. 21, available at this [link](#). (Last accessed: 22.08.2023).

<sup>28</sup> CEDAW/C/GC/33, para. 14.



A person is looking at the remnants amidst the debris of his/her house. Photo: Özge Ergin / UN Women

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**Participant (P) 1:** *Well, actually in general [we want to know], if we cannot get a solution from here, where else [if not] here is the point we need to apply to.*

**P8:** *[They say] “You have been blessed, you have a place to stay, what more do you want?”*

**P2:** *Neither the district governorship nor the state has worked for us here in any way.*

**P8:** *We feel kind of like, well, in a camp!*

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The absence of institutional structures has also impacted access to justice mechanisms in context of violence against women. For example, it was difficult to identify cases of violence at the very beginning of the earthquake, as both reporting was lower, and services were interrupted. In all provinces visited, women's shelters were damaged or lost staff. As a solution, women were transferred to neighboring provinces; however, this made the existing case management capacity problem even more difficult to resolve. The inability to deliver notifications related to measures rendered under Law No. 6284 to Protect Family and to Prevent Violence against Women due to uncertainty in addresses was mentioned as a structural problem, especially in Adiyaman. Said problems continue to occupy the agendas of institutions engaged in VAW response and protection.

FGDs revealed that when women believe their rights have been violated, they often do not know where to apply, think that the remedies are closed, difficult or troublesome and give up. Women especially think that they should go to the police station and file a complaint in cases of violence; they are unaware of KADES or 112 hotline.

There are also problems regarding legal aid, which is an important mechanism for overcoming institutional barriers and accessing justice. Interviews conducted in all five provinces show that women are mostly unaware of the legal aid mechanism.<sup>29</sup> In addition to this informational (or socio-cultural) barrier, there is a general legal aid crisis that existed even before the earthquake, which was also mentioned by the bar associations in the region. Concerns were raised that bar associations were unable to make legal aid payments and that, if this crisis continues, transition to a pre-registration and evaluation system might be required. Such transition holds the risk of information or documentation requirement for VAW risks and incidents. In addition, especially in Hatay, many lawyers lost their offices and needed psychological support to continue practicing their profession, which blocked the provision of legal aid and defense services. A similar problem was raised at Malatya, where lawyers reported that they had to close their offices which deepened economic difficulties; recently container offices for lawyers were set up. In Malatya, the courthouse which hosted the bar association was heavily damaged and eventually demolished. It was noted therefore that the bar association had challenges in accessing registries, licences and archives, which further delayed re-operationalization of the bar. Lawyers in Adiyaman stated that they still have difficulties in keeping track of the circulation of institutions, and that they are often able to access institutions only on personal efforts and initiative, making establishment and maintenance of inter-institutional dialogue in Adiyaman an important need.

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<sup>29</sup> For similar findings, see Gülriz Uygur, *Understanding the Barriers to Women's Access to Justice and Legal Aid in Türkiye*, Council of Europe 2022, pp. 48-49: <https://www.coe.int/tr/web/ankara/-/kadinlarnin-adalete-erisimine-ilisikin-yeni-yayinlar-artik-cevrimiçi> (E.t. 13.09.2023).



Women wait in line within the container city to access essential supplies. Photo: Nilüfer Baş / UN Women

The absence of institutional and structural barriers also points to limited physical access to justice. For example, it was noted that in Nurdağı and İslâhiye districts of Gaziantep, transportation is not easy and it is difficult for residents to access any public or non-governmental organization. A woman in Hatay described her experience as follows:

*We do not have a private vehicle. There are no public buses provided by the municipality or the state. At first they said the buses were free, and then 23 days ago they raised the fare. So we don't know, we don't know anything, no one has been able to get out of here and go somewhere else.*

Another woman from the same focus group expressed her problems regarding transportation and access as follows:

*Let me tell you something; we are from Antakya. If they ask where exactly we are in Antakya right now, we don't know. We cannot recognize our Antakya because of the rubble and the earthquake. Therefore, we cannot shop from anywhere we trust, nor can we reach out [to people] socially, because we are afraid.*

In Malatya, after the courthouse demolition, individual judicial units are placed at different locations away from each other and from the city center, making it difficult for both citizens (disproportionately for women) and lawyers to access judicial mechanisms physically. Similarly, in Kahramanmaraş, it was stated that it is difficult to reach the city center, where most service providers are located, from some temporary settlements. These physical barriers to justice create problems for those living in the region, in exercising many of their fundamental rights, particularly justice, but also including health and education.

## 2. Social Reality Not Finding Its Legal Correspondence

Another structural barrier in access to justice is the lack of visibility of the problems faced by certain groups, and the limited or ineffective legal instruments to address them. These specific problems were brought up in some FGDs but were not mentioned or mentioned in a limited sense by service providers. One reason for this invisibility of issues from the perspective of service providers is that, these “uncategorized” issues do not go before official institutions’ attention at all, and do not receive legal response, which eventually leads to structural injustices, as such, some legal concerns experienced by women, remain outside of legal mechanisms, which makes attaining a justiciable and accessible justice system more difficult. “Uncategorized” issues identified in this research were the matters relating to rent, formal requirements for assistance, and implementation of legal principles of informed consent and due diligence in practice.

