



TÜRK
KIZILAY

LEGAL COUNSELLING ACTIVITIES OF TURKISH RED CRESCENT COMMUNITY CENTERS FOR MIGRANT WOMEN

2024



DEPARTMENT OF MIGRATION PROGRAMME DEVELOPMENT AND COORDINATION



TÜRK
KIZILAY

LEGAL COUNSELLING ACTIVITIES OF TURKISH RED CRESCENT COMMUNITY CENTERS FOR MIGRANT WOMEN

Prepared by

Aybike Kaplan
Ebru Özcan

Contributors

Mehmet Kartal
Halime Özer
Zeynep Nur Sarı
Ceyda Babaoğlu

Graphic Design

Eren Koçyiğit

"We would like to extend our sincere thanks to Turkish Red Crescent Community Based Migration Programs Coordination, Protection and Cohesion Programme Managers and Field Staff who contributed to the completion of the study by sharing their valuable knowledge and experience, and to Merve Renan Türkkulu for coordination support."

Türkiye Kızılay Derneği Yayınları
Ankara, Türkiye
AUGUST 2024

Contents

INTRODUCTION	
1.ACCESS TO LEGAL SERVICES BY MIGRANT WOMEN IN TÜRKİYE	6
1.1.Legal Framework on Migration Management in Türkiye	8
1.2.Tools for Accessing Legal Rights for Migrant Women	8
1.3.Turkish Red Crescent Community Centers Protection Programme Programme Activities	11 14
2.METHODOLOGY	14
2.1.Purpose of the Study	16
2.2.Research Method	15
2.3.Data Collection Tools	16
2.4.Limitations of the Study	
3.FINDINGS	17
3.1.Profile of Migrant Women Reached through Legal Support Activities of TRCS Community Centers	17
3.2.TRCS Community Centres Legal Support Tools	19
3.2.1. Content of Migrant Women's Requests for Legal Support	19
3.2.2.Legal Support Tools Provided by Community Centers	20
3.3. Major Factors Facilitating and Constraining the Legal Aid Process	21
3.3.1.Language Competence and Language Barrier	23
3.3.2.Awareness of Legal Rights and Obligations	24
3.3.3.Education and Socioeconomic Status	25
3.3.4.Cultural Habits and Social Cohesion	26
3.3.5. Follow-up and Cooperation	27
4.CONCLUSION AND RECOMMENDATIONS	28
5.REFERENCES	30

ABBREVIATIONS

EU: European Union

AFAD: Disaster and Emergency Management Presidency

ASHB: Ministry of Family and Social Services

UN :United Nations

EMN European Migration Network

DMM: Directorate of Migration Management

DGMM: Directorate General of Migration Management

MEB: Ministry of National Education

ŞÖNİM: Violence Prevention and Monitoring Center

TRC: Turkish Red Crescent

CC: Community Center

TTGP: Community Based Migration Programmes Coordinatorship

UNHCR: United Nations High Commissioner for Refugees

KVKK: Personal Data Protection Law

YUKK: Law on Foreigners and International Protection

Table of Figures

Figure 1: Distribution of the Number of Syrians in Türkiye by Gender and Age / May.2024	9
Figure 2: Service Points of TRCS Community-Based Migration Programmes Coordinationship	10
Figure 3: Number of Turkish Red Crescent Community Centers Protection and Social Cohesion Programmes Staff as a Research Sample	11
Figure 4: Nationalities of Research Sample Migrant Women	13
Figure 5: Gender of All Legal Counseling Beneficiaries of Community Centers	15
Figure 7: Age Groups of All Migrant Women Beneficiaries of Community Centers	17
Figure 8: Number and Name of Community Centers Providing Legal Support and Beneficiaries to Migrant Women	18
Figure 9: Contents of Legal Assistance Provided to 12828 Migrant Women by Community Centers	18
Figure 10: Contents of Legal Assistances Received by Sample Group of Research from Community Centers	19
Figure 11: The Effect of Language Barrier in Restricting the Legal Counselling of Migrant Women Beneficiaries	19
Figure 12: The Facilitating Effect of Accompaniment and Translation Support on the Legal Support Process of Migrant Women Beneficiaries	21
Figure 13: Impact of Awareness of Legal Rights on Facilitating the Legal Support Process of Migrant Women Beneficiaries (Field Workers' Assessment)	21
Figure 14: Contribution of Legal Counselling Activities to the Daily Lives of Migrant Women (Beneficiaries' Assessment)	23
Figure 15: Graduation Degrees of Research Sample Group of Migrant Women from Originated Countries	23
Figure 16: Attending to Education after Migration	24
Figure 17: Monthly Household Income of Migrant Women in Research Sample	25
Figure 18: Status of Regular Income in the Households of Migrant Women (%) of Research Sample	25
Figure 19: Migrant Women's Year of First Arrival in Türkiye	26
Figure 20: Parenthood Rate of Migrant Women (%)	26
Figure 21: Tendency to Follow Judicial Proceedings of Migrant Women Beneficiaries (Field Workers' Assessment)	27
	27

Legal Counselling Activities of Turkish Red Crescent Community Centers for Migrant Women

1. Introduction

Migration is a dynamic phenomenon that is directly and indirectly affected by cultural, social and economic changes in every period of history. Since the existence of humanity, there has been migration mobility.

As the sub-causes of individual and social displacement diversify, the process, dimension and effects of migration also diversify. If there is migration mobility in a place, the type of migration can be understood by analysing the sub-causes that underlie it (Collyer, 2014). Ideally, it is ideal that the decision to migrate should be made without feeling pressure on the individual's own manifestation and that he/she can determine his/her route, but never having the opportunity to make this choice; forced displacement is one of the most common migration movements today. The European Migration Network (EMN) defines forced migration as follows:

“

...Forced Migration: migration movements where there is an element of coercion that threatens life and livelihoods due to human or natural causes (these migration movements may consist of refugee or internal displacement as well as sub-causes such as natural disasters, nuclear and chemical disasters, famine, development projects)

[1]...”(EMN, 2024)



One of the objectives of the Turkish Red Crescent 2021-2030 Strategic Plan under the heading of Strengthening Social Resilience is "**Supporting People Affected by Migration**". In this context, it is aimed to reach the migrants in our country with social assistance, economic resources and activities to support social cohesion. In the Strategy Document,[2] :attention was drawn to the increasing migration flows towards our country in the last decade and the following explanation was given:

“

“...Turkish Red Crescent, in cooperation with national and international institutions and organisations, has set as a goal to provide humanitarian services to individuals and communities who are affected as a result of migration movements. In line with this purpose; it aims to provide emergency and temporary shelter services and social assistance in areas with high migration flows in order to prevent migration on the spot, to carry out activities to ensure the social cohesion of migrants living in our country, to provide social assistance in line with the needs, and to support migrants who want to return voluntarily...” (Türk Kızılay 2021-2030 Strategic Plan).

The Turkish Red Crescent Society, which has 155 years of history in national and international humanitarian aid activities, has been providing humanitarian aid support to forced migrants crossing through Türkiye's borders since 2011 in line with its charter, adhering to the basic principles of the International Red Crescent Red Cross Movement.

Since the beginning of the "*Syrian Humanitarian Crisis*", which started on 15 March 2011 in Syria, Türkiye's neighbouring country, and led to the forced displacement of millions of people due to threats to their safety, Türkiye has been developing immediate and long-term interventions for the migrants. As part of its response to the vulnerable communities created by this migration flow, TRCS established its first Community Center in Şanlıurfa province on 20 January 2015 in line with the needs of migrants living outside camps and the host communities they live with. Today, under the umbrella of TRCS Community-Based Migration Programmes, 19 Community Centers, 3 Child Protection Centers and 8 Mobile Teams in 18 provinces carry out remedial activities for host and migrant communities.

This study aims to understand the importance of supporting migrant women's awareness of their fundamental rights and obligations, the importance of supporting their access to mechanisms where they can exercise their legal rights, and the quality of "legal counselling" activities provided through Turkish Red Crescent Community Centers in this regard.

[2]<https://www.kizilay.org.tr/Upload/Editor/files/Türk%20Kızılay%202021-2030%20Stratejik%20Planı-Türkçe.pdf>

[3]<https://toplummerkezi.kizilay.org.tr/>



1.ACCESS TO LEGAL SERVICES BY MIGRANT WOMEN IN TÜRKİYE

1.1.Legal Framework on Migration Management in Türkiye

The vulnerability of forced migrants with asylum-seeker or refugee status and the need to develop protection intervention mechanisms start before the migration journey. For this reason, protection interventions should start not only in the new settlement but also in the border regions where the migration route is located. At the beginning of the Syrian Humanitarian Crisis, 252 Syrian citizens crossed the Cilvegözü Border Gate on 29 April 2011, marking the beginning of mass migration flows from Syria to Türkiye (AFAD, 2016). In order to provide basic living needs such as shelter, food and heating to these people in difficult situations, cooperation with national and international organisations was made under the coordination and cooperation of the Turkish Red Crescent (TRC) and the Disaster and Emergency Management Presidency (AFAD). Temporary accommodation centers were established following the border camps. As the time spent in Türkiye prolonged, the tendency to migrate to the inner cities increased for reasons such as access to livelihoods and adaptation.

The "*Law on Foreigners and International Protection*", which regulates the procedures and principles regarding the entry into, stay in and exit from Türkiye of foreigners and the scope and implementation of the protection to be provided to foreigners requesting protection from Türkiye, entered into force. Law No. 6458 on Foreigners and International Protection (LFIP) was approved on 10.04.2013 and published in the Official Gazette No. 28615 dated 11.04.2013 [4]. This law, which is intended for all foreigners arriving at the Turkish border and requesting passage, comprehensively defines the types of international protection, border crossing procedures, the scope of deportation decisions, residence permits, vulnerable situations (unaccompanied minors, statelessness, etc.).

Data on the demographic characteristics of migrants in Türkiye, such as gender, age and nationality, are regularly shared by the Directorate of Migration Management (DGMM). According to the statistics published on the residence and other information of Syrian nationals, who constitute the largest migrant population in Türkiye, the number of Syrians under temporary protection status registered in Türkiye was updated as 3 million 115 thousand 536 people in May 2024[5].

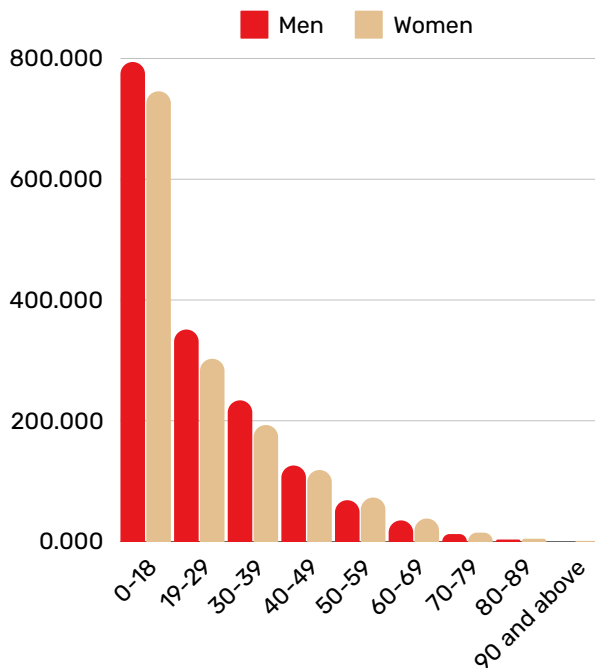


Figure 1: Distribution of the Number of Syrians in Türkiye by Gender and Age / May.2024

(Source: Directorate of Migration Management)[6]

Apart from the part reflected in official statistics, there are undocumented migrants all over the world. Combating irregular migration is one of the priority agendas of the Ministry of Interior of the Republic of Türkiye, as the protection of undocumented migrants is limited in terms of risk assessments and enabling response mechanisms. Türkiye's location between the Middle East and Europe makes it a target for irregular migration routes, especially along its coastline. Millions of migrants embark on these journeys despite the high risk of life safety risks and the possibility of not completing the journey; human smugglers and trafficking criminals who exploit the victimisation of migrants have become widespread all over the world (Spencer & Triandafyllidou, 2022). Mobile vehicle, which were launched for this purpose and were a first in the world, enabled the detection of a large number of irregular migrants in a short time. This application, which started in İstanbul as a pilot application in July 2023, currently operates in 59 provinces with 165 vehicles[7].

Especially in the last decade, while migrations caused by conflict, persecution, climate change and natural disasters have increased irregularly and dramatically in the world, undocumented displacements as migrants without identity documents have been the obvious consequences of this chaos (Gonzales vd, 2019). It is common for migrants without official identity records to be seen as unregistered cheap labour everywhere in the world, their tendency to be exposed to rights violations is high, and detection and interventions against protection risks are not developed.