At the top of these problems, commonly highlighted in FGDs, are the problems experienced by tenants. The concern that earthquake survivors who were renters before the earthquake will not be able to find a house to rent due to the rent increases after the earthquake and will stay in temporary settlements indefinitely points to this problem. For example, the distress of a woman in Kahramanmaraş, who was a tenant before the earthquake and thought that she would no longer be able to rent a house after the earthquake due to financial losses, points to this problem:

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*Those whose houses were demolished... we don't have such a problem, [because] we do not have a house. We are tenants. Houses will be built for the home owners, but what about the tenants?*

*The first 5 days [after the earthquake] we stayed in the basketball court under the rain. At the end of the 5th month the tent started to suffocate. We transferred to a container. After a while, this will get boring too. It is a tiny space. We don't have a certain [level of] budget. I don't have the money to buy a TOKI.<sup>30</sup> We cannot afford rent either.*

*After we were evicted, I asked for a house. [Landlord asked for] 7.5 billion. I said the minimum wage was already 8.5 billion.<sup>31</sup> [He replied:] "Whoever wants to [rent it, can rent it]... my house came out of that earthquake undamaged. Whether you want to have it or not." Almost 99% of all landlords have evicted their tenants, to rent [their houses] for more money.*

*[This is] my biggest problem. Neither the earthquake nor anything else hit me. I stayed in that house for 16 years. [Another] man paid 500 thousand TL<sup>32</sup> more [than what I offered], for [only] 1 billion more rent [from what I initially paid] he evicted me.*

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A similar issue was also raised by women in the FGD in Malatya. Complaining about the high cost of living in Malatya after the earthquake and the exorbitant rent demands of landlords, women discussed the problem as follows:

**P5:** *We have many complaints about landlords. After the earthquake, they tripled the rent. They determine damaged houses as "intact", but they don't live in those houses themselves, they give them to tenants. They change the damage status by applying to court.*

**P4:** *They converted a house that was heavily damaged to low damage through an acquaintance.*

**P5:** *They [landlords] do not live there for their own safety, they kill for property.*

**P6:** *[In a] TOKI [building, landlords requested] 18 thousand liras [for] 1+1 [apartments]. [Authorities said to landlords that] "you will neither rent it out nor live in it for 8 years", they have sealed it.*

**P1:** *Her brother went for renovation, the house was heavily damaged. The people in the building objected and [the damage level] was changed.*

**P5:** *I am a tenant, where will I go? The state will give houses to the landlords, what will we do? We cannot rent a house because we do not trust. Landlords lie.*

**P4:** *Malatya is disoriented.*

**P6:** *During the earthquake, we bought a bottle of water for 7.5. I was buying it for 1.*

**P1:** *In terms of economy, fruits and vegetables are very expensive.*

**P4:** *We have no choice.*

**P6:** *Tram-bus, minibus for 10 million.<sup>33</sup> 20 million round trip. We have to buy everything from here [the temporary settlement].*

**P5:** *The municipal market also sells more expensive than other markets. There would be competition if other markets were established. Shopkeepers say they are also victimized.*

**P2:** *We are all victims.*

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After the field research, The Human Rights and Equality Board of Türkiye has also published the findings of an *ex officio* examination on increasing rental costs after the earthquake. Underlining that the issue is related to the right to housing in a manner befitting human dignity, the Board underlines that practices such as asking earthquake survivors to pay high rents can be evaluated as discrimination.<sup>34</sup>

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30 Translation Note: TOKI stands for Toplu Konut İdaresi, Housing Development Administration. The survivor refers to TOKI housing which will be provided to earthquake survivors.

31 Translation Note: The term "billion" refers to the amounts used in Türkiye before 2005. Six zeros were deleted in new Turkish Lira in 2005, however it is common that in daily lives, people may use the old terms.

32 Ibid. for the use of "thousand".

33 Ibid. for the use of "million".

34 "In line with the relevant provisions of Law No. 6701, practices such as not providing houses to earthquake victims or demanding high rental prices in renting can be evaluated within the scope of renting immovable properties and determining the terms of the lease contract and can be subject to investigation and examination if they are related to at least one of the limited number of discrimination grounds specified in the Law." Human Rights and Equality Institution of Türkiye, Report on the Evaluation of Post-Earthquake Rent Increases in the Context of the Right to Housing, Ankara, p. 43. For the full report, see <https://www.thek.gov.tr/barinma-hakki-baglaminda-deprem-sonrasi-kira-artistarinin-degerlendirilmesi-raporu> (04.11.2023).



As for formal conditions for benefiting from certain types of assistance, including legal aid, several examples came up in FGDs and institutional meetings. In fact, there are women who have difficulties because they do not meet legal conditions for assistance, even though they are actually in need of that assistance. Such problems were raised in Hatay and Malatya in relation to ownership of mobile or immobile property.