[4] <https://www.mevzuat.gov.tr/mevzuatmetin/1.5.6458.pdf>

[5] <https://multeciler.org.tr/turkiyedeki-suriyeli-sayisi/>

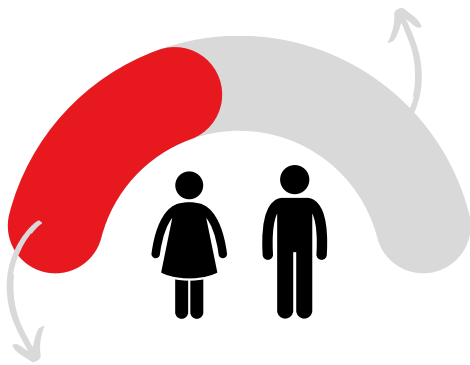
[6] PMM Official: www.goc.gov.tr

[7] <https://www.goc.gov.tr/goc-idaresi-baskani-atilla-toros-son-bir-yilda-401-bin-325-duzensiz-gocmen-turkiyeyi-kendiliginden-terk-ett-merkezicerik>

1.2. Tools for Accessing Legal Rights for Migrant Women

Syrian migrants in Türkiye

52.2% men



47.8% women [8]

Almost half of Syrian migrant women are in the 0-18 age group. The rights of this age group, which includes childhood and early adolescence, such as protection by parents or other caregivers, ensuring their safety, providing nutrition and self-care that will ensure their healthy growth, and their inclusion in compulsory basic education are protected by law.

“

Explanation of Article 1 of Law No. 6284:

"...This Regulation covers the protection of women, children, family members and victims of unilateral stalking who have been subjected to violence or who are at risk of being subjected to violence, and the prevention of violence against these persons, and the measures to prevent violence against persons who commit or are likely to commit violence, and the procedures and principles regarding the taking and implementation of these measures[9] ..."

Violence creates traumatic effects on the people exposed to it and damages both physical and mental health (Birinci & Özdemir, 2023). In cases of protection risk detection, denunciation and complaints to protect children and families who are victims of violence or at risk of being subjected to violence, the Provincial and District Directorates of the Ministry of Family and Social Services (MoFSS), Violence Prevention and Monitoring Centers (ŞÖNİM), law enforcement agencies (police, gendarmerie and coast guard units), judicial authorities and hospitals step in and develop support for the needs. For victims of violence in the household, remedial interventions such as protective measures, safe shelter and living spaces, social assistance supports, psychosocial counselling, health report and treatment are developed.

Although Law No. 6284, which is a very comprehensive regulation [10], comes first in protecting women and the family, other laws and legislation also protect migrants against rights violations. It is open for them to apply to the relevant institutions and organisations in Türkiye for any restrictive obstacles to their access to legally framed rights and services. Law No. 6284, which immediately puts in place formal mechanisms to end the risky situations of women who have been subjected to rights violations, provides an opportunity to take protective and preventive measures in many host and migrant families.

[8] <https://multeciler.org.tr/turkiyedeki-suriyeli-sayisi/>

[9] <https://www.mevzuat.gov.tr/MevzuatMetin/1.5.6284.pdf>

[10] <https://www.mevzuat.gov.tr/File/GeneratePdf?mevzuatNo=17030&mevzuatTur=KurumVeKurulusYonetmeligi&mevzuatTertip=5>

1.3. Turkish Red Crescent Community Centers Protection Programme Activities

The main objective of Community-Based Migration Programmes is to contribute to the development of social resilience and a culture of coexistence by strengthening the psychological, social and economic well-being of all vulnerable communities and individuals. In line with this purpose, operational activities are carried out in community centers with protection and social cohesion, health and psychosocial support, socio-economic empowerment teams for host and migrant communities.



Figure 2: Service Points of TRCS Community-Based Migration Programmes Coordinationship

The Protection and Social Cohesion Programme, which operates within TRCS Community Centers, reaches out to people at risk of protection in host and migrant communities through remedial interventions and awareness raising activities. Protection interventions including internal and external referrals, in-kind assistance, legal counselling, trainings and seminars, notifications are developed to reduce situations that pose a risk of vulnerability (violence and abuse victimisation, violation of rights, lack of awareness and information, need for legal representation, internal and external factors that create barriers to access to basic rights and services, etc.). Depending on the subjective situation of the person, it is prioritised to include him/her in one or more protection interventions, to keep him/her informed about the process from the beginning to the end, to provide information and institutional meetings, and to provide follow-up support.

“

"Legal Counselling", one of the most active activities of TRCS Community Centers' protection programmes, has been carried out at the community centers since 2017. Legal counselling and awareness seminars on petition writing, basic rights and obligations are organised in cooperation with expert lawyers registered with the bar association of the province where the community centers are located. For counselling and other activities involving migrant communities, competent interpreters provide translation support to both lawyers and beneficiaries. Migrant women's awareness of their legal rights and obligations, awareness of judicial processes, and knowledge of the application mechanisms that they can benefit from in case of need contribute directly and indirectly to the acceleration of their social cohesion processes.



In the interview, counselling, orientation, seminar and training stages of legal support activities, competent lawyers are appointed. In individual consultations within the scope of legal support activities, planning is made in advance for the beneficiary and the lawyer to meet with the protection and cohesion programme staff and an interpreter.

“

The places where the beneficiary and the lawyer meet are not limited to community centers, but mobile legal aid is also provided to remote areas. Depending on the demand and content, there are different areas such as community centers, field surveys, training and awareness seminars, and events. Collaborations with local institutions and organisations also ensure that legal counselling reaches more people. Protection field staff and interpreters are present at all meetings.

The content of the support provided to the persons involved in legal counselling activities is recorded in the software of the community centers on an individual basis. **Progress throughout the intervention is meticulously recorded and reported in the software. Beneficiary information is protected in accordance with the Law on the Protection of Personal Data[11] (KVKK).** The content of the applicant's request, the path followed, and other protection risks identified at this stage, if any, are recorded with dates. Cases whose process is terminated are also indicated as closed. Thanks to the case tracking processes meticulously entered into the software, the protection interventions developed, and their effects can be evaluated.



[11] <https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=6698&MevzuatTur=1&MevzuatTertip=5>

2.METHODOLOGY

2.1.Purpose of the Study

It is aimed to raise awareness of migrant women on their fundamental rights and obligations, the importance of supporting their access to mechanisms where they can exercise their legal rights, and to present the scope and quality of "legal counselling " activities provided through TRCS Community Centers in this regard.

2.2.Research Methods

The study utilised qualitative and quantitative mixed research methodology. Questionnaires containing the evaluations of 151 women beneficiaries, who were provided legal counselling support by Turkish Red Crescent Community Centers through competent lawyers, were used. In addition to the migrant women beneficiaries, 64 field staff working in the protection and cohesion programme of the community centers were also sent a different questionnaire form including the evaluation of the legal support activities.

Thus, in the research, inferences were made from the observations and experiences of the two sample groups. The outputs of the two different questionnaires addressed to the protection and cohesion programme staff working in the field of community centers and the migrant women who received legal assistance are evaluated and presented both qualitatively and quantitatively. Quantitative data from the TRCS Community Centers Case Software were analysed to support the research findings. The findings of the Community Centers Case Software and the field research conducted on the sample group are parallel and support each other. In addition to the field research data, a literature review was conducted on publications and research on migration, conceptual framework of migration, and migrant women's access to legal assistance from Türkiye and the world. .