At the Malatya Bar Association meeting, it was noted that people whose houses were severely damaged or destroyed in the earthquake could not benefit from legal aid due to possession of these properties. On the other hand, a woman from Hatay expressed her complaint about the denial of earthquake assistance to people owning cars as follows:

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*There was no help in any way because we had a car registered on us, except for the 10 thousand and the 15 thousand support.<sup>35</sup> They, Family and Social Services in the van, said there is no aid in any way. Should we lose that car too? Our workplace is gone anyway, there is no help whatsoever. Help us, we didn't get any help because we have a car.*

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While these issues affected both women and men, there are gendered impacts. The Council of Europe has assessed that this problem stems from the fact that the regulation on legal aid is gender-blind and does not allow for a contextual assessment.<sup>36</sup> In this sense, it is difficult for women with very low incomes or women who officially own property but cannot have a say over this property due to gender-based violence to benefit from legal aid.<sup>37</sup> This issue is closely relevant to the capacity of laws to provide appropriate frameworks and solutions, in other words, *the quality* of justice systems.<sup>38</sup>

Another example of constant perpetuation of unjust situations is related to the concept of informed consent, in terms of consenting to and agreeing with undertaking or giving up on legal steps and the consequences of those decisions. The fact that survivors of violence against women sometimes withdraw their complaints was frequently mentioned especially in multi-stakeholder meetings. For example, it was stated that even before the earthquake, some cases including electronic ankle monitors in *Adıyaman* resulted in the victim withdrawing her complaint and the removal of the monitors. The problem of authorities' inability to examine why the complaint was withdrawn in an incident serious enough to warrant electronic ankle monitors is quite relevant to women's access to justice. Lawyers in *Kahramanmaraş* also stated that they had difficulty in following up on why women withdrew their violence-related legal aid requests from the bar association. In this sense, it is not possible to assess individual women's informed consent in a holistic and contextualized manner. However, *the Opuz v. Türkiye* case, which also emphasizes the importance of such an approach, sets out criteria for understanding the situation of victims who withdraw their complaints and envisages the evaluation of the concrete case accordingly.<sup>39</sup> In practice, these criteria are not met.

Another issue related to the inability to see the concrete case in a holistic and contextualized manner is the inability to evaluate suicide cases, especially in *Adıyaman*, due to the lack of evidence expressed by the institutions. In fact, investigations carried out in accordance with the law should be interpreted together with social phenomena outside the law and appropriate legal tools should be put in place.

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35 This amount relates to the AFAD-led support for damages (10.000 TRY) and support for moving expenses (15.000 TRY).

36 Understanding Barriers to Women's Access to Justice and Legal Aid in Türkiye, Uygur, pp. 48-49.

37 Uygur, pp. 56-57.

38 CEDAW/C/GC/33 defines quality of justice systems as follows in para.14: "Good quality of justice systems requires that all components of the system adhere to international standards of competence, efficiency, independence and impartiality and provide, in a timely fashion, appropriate and effective remedies that are enforced and that lead to sustainable gender-sensitive dispute resolution for all women. It also requires that justice systems be contextualized, dynamic, participatory, open to innovative practical measures, gender-sensitive and take account of the increasing demands by women for justice".

39 "The ECtHR observes that there are certain factors to be taken into account in deciding whether to proceed with the prosecution:-the seriousness of the offense;-the physical or psychological nature of the victim's injuries;-whether the defendant used a weapon;-whether the defendant has made threats since the attack;-whether the defendant planned the attack;-the (psychological) impact on the children living in the household; the likelihood that the defendant will attack again;-the ongoing threat to the health and safety of the victim or others involved, or who may be involved;- the victim's current relationship with the defendant; the impact on that relationship of continuing the prosecution against the victim's wishes;- the history of the relationship, in particular whether there has been violence in the past;- and the defendant's criminal record, in particular whether he or she has been violent in the past. It follows from this practice that the bigger the crime or the higher the risk of further crimes being committed, the more important it is in the public interest to continue the prosecution, even if the victims withdraw their complaints." See *Opuz v. Türkiye* (2009), application no. 33401/02, paragraphs 138. The full judgment is available at this link.

## **B. SOCIAL, CULTURAL AND ECONOMIC BARRIERS TO ACCESS TO JUSTICE: "WE DIDN'T FILE A COMPLAINT, WE DIDN'T WANT TO DEAL WITH IT. AFTER ALL, WE ARE SMALL FAMILIES WITH NO INCOME"**

In addition to institutional and structural barriers, there are social, cultural and economic barriers shaped by age, gender, income level, ethnic and cultural affiliation.<sup>40</sup> As emphasized in the CEDAW Committee General Recommendation No. 33, these barriers may have more troublesome consequences for some women due to their intersectional characteristics.<sup>41</sup> For example, it has been previously reported that women who lost their husbands in the earthquake fall further behind in the struggle for rights due to anxiety and fear of the future. Different social groups had more difficulties in accessing earthquake aid.<sup>42</sup> These barriers to justice, which are shaped by intersectional discrimination, can be addressed under different headings in terms of deepening inequalities for women in the earthquake region, changes in domestic dynamics and perceptions towards violence, and economic difficulties.



Remnants of a debris. Photo: Özge Ergin / UN Women

### **1. Deepening Gender Inequality and Concerns about Children: "As women, we no longer have the opportunity to say 'I'm bored, I'm going to the bazaar':"**

As underlined by the CEDAW Committee in its General Recommendation No. 37, women and girls are more adversely affected by the consequences of natural disasters due to gender inequalities.<sup>43</sup> The Recommendation also draws attention to the fact that the lack of physical security, safe and accessible infrastructure and services, especially in temporary settlements, leads to an increase in gender-based violence against women and girls.<sup>44</sup> It is also noted that early and/or forced marriage, trafficking and prostitution are also more likely to occur during and after disasters.<sup>45</sup> Similar findings were also mentioned in UN Women's previous field visits<sup>46</sup> and were also observed in this field research.

40 CEDAW/C/GC/33, para. 3.

41 CEDAW/C/GC/33, paras. 8-9.

42 For details, see UN Women, *Her Aftermath...*, July 2023, pp. 6-7, 9.

43 CEDAW/C/GC/37, para. 2.

44 CEDAW/C/GC/37, para. 5.

45 CEDAW/C/GC/37, para. 5.

46 For details see UN Women, *Her Aftermath...*, July 2023.



The meetings and FGDs indicated that women's socialization spaces and activities during the day are much more restricted in temporary settlements compared to the situation before the earthquake. The change in their social environment and relationships after the earthquake makes it difficult for them to adapt to the new social order due to security and transportation problems in some of the temporary settlements.

In addition to "unmet basic needs", these changes and new dynamics increase pressure and tension within the household.<sup>47</sup> Women's roles in the household have become more difficult and demanding due to the lack of technological infrastructure. For women, who bear the burden of childcare and housework as well as the emotional burden of family members, the narrowness of living spaces leads to restricted and tense social relations within the family and women are more exposed to these challenges. Women in *Malatya* elaborated as follows:

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*P1: My husband became very rebellious after the earthquake, he became a person who shouts at everything. The child goes to work, I tell him to stop working and prepare for the exams.*

*P2: My spouse was more [calm] before [the earthquake]. Similarly he is more irritable [now].*

*P3: My husband is a newspaper distributor, he used to come during the day and rest for 1-2 hours. I don't see him much anymore. Not [only] my husband, but the children have [also] become very irritable. They are right too. They need rest too (...) [My daughter] had an exam, it's crowded, we have a small baby, we have a grandmother. The grandmother is intriguing [with my daughter, saying] 'don't study now, study later'.*

*P4: Nothing has changed [for me] because [we have] 2 infants.*

*P5: Things have changed a lot. Children do not want their father. I tell them to talk about their problems directly [with their father], why do you talk to me when you should talk to each other? It was always there, but it increased even more after the earthquake. They have to see each other's faces all the time because the space has shrunk, there is nowhere to escape.*

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Another issue regarding the relationship between children and their fathers that was brought up in the multi-stakeholder meeting in *Adiyaman*, differently from other provinces, was the issue of preventive and protective measures. Institutions stated that young women have taken measures within the scope of Law No. 6284 to Protect Family and Prevent Violence Against Women, against their fathers due to restrictions and pressures occurring in the domestic sphere.

On the other hand, there were also women who made comparisons with the pre-earthquake period regarding the gender roles attributed to women in the household and stated that they were in a "better" situation. For example, in the FGD in *Malatya*, women discussed the decrease in housework compared to the past as follows:

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*P6: [In the house before the earthquake] we used to start in the morning and barely finish in the evening, now it takes 1 hour..*

*P3: The thing here is better, more beautiful.*

*P4: It is cramped, but housework is more comfortable.*

*P3: At least we are participating in an activity, not just sitting around until the evening.*

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Women's concern for their children's safety<sup>48</sup> also limits their daily life activities. A woman who lost one of her children in the earthquake in *Hatay* stated that she found the opportunities offered to children insufficient:

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*But it is insufficient. We come to production [workshops] here in the afternoon, but I don't know, there is nowhere we can leave them. The children go to school for half a day. My son is alone now and he is six years old, for example, I had to bring him to the doorstep [here] because there is work now.*

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Another woman in the same focus group expressed similar concerns as follows:

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*My husband takes care of the children because he is in the container, but when he is not, I cannot bring them alone to the workshop where I work, because there are dangerous items in the workshop, there are scissors. So they have to stay alone. You know, [I think to myself] did a stranger come, did they say anything [to my child]? Because we don't believe anyone now. This is not the neighborhood we live in, we don't know.*

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47 UN Women, *Her Aftermath.....*, July 2023, p. 9.

48 Women's anxiety is also compounded by the fear of experiencing another earthquake while their children are at school. See UN Women, *Her Aftermath.....*, July 2023, p. 10.