2.3. Data Collection Tools

The data collection tools of the research included one-to-one interviews, evaluation of the responses of the questionnaires conducted with two separate sample groups through the Kobo Toolbox platform, outputs of the Turkish Red Crescent Community Centers Case Software, references from current publications and websites from around the world.

Within the scope of the fieldwork of the research, 64 field staff from the protection and cohesion programme who are actively involved in the operational activities of TRCS Community Centers and 151 migrant beneficiaries who receive legal counselling support from community centers participated.

It was ensured that the field personnel participating in the survey were from community centers in provinces where legal consultancy and other support were provided. The number of personnel who participated in the survey and the names of the community centers are shown in the graph below.

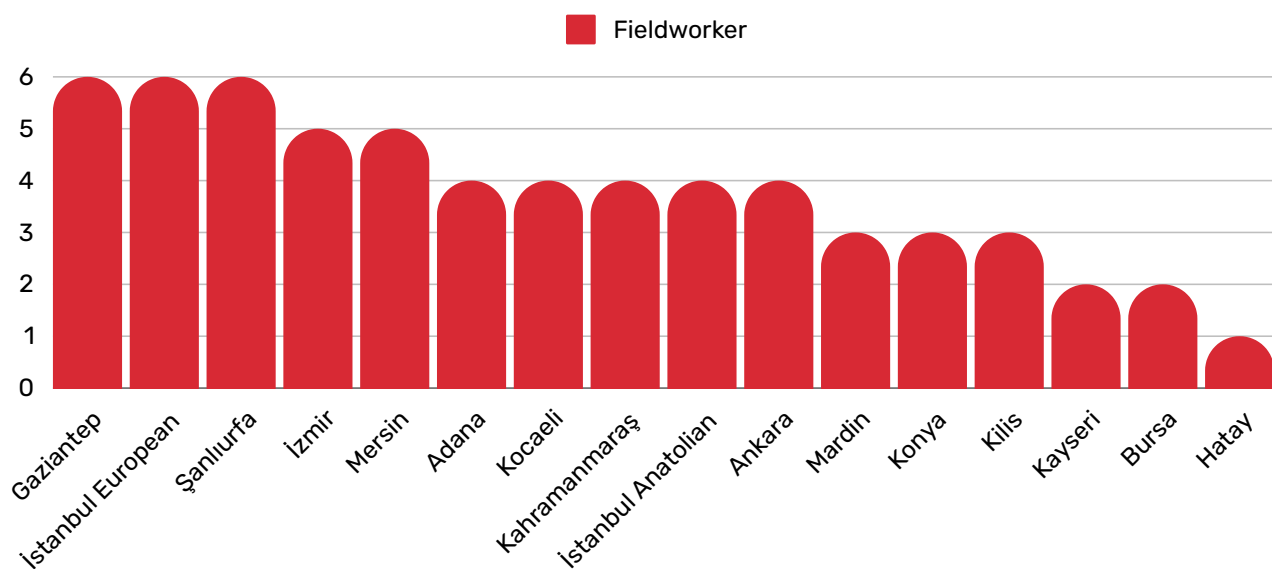


Figure 3: Number of Turkish Red Crescent Community Centers Protection and Social Cohesion Programmes Staff as a Research Sample

In addition to the Protection and Cohesion Programme staff, migrant women beneficiaries who received legal support from the community centers were also asked survey questions related to their experiences and observations. 151 women beneficiaries participated in one-to-one interviews with the support of an interpreter. The sample of migrant women reached within the scope of the study consists of those who received legal counselling support from Adana, Ankara, Bursa, İstanbul Anatolian Side, İstanbul European Side, Bursa, Gaziantep, Mardin, Kilis, Kahramanmaraş, Şanlıurfa, İzmir Community Centers. Thus, it is aimed to ensure the participation of migrant women and field staff from different regions of Türkiye.



Participants of Syrian nationality, who constitute the majority of the beneficiaries of the community centers and are the most common migrant profile in our country, were also at the highest rate in the research sample. The age distribution of migrant women participating in the research is also quite wide. The oldest of the migrant women constituting one of the research samples is 74 years old and the youngest is 19 years old. It was taken into account to ensure that the participants were above the age of 18.

The database of the Turkish Red Crescent Community Centers Case Software were also included as supporting quantitative data. A literature review was completed by utilising current data and publications with a focus on migrant women.

2.4.Limitations of the Study

The main limitation encountered during the continuation and completion phases of this study is the insufficiency of current research data in Türkiye and the world specific to migrant women's access to legal rights and services. Another limitation is that the research sample consists of migrant women who are beneficiaries of community centers. Although there are many publications and evaluations on migrant women, studies analysing the medium and long-term response of legal support activities are limited. In addition, migrant women who have never been involved in community centers services cannot be reached.

3.FINDINGS

3.1.Profile of Migrant Women Reached through Legal Support Activities of TRCS Community Centers

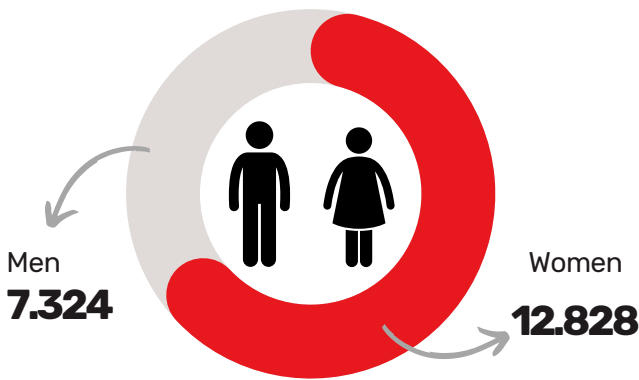


Figure 5: Gender of Community Centers All Legal Counseling Beneficiaries

It is observed that the number of migrant women involved in legal support activities for migrant women in TRCS Community Centers is higher than that of migrant men. This rate points to the importance of extending legal support activities to migrant women.

“

Syrian women constitute 90.3% of the migrant women beneficiaries reached within the scope of legal support activities of TRCS Community Centers. It is clear that the migration profile in our country has an impact on this situation. On the other hand, it is seen that migrants from different parts of the world; not only from border neighbours but also from African, Asian and European countries are supported with legal counselling.

TRCS Community Centers reach a large number of people of different nationalities with their activities. The highest number of migrant women to whom TRCS Community Centers provide legal support is of Syrian nationality (11544 people).

After Syria, the countries of origin with the highest number of women beneficiaries are: Afghanistan (567 persons), Azerbaijan (188 persons), Iraq (179 persons), Iran (146 persons), Palestine (31 persons), Morocco (30 persons), Lebanon (28 persons), Uzbekistan (20 persons), Ukraine (19 persons), Turkmenistan (18 persons), Somalia (12 persons), Egypt (8 persons), Sudan (7 persons), Tajikistan (4 persons), Pakistan (3 persons), Jordan (3 persons), France (3 persons), Algeria (2 persons), Yemen (2 persons), Kyrgyzstan (3 persons), Libya (1 person), Moldova (2 persons), Russia (1 person), Saudi Arabia (1 person).



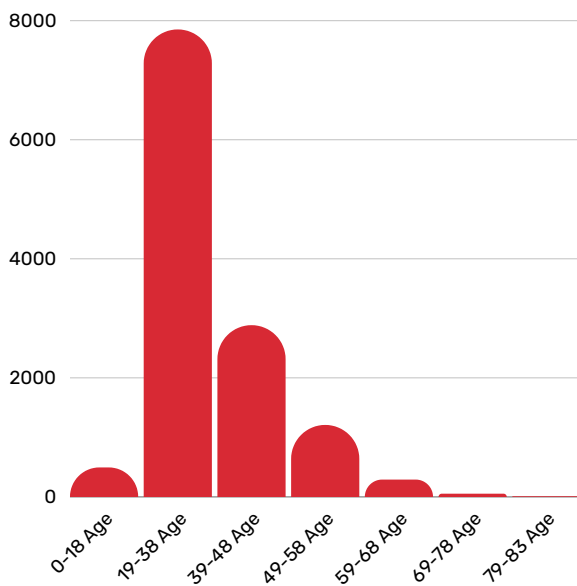


Figure 7: Age Groups of All Migrant Women Who are Beneficiaries of Community Centers

The majority of migrant women beneficiaries who receive legal counselling support from TRCS Community Centers are between the ages of 19-38. Although this age range constitutes the majority, it is noteworthy that this service of the community centers can provide access to all age groups. The highest age group of beneficiaries applying for legal counselling is 83 years old, and there are also families or caregivers applying for babies under 1 year of age who generally want to receive legal counselling on identity registration procedures.

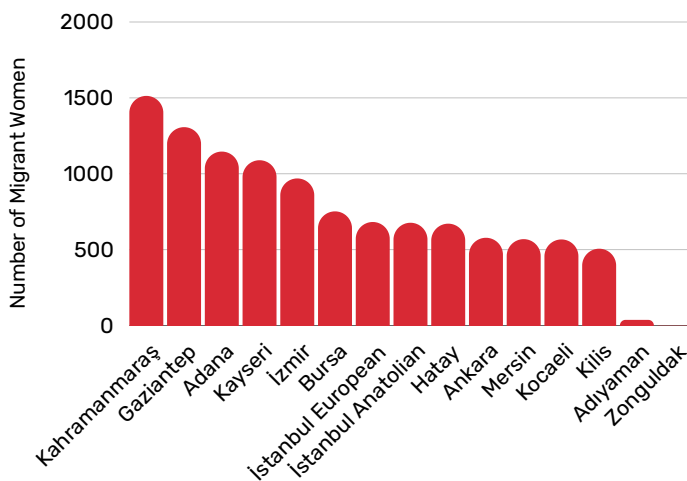


Figure 8: Name of Community Centers Providing Legal Counselling and Beneficiaries of Migrant Women

The proportion of migrant women provided with legal counselling by community centers is affected by the high proportion of migrants in the region where the community center is located. Due to the size of Istanbul and the fact that it is the province with the highest number of registered migrants, there are two community centers on two different sides. Both centers, located on the Anatolian and European sides, provide legal support to host and migrant communities. Another factor is the presence of legal support activities of the UN and other organisations in the area where the community center is located.



3.2. TRCS Community Centers Legal Counselling Tools

3.2.1. Content of Migrant Women's Requests for Legal Counselling

In legal support tools provided through TRCS Community Centers, the content of the support or support provided is reported. The subject and progress of the legal support provided to community center beneficiaries are reported step by step by the field staff following the process.

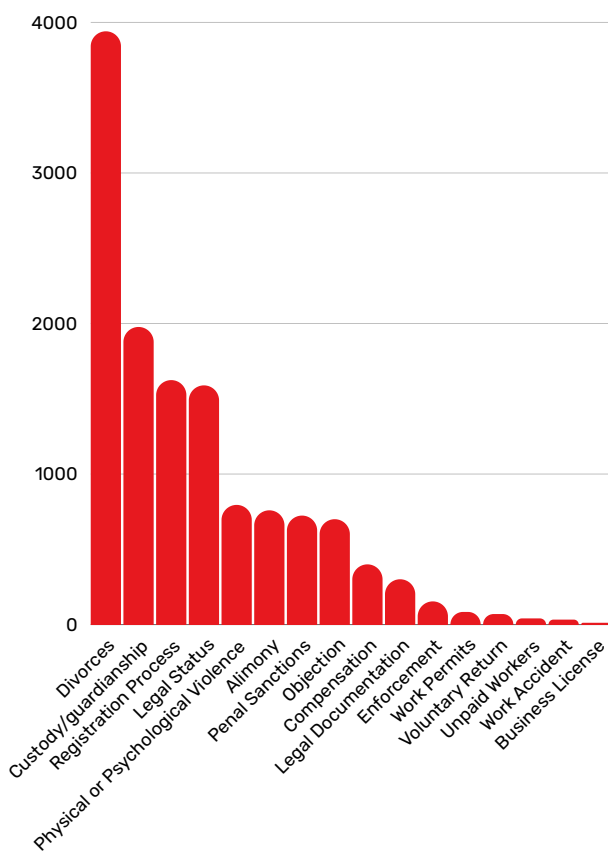


Figure 9: Contents of Legal Assistance Provided to 12828 Migrant Women by Community Centers

-It is observed that 50.7% of the migrant women beneficiaries who received legal assistance received support on divorce procedures, alimony, custody/guardianship processes. One of the prominent needs of migrant women is to be informed about the protective laws of the country they reside in when their marital status changes. In this context, the need to raise awareness on legal status and rights also comes to the fore.

-For applications received on the grounds of physical and psychological violence, intervention mechanisms including referrals to ŞÖNİM (Violence Prevention and Monitoring Centers), ASHB (Ministry of Family and Social Services), law enforcement officers and health institutions are immediately put into practice.

-Although not as high as divorce and violence, requests for legal support in official paperwork procedures such as legal document procedures, compensation, criminal proceedings, work permits, etc. are generated. Referrals and information are actively provided to community center programmes that support migrant women's employment and regular registration procedures.

-In cases where the beneficiary needs different legal assistance on more than one issue, multidimensional protection interventions involving more than one mechanism can be implemented.