There is concern for children's safety as well as their future. Damage to educational institutions and the deaths of educators have deeply affected access to the right to education.<sup>49</sup> In general, uncertainties regarding children's right to education were expressed by women interviewed in all five provinces. In addition to concerns about access to the right to education, there are also concerns about the quality of education.<sup>50</sup> A woman interviewed in Nurdagi expressed these concerns as follows:

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*My youngest daughter is 9 years old, she is in the fourth grade and she cannot read or write. Why not? The child never went to first grade because there was the virus, in second grade the child was always at home. After the first grade, they said, when the teacher moved to the second grade, they will video-call with a phone. I was going to install internet at home, we lived in the Kurudere neighborhood, I couldn't install internet because there was no underground infrastructure. I was working somewhere, the child had a phone at home, but he couldn't access [the calls] because there was no internet. They would go to school for three classes and come back home for three classes (...) and in the afternoons the teacher was giving [additional] course from one to half past four. (...) When the children were just starting to read, the earthquake happened and they were left behind again. Now I'm saying, [how will it go on like this]? This child is in the fourth grade, she can't read. There is an exam, I don't know how it will go. I'm thinking of hiring a private tutor. Even when she was in the third grade, I thought I should hire a private tutor so that she could take lessons in the evenings when she came home from school. (...) It's over, it's over! (...) "I'm in fourth grade, mom, what are we going to do"[she asks]. I can't believe it.*

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Children are among the groups most affected by gender inequality. In addition to the problems related to the right to education, as a reflection of gender inequality, the problem of girls being seen as a burden and married off at an early age and boys being directed to child labor due to increasing economic difficulties has been expressed especially by civil society organizations. Another serious issue related to children is the processes and uncertainties related to unaccompanied minors, especially expressed by the institutions.

## **2. The Influence of Space on Family Dynamics: "What you call as 'privacy' ended 5 months ago"**

After the earthquake, the necessity for many family members to live together in tents or containers brought about many problems. The lack of autonomous space for family members has triggered new individual, relational and sexual problems. For example, officials working in the field, in direct contact and in longer term with women reported that women were uncomfortable with the fact that sexual relations took place in limited privacy and sometimes with the fear that their children would witness. However, it was not possible to address this issue directly in depth in the FGDs, as this is rather private issue which might not be comfortably disclosed in a group setting.

Although women who said that "privacy ended 5 months ago" in terms of family and individual aspects admitted this was quite challenging, they also noted privacy was not always a priority and there were more important matters. However, the very fact that women in the focus group in *Malatya* brought up a similar concern even without being asked, in addition to implicit remarks in other focus groups, suggest that privacy is indeed a priority concern along with the psychological impact of living in small spaces, although not often admitted openly:

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*P5: There is no such thing as privacy within the family, everyone is close to each other, there is no place to [take a few steps] when the bed is laid out, you bump into someone and then a fight breaks out - children are rebellious and they fight because they are older.*

*P4: My problem is the kitchen, our cupboard is too small. Since I live in a tent, a container is too luxurious for me. I went to Alanya a week after the earthquake, it has been 2.5 months since I returned.*

*P5: I also lived in a tent, but the space there is very different from the container. In the container, you know you are permanent, your psychology deteriorates.*

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49 For a comprehensive review on the impact of the earthquake on the right to education in the region, see Human Rights and Equality Institution of Türkiye, Monitoring Report on the Post-Earthquake Events in the Context of Human Rights and Discrimination Law, Ankara, September 2023, pp. 29-35. 29-35. For the full report is available at <https://www.tihk.gov.tr/public/editor/uploads/BiRcxLeO.pdf> (03.11.2023).

50 For a study with similar observations, see Çağla Gül Bulut et al., Child Rights Violations After the February 6, 2023 Earthquake Observation Report, pp. 36-38. The full report is available at <https://www.istanbulbarosu.org.tr/files/docs/6SUBATDEPREMISONRASINDACOCUKHAKLARIHILALIGOZLEMRAPORU.pdf> (12.08.2023).

A woman in FGDs in *Kahramanmaraş* brought up the fact that there is no privacy not only within the household but also for neighbors:

*[Privacy] is not the priority, right now we are staying with our brother etc. if necessary. When we change our clothes, for example, my son goes out. It is difficult, it is very difficult. A few containers ahead of us, [a man] was fighting with his wife, [very loudly]. We inevitably heard it all.*

### **3. Perception of Violence and Access to Justice for Women Experiencing Violence: “When we say violence, is it only beatings or does it include verbal violence?”**

There are many factors that trigger domestic violence. The most important of these is the aforementioned forced coexistence conditions. The coexistence of families under difficult conditions brings up the issue of being “at risk of violence” more frequently within the scope of Law No. 6284. However, it was not easy to follow the traces of this issue in the FGDs, although it was easily brought up by institutions. In FGDs, women were hesitant to talk about violence, although they could easily talk about other problems experienced in the household. This hesitation stems from both the difficulty of talking about the experience of violence and confusion about the definition of violence. In FGDs, it was observed that most of the women perceived violence as physical. A similar observation was voiced especially in *Malatya* during the multi-stakeholder meetings. It was noted that women only think of violence in physical terms, that they do not know what psychological, economic or sexual violence means, and that after being informed about it, they became aware that they had indeed been subjected to violence. Again, as frequently emphasized in stakeholder meetings, violence was not brought up as women's priorities in the first days of the earthquake, and the focus was on shelter and nutrition.