3.2.2. Legal Assistance Tools Provided by Community Centers

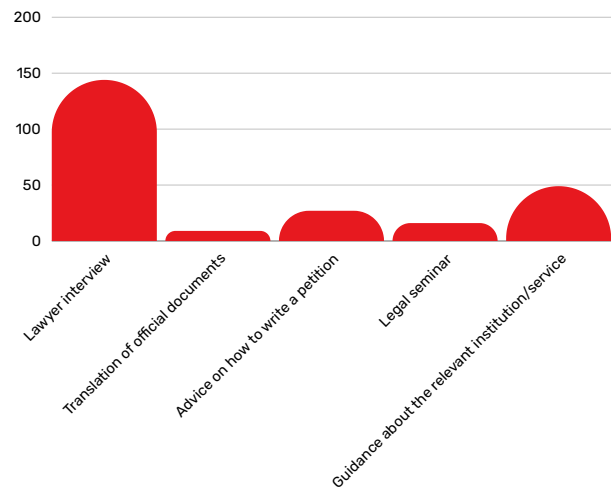


Figure 10: Contents of Legal Assistances Received by Sample Group of Research from Community Centers

-Bringing the beneficiary together with competent lawyers contracted by the community centers has been the most widely used legal support tool. The lawyers provide detailed information on the procedure to be followed according to the beneficiary's request.

-Legal information and awareness seminars organised by the community centers are given by the relevant lawyers according to the content of the seminar (work permits, Law No. 6284, child marriages, continuity of education in children, health rights, etc.) and the questions of the participants are answered.

-In order to provide legal support to migrant women during the pandemic, community centers have rapidly increased their capacity for remote counselling and guidance activities. Beneficiaries were reached by providing legal support seminars remotely through social media and other online tools, online legal counselling support through the Kobo platform, and interpreter-assisted interviews through multiple calls.

-Field workers distributed "protection cards" introducing the support mechanisms that households with restrictions on going out and experiencing violence and other victimisation during the pandemic period could apply for.



-Translation of official documents such as identity cards and family certificates that beneficiaries had before the migration process is also included in the legal support processes. The legal support tools of the community centers can be used alone or in combination depending on the specific situation of the beneficiary.

3.3. Major Factors Facilitating and Constraining the Legal Counselling Process

It is aimed to contribute to the study by identifying the factors that make this process efficient and active for migrant women beneficiaries who receive services from TRCS Community Centers within the scope of legal support activities, as well as the factors that make this process difficult and prolonged. The field staff of the 64 Protection and Cohesion Programme in the provinces where the community centers are located were asked questions about the external factors that both accelerate and facilitate and complicate and prolong this process while providing legal support services to migrant women beneficiaries. In addition, 151 migrant women from 15 different provinces who received legal counselling from community centers were also asked about their experiences in legal support processes, barriers and facilitators. The responses received from both groups were evaluated and it was understood that the responses of both beneficiaries and field staff generally pointed to the same challenging and facilitating factors. In this context, the factors that facilitate and complicate the process are categorised and detailed under the following headings.

3.3.1. Language Competence and Language Barrier

As with all other support provided by the community centers to their beneficiaries, the fact that the beneficiaries have the ability to speak and speak Turkish in legal counselling is decisive in accelerating the intervention mechanisms.

-Although they have been in Türkiye for more than ten years, the inability to communicate in Turkish is quite common among migrant women. This situation causes them to be constantly dependent on interpreters in their daily lives and in the processes of receiving support from community centers. The number of beneficiaries who receive support from their family or close relatives while carrying out their daily work outside their homes and from interpreters in community center legal counselling activities is quite high.

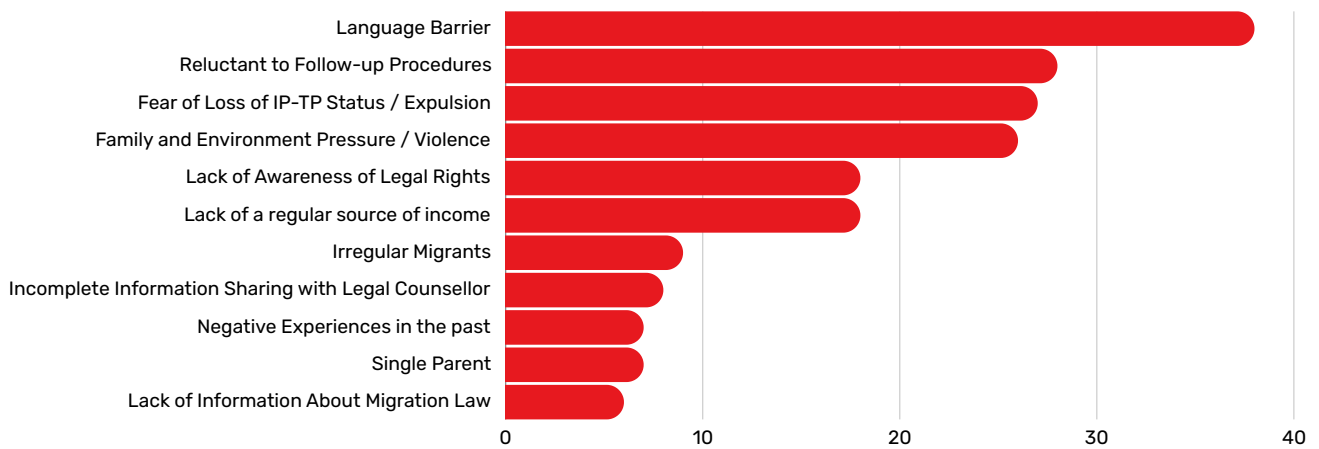


Figure 11: The Effect of Language Barrier in Restricting the Legal Counselling of Migrant Women Beneficiaries

59.38% of the research participant field staff stated that the fact that the beneficiary does not speak Turkish, even at a basic level, complicates and prolongs the stages of the legal support process. Language competence plays an effective role not only for women but also for all migrants in accessing rights and services.



Figure 12: The Facilitating Effect of Accompaniment and Translation Support on the Legal Support Process of Migrant Women Beneficiaries

Accompaniment and translation support provided by the applicant's family and other relatives also have positive effects on the progress of legal processes. 52% of the research participant field staff stated that community center accompaniment and translation support facilitated the legal support processes provided to migrant women.

“

-The fact that the beneficiary does not speak Turkish, even at a basic level, makes it difficult for the beneficiary to advance the processes of judicial referrals, follow-up of litigation processes, and transactions with other institutions and organisations. The level of Turkish language competence directly and indirectly affects migrant women's ability to receive legal support. In addition, according to the beneficiary evaluations, the translation and accompaniment support provided by the staff of the TRCS Community Centers facilitates migrant women to continue their legal proceedings.



3.3.2. Awareness of Legal Rights and Obligations

The United Nations High Commissioner for Refugees (UNHCR) has declared Türkiye^[12] as the country with the world's highest population of forced migrants. Türkiye is in agreement with many national and international conventions on the protection of the fundamental rights of migrants. According to the field findings of the research, as the awareness of migrant communities about their legal rights and obligations increases, the level of social cohesion, access to rights and services, and socioeconomic welfare also increases. In particular, migrant women's awareness of their legally protected rights and implementation mechanisms in Türkiye plays a role in increasing resilience for women and families.



Figure 13: Impact of Awareness of Legal Rights on Facilitating the Legal Support Process of Migrant Women Beneficiaries (Field Workers' Assessment)

-70% of research participant field staff stated that the awareness of migrant women beneficiaries about their legal rights facilitated the legal support stages. TRCS Community Centers programmes present the legal framework protecting women and the family within the community center and in activities with stakeholder organisations through seminars, collaborations, capacity strengthening activities, field visits, with competent staff and experts.

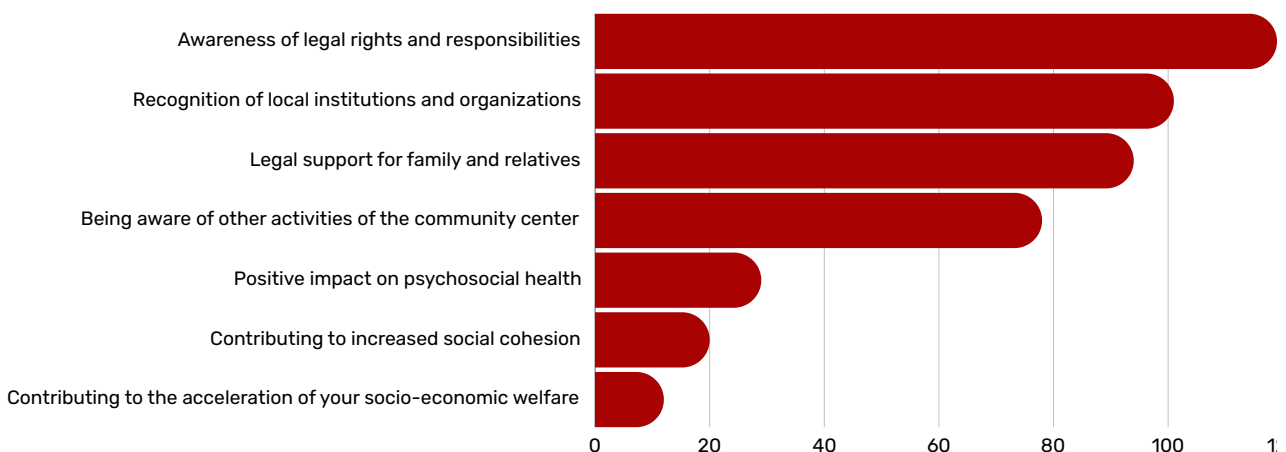


Figure 14: Contribution of Legal Counselling Activities to the Daily Lives of Migrant Women (Beneficiaries' Assessment)

[12] <https://www.mevzuat.gov.tr/mevzuat?MevzuatNo=6698&MevzuatTur=1&MevzuatTertip=5>

-78.81% of 151 migrant women who participated in the research stated that their awareness of their legal rights and freedoms in Türkiye increased after benefiting from the legal support of community centers. This result shows that legal support activities have positive contributions to the adaptation and awareness of migrants.

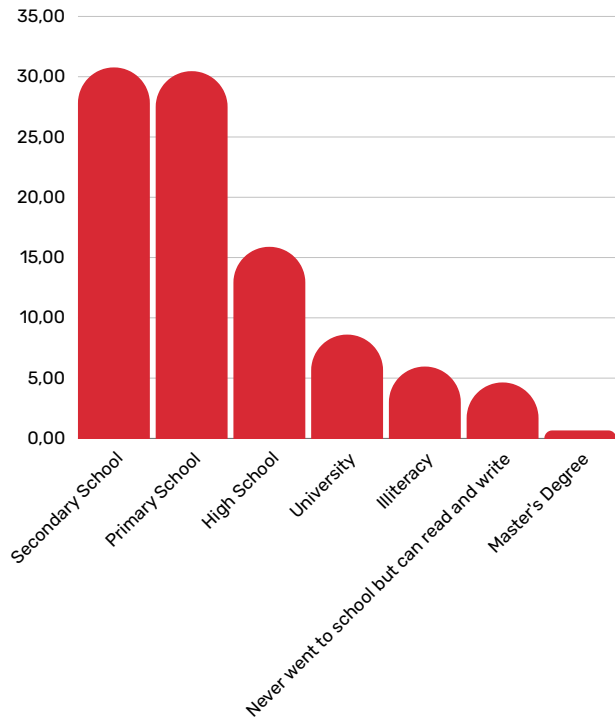


Figure 15: Sample Group of Migrant Women' Graduation Degrees from Originated Countries



-As migrant women's awareness of their legal rights increases, the ability to create demands in courthouses and other institutions, to fulfil official obligations, to receive support from law enforcement officers in cases of violence and similar protection risks, and to actively use complaint and feedback mechanisms directly and indirectly increases.

3.3.3. Education and Socioeconomic Status

The level of education or professional competences of migrants is instrumental in improving their socio-economic well-being and building social bonds. In particular, as the level of vocational or academic education of migrant women increases, their opportunities to be included in employment and to develop awareness of their basic rights and services also increase.



-Interruption of education during the process of forced migration is a common situation. Factors such as cultural habits, isolation, socioeconomic status, age, and women's household responsibilities play a role in the regular continuity of education in the country of migration. The high rate of illiteracy among the migrant women who participated in the research stands out. Field staff also stated that the researcher's level of education played a role in her access to legal support mechanisms.

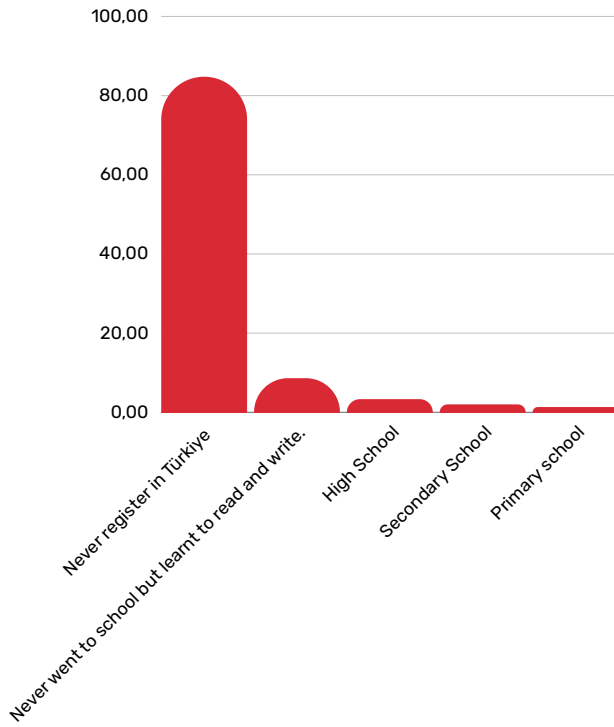


Figure 16: Attending to Education after Migration

-It has been learnt that although migrant women are legally allowed to participate in education after their arrival in Türkiye, their participation is quite low. A significant number of them migrated to Türkiye before coming of age and were not included in opportunities such as equivalency exams, distance education opportunities and literacy courses. The most common reasons for this situation are women's high household responsibilities, prioritising access to education and employment for men in the household, low awareness of legal rights, lack of desire to participate in education, and lack of social ties.