On the other hand, the existence of different types of violence was noted both by the institutions and as a result of field observations. Especially in *Gaziantep*, it was discussed that economic violence is on the rise as a result of the increasing economic difficulties after the earthquake. Again, in stakeholder meetings, it was stated that women with economic security do not endure violence and seek divorce, while those without economic security endure family violence. In *Adıyaman*, men leaving their homes and leaving women behind alone was reported as a form of economic violence. The abuse of women and children by relatives in temporary settlements has been reported as a problem by institutions. Another issue raised by institutions was second wives/multiple marriages, especially in *Kahramanmaraş*.

In *Hatay*, *Malatya* and *Adıyaman*, institutions report that divorces increased after the earthquake. In *Kahramanmaraş*, institutions generally observe an increase in applications for violence response services. In the aftermath of the earthquake, it was pointed out that due to the psychological situation after the earthquake and the tight quarters of families, the slightest argument can lead to violence. It was stated that the number of cases referred to the prosecutor's office doubled almost instantly and that the phenomenon of violence was more concentrated on women. It was also noted that there has been an increase in child abduction and detention due to the change in living conditions after the earthquake. The problem that child abductions increased in *Adıyaman* after the earthquake was also mentioned in FGDs.

In all five provinces, it is expressed by both institutions and women that the personnel serving in the field sometimes assume a “mediation” role vis-a-vis women in situations of domestic violence and instead of taking official steps, encouraging reconciliation among parties, leading to inaction against risks and incidents, hindering women's access to justice. In addition, the limited knowledge of the personnel implementing Law No. 6284 in some regions was also noted as an obstacle to access to justice in relation to violence. As underlined in the CEDAW Committee's General Recommendation No. 33, discriminatory practices are among the most fundamental obstacles to access to justice and States Parties have an obligation to eliminate them.<sup>51</sup> CEDAW Committee considers lack of capacity and awareness to adequately address violations of women's human rights, which include domestic violence, as a discriminatory practice itself,<sup>52</sup> and further mentions to “inadequate case management and evidence collection in cases brought by women, resulting in systematic failures in the investigation of cases”<sup>53</sup> as another. Assuming a mediation role, or limited knowledge of Law No. 6284 are factors contributing to discriminatory practices in context of women's access to justice. In this sense, during multi-stakeholder meetings concept of judicial passivity and the crime of neglect of duty were additionally discussed, as systemic inaction might trigger both in practice.

51 CEDAW/C/GC/33, paras. 20-25.

52 CEDAW/C/GC/33, para. 20.

53 CEDAW/C/GC/33, para. 25.

Another important issue regarding violence is the efficient implementation of the measures taken under Law No. 6284, such as restraining orders. Stakeholders stated that there are coordination deficiencies for measures which require hands-on follow-up by multiple institutions, especially in temporary settlements due to both technical challenges and physical conditions. Therefore implementation of the measures becomes difficult, which may deem legally sound measures null in reality, leading to perpetrator impunity and lower trust to the VAW response system on part of survivors.

#### 4. Negative Coping Mechanisms Due to Economic Problems: “Why do some women make certain mistakes? For the sake of desire or for the sake of bread?”

Due to gender-based economic inequalities, women are at higher risk of poverty during and after disasters.<sup>54</sup> In FGDs, women frequently complained about the lack of jobs and economic support that would help them overcome their psychological distress and gain income thus reduce their dependence on their husbands, fathers or heads of families. The lack of adequate job opportunities to spend their time in container cities, the obstacle of unskilled labor when they want to work, or the lack of gender-sensitive job opportunities were mentioned by different women as “the problem of holding on to life”.

Lack of economic support was listed among the primary problems of women in the region. For example, a woman living alone in Nurdağı expressed this problem as follows:

*There is a problem that I want to emphasize a lot. We have a problem of holding on to life, and that is economic, yes. I mean, all of us are waiting for this [economic] problem [to be resolved], (...) I mean, my life right now depends on a three-month tea-lady job at İŞKUR.<sup>55</sup> Can a woman's life be so cheap? I mean, I really want to curse, I want to curse. There is no economic endeavor or anything to hold on to right now. Excuse me, what should this woman do? Should she fall into bad ways?<sup>56</sup> Beg? Should she steal? What should she do? Why are so many factories built in Antep, Antep is advanced in industry, why aren't some of them built in Nurdağı? Why are women no longer employed? And in Nurdağı they say, “some women make mistakes”.<sup>57</sup> Why do they do it? Is she [making the mistake] because she wants to or because she is in need of a [slice of] dry bread? I believe she does it for the sake of bread, so that she can live a good life, [thinking the man] can feed her, or [the man would smile] and she can make her lover happy.*

In addition to economic reasons, paid work was mentioned as important for healing socio-psychological wounds:

*We need [to work] to overcome our pain. We all need to stand on our own feet to overcome our financial worries. Our bodies will get tired during the day so that we can sleep (...) in the evening when we put our heads down. Because when we are not physically busy with something, when we go to bed at night, the experiences come to our minds. We cannot sleep, we remember our pain.*

In parallel with the above-mentioned statements, prostitution and substance abuse emerged as one of the most prominent negative coping mechanisms and problems mentioned during the field research, both in multi-stakeholder meetings by service providers and FGDs. It should be noted that on both issues, authorities were able to refer to factual risks and incidents. Regarding both problems, it was noted that the weakening of the pre-earthquake investigation mechanisms (including physical loss of neighborhoods and targeted locations, reappointment/transfer of law enforcement bodies who were more acquainted with the province and ongoing prevention and investigation efforts) led to an increase in risks and incidents. For example, in the Adiyaman stakeholder meeting, it was argued that prostitution and substance abuse, which had been occurring in the region before the earthquake, were more freely practiced in the chaotic environment during and after the disaster. It is argued that the damage to the mechanisms that prevent both problems (family, friend and neighbor supervision, expert personnel, etc.) due to the earthquake made prostitution and substance abuse more visible.

54 CEDAW/C/GC/37, para. 4.

55 Translation Note: İŞKUR stands for Turkish Employment Agency.

56 Translation Note: “Kötü yola düşmek” (falling into bad ways) is a term used for “leading an illegal and immoral life”, which for women, in daily use of the phrase, would include prostitution and other forms of sex work.

57 Translation Note: The speaker makes reference to prostitution here, but prefers to use the word “hata” (mistake) in Turkish.

On the other hand, women in FGDs conveyed their observations, in addition to hearsay on both subjects. Therefore, specifically on prostitution, FGDs additionally revealed a certain level of bias among women, based on gendered stereotypes particularly against single women, negatively impacting women in temporary settlement areas. For example, in Hatay, without clear information of unlawfulness or sexual exploitation, some women were convinced that prostitution did occur in their settlement:

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**P6:** For example, there were some people who went to the container in the back, they were caught with tank tops on, but the watchman did not take any action. I mean, I didn't see it, I'm just saying what I heard. I mean, there were men coming to a lot of places, men in tank tops, I'm sorry, they were caught like that because there were people passing by all the time.

**P2:** I have heard of such a trade here.

Researcher: Here? In the container city?

**P2:** In the container city, I even know where it is, I know the woman, but I can't go and tell her, I would get in trouble. Anyway, I mean she is there all the time.

**P5:** Word of mouth is spreading, we don't know if they are lovers or not. We heard it too. There was even an incident that he chased her, [out, wearing a tank top]. She threw herself out, he threw himself out, but we don't know if they are lovers or not. Word spread by word of mouth, even the watchmen went. We also informed them, but we don't know what happened after that. It was even said that he was caught here, that he was being followed up.

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Despite the bias revealed, it was widely believed in the FGDs that women (might) turn to prostitution especially due to economic hardship. In some FGDs, it was claimed that women engaged in prostitution were foreign nationals, while in others it was stated that the problem of prostitution in the region has increased in general, regardless of nationality. In terms of girls, their inability to continue their education or lack of a daily occupation were cited as factors that increase their risk of being engaged in prostitution.

It was also stated that substance abuse has increased as a coping mechanism against economic difficulties, and that users even encourage these substances to children. Concerns about this were discussed in Hatay as follows:

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**P4:** I have heard that too. (...) When we were passing by (...), men and women use a different word for [substances]; 'maybe I took drugs' [they say]. They say it out loud [towards you]. I heard it, but I didn't look back.

**P1:** It's like encouragement, think, what if our children hear [that encouragement].

Researcher: Is it traded?

**P1:** Most likely.

**P4:** There is talk that the police are following [the matter], but will you say "no" after [drugs are already] spread? Why don't you end this immediately, if you know [there are drugs]? I mean we don't want [drugs around]!

**P1:** For example, here, there are people who distribute things, like candy or chocolate. I don't even want to think about [drugs] being distributed to our children, because our children will believe that someone is distributing [drugs, like candy] for charity. Because children take everything that is given to them, I don't even want to think about such a thing being given [to my child].

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Women receive dignity kits filled with essential items tailored to meet the needs of women and girls. Photo: İlkin Eskipehivan / UN Women



## PRIORITIES AND RECOMMENDATIONS

### A. IDENTIFYING AND RESPONDING TO LEGAL PRIORITIES OF WOMEN

Above observations and findings have reflections as legal concepts and institutions in Turkish national law, under the initially determined four discussion themes: private law (contract law, civil law) issues, public law (criminal and administrative) issues, issues related to violence (Law No. 6284, civil and criminal law) and issues concerning children (child protection law and childrens' rights). As the research aimed to shed light on women's legal priorities to be used as a reference for further work which can be conducted during the post-earthquake recovery process for women's access to justice, in addition to what has been laid out in key findings, categorization of legal priorities with clear reference to legal concepts and institutions is useful for governmental and non-governmental local and national actors in or engaging with the justice system.

Priorities in Public Law	Priorities in Private Law	Priorities on Foreseeability for Family Members	Priorities in Ending Violence Against Women and Girls
Law enforcement and watchmen operations, their obligations to act based on complaint	Address declaration	Child abduction and detention	Crimes against sexual inviolability
Reporting crimes for citizens and public officials, and complaints	Exclusion of women from inheritance, earthquake-related aid and receivables within the family	Protection of unaccompanied and separated children	Crimes of physical and psychological violence
Crimes relating to substance abuse and sale	Earthquake subsidies and natural disaster insurance claims	Absenteeism and determination of death	Multiple marriages
Prostitution and human trafficking	Post-earthquake debt deferral, loan debts and subscription agreements	Inheritance	Efficient Implementation of Law No. 6284 to Protect Family and Prevent Violence Against Women
Crimes relating to substance abuse and sale	Earthquake-related compensation lawsuits	Alimony disputes and alimony collection after the earthquake	
Crimes of extortion, looting and theft	Rent disputes	Access to education	
Post-earthquake damage assessment process, loss certificate			
Earthquake-related administrative judicial process			
<b>Cross-Cutting Priorities:</b> Access to Legal Aid, Access to Victim Services			



## B. RECOMMENDATIONS

In order to open up the channels to women's post-earthquake access to justice; **efficient implementation of national legal framework, through enhancing institutional capacities for the duty-bearers of the above framework, including guidance on specific challenges in implementing laws in post-earthquake context is necessary.** States also "have an obligation to uncover and eliminate underlying social and cultural barriers, including gender stereotypes, that prevent women from exercising and claiming their rights and prevent them from accessing effective remedies".<sup>58</sup> Therefore, any intervention targeting duty-bearers and right holders also have to **address gender stereotypes.** Moreover, women's awareness on their rights, their legal literacy, needs to be increased and supported, so that institutions are activated in providing justice services.

In addition to efficiently implementing the national legal framework, the following suggestions can be taken into consideration by governmental, civil society, private sector and international actors engaged in earthquake recovery, to support women's post-earthquake access to justice.

In order to open up institutional, structural and physical channels for women's access to justice:

- **The establishment of units that can provide short-term legal services in temporary settlements** is particularly recommended by relevant bar associations and public institutions. This is also underlined in General Recommendation No. 33 of the CEDAW Committee: "Establish justice access centers, such as "first step centers", which include a range of legal and social services to reduce the efforts women have to make to access justice. These centers can provide legal advice and assistance, initiate legal proceedings, and coordinate support services for women in a range of areas such as violence against women, family problems, health, social security, employment, property and migration. They should be accessible to all women, including poor women and women living in rural and remote areas."<sup>59</sup>



Women receive information about protection mechanisms on violence against women. Photo: Nilüfer Baş / UN Women

58 CEDAW/C/GC/33, para. 7.

59 CEDAW/C/GC/33, para. 17(f).

- Taking into account the fact that one of the main challenges of the legal aid system was the lack of budget before the earthquake,<sup>60</sup> **gender-responsive planning and budgeting** for legal aid services, and assessing the gender-based impacts of eligibility criteria for legal aid should be a priority at central and provincial levels.
- **Accessible and updated information dissemination on the locations and scope of justice services** is recommended for both citizens and service providers, so that case referrals are conducted swiftly. In addition, public transportation alternatives to facilitate women's physical access to "centralized" service provision points may be planned, depending on availability of resources.

In order to address social, cultural and economic barriers to justice:

- **The psycho-social needs of earthquake survivors in the region should be met and the number of missing personnel should be completed.** "States Parties should ensure that detailed policies and budgetary allocations are made for the promotion, protection and fulfillment of women's health rights, including ... mental and psychological health (...)."<sup>61</sup> Psychosocial support is also important in relation to negative coping mechanisms. It is important to increase psychological support services for both women and children, and where relevant, to put in place available legal channels for this, as such, psychosocial support provisions as foreseen in Law No. 6284 and Child Protection Law No. 5395 should be entertained by legal practitioners to trigger action at administrative level where possible.
- **Women's economic empowerment in the earthquake region should be a priority area for programming and resource mobilization**, in order to support both financial and psychosocial welfare of women impacted by the earthquake.
- **Targeted programmes should be made for youth and children**, in order to mitigate risks of negative coping mechanisms, including child early and forced marriages, drug abuse, and survival sex.
- **Community-based interventions need to be developed** by engaging local actors in supporting women's access to justice. Programming with local bar associations, civil society organizations and institutions are necessary, to better identify and address women's legal concerns, in a culturally-sensitive manner.

Finally, further research into women's post-earthquake access to justice and overall access to services continues to be an area worth exploring, in order to reveal undisclosed matters not yet shared by women and girls in the earthquake region.



A woman walks with her child through the container city in Hatay. Photo: UN Women / Sena Şar

60 Uygur, p. 55 et. seq.

61 CEDAW/C/GC/37, para. 65.

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For more information about efforts to end violence against women and girls in Türkiye, and how you can support, please get in touch with [evaw.türkiye@unwomen.org](mailto:evaw.türkiye@unwomen.org). For more information on how UN Women is responding to the earthquakes' devastating impacts on women and girls, please visit the [website](#).

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