72.84% of the women participating in the research migrated to Türkiye in 2015 and before. It is seen that the rate of inclusion in education is quite low for these women who have been in Türkiye for quite a long time, and their rate of learning to read and write (8.61%) is also quite low. It is very important for migrant women to learn to read and write after migration in order for them to be able to develop behaviours such as requesting legal counselling, communicating with institutions and organisations, searching and finding a job, and following the education process of their children more closely. Support mechanisms for every migrant woman to learn to read and write should be increased.

-The socio-economic welfare status of migrant women has a significant impact on their ability to apply for legal support and to follow the process.

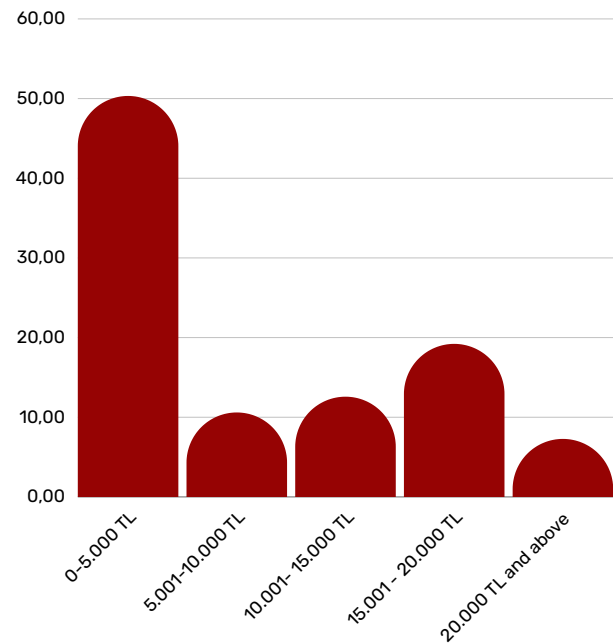


Figure 17: Monthly Household Income of Migrant Women in Research Sample

-The monthly household income of 73.50% of the research participants is well below the minimum wage. The legal framework facilitates migrant women's access to free legal aid, but many women with limited livelihoods do not initiate the process of application to judicial authorities. Migrant women's access to regular sources of income should be supported. It has been learnt that the level of regular monthly income in migrant women's households is well below even the minimum amount to meet basic living needs.

Answers to the question of whether there is a regular income in the household

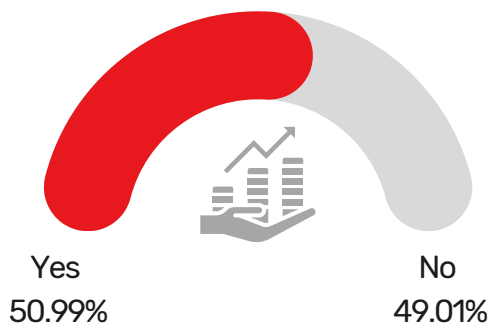


Figure 18: Status of Regular Income in the Households of Migrant Women (%) of Research Sample

-Having a regular income in the household is important for family members to be able to meet their basic vital needs and participate in social routines. Poverty, especially in migrant families, causes the needs of women in the household to be neglected or women prefer to use their limited resources for their children.

“

It is learnt that 49.01% of the migrant women participating in the research do not have a regular income in their households. When it is considered that the range of years the participants have spent in Türkiye varies between three and thirteen years; besides the fact that the rate of not having access to regular income is quite high; the fact that the monthly income amount of two thirds of those who have access to regular income is below the minimum wage points to socioeconomically difficult conditions. .

3.3.4. Cultural Habits and Social Cohesion

Cultural habits and traditional attitudes, relations with the host community and social cohesion have an impact on migrant women's access to legal counselling..

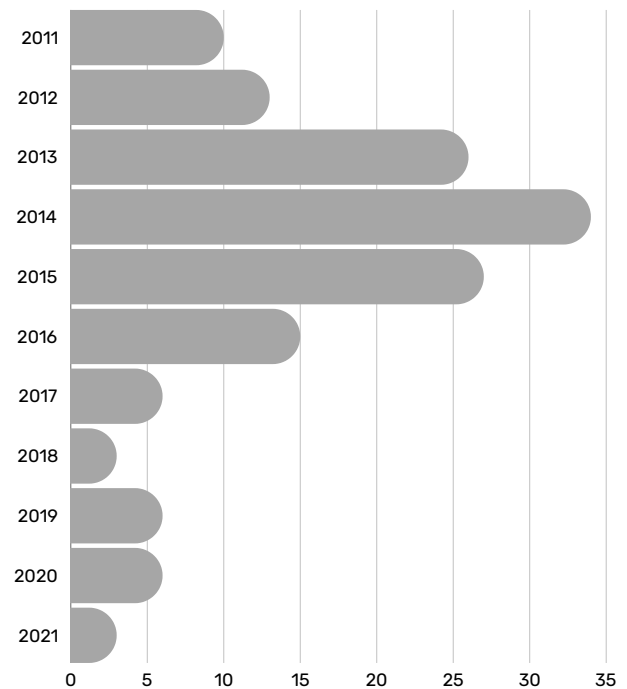


Figure 19: Migrant Women's Year of First Arrival in Türkiye

-The years of migration of Syrian women, who constitute 90.3% of the migrant women to whom community centers provide legal support tools, are also concentrated in certain time intervals. The years of arrival of the sample group of the research to Türkiye from their countries also vary with this effect. The migration trend increased in 2011, the year the Syrian Humanitarian Crisis began, and in the three years following (Community centers software data is also in line with this sample). The restrictions in 2020, the beginning of the pandemic, were effective in reducing migration movements (Özcan, 2021). Considering that the duration of migrant women's stay in Türkiye is ten years or more, the likelihood of gaining the behaviours of employment, inclusion in education, language learning and competence, establishing ties with local communities, knowing the functions of institutions, and being aware of rights and obligations increases.

-Traditional attitudes and cultural habits around migrant women also have an impact on their involvement in legal support processes. Migrant women may be exposed to negative attitudes (prejudice, condemnation, attempts to prevent, exclusion, etc.) from their environment during their application to legal support mechanisms and follow-up of the process.



Figure 20: Parenthood Rate of Migrant Women (%)

-The restriction of time spent outside the home due to increased domestic responsibilities of women who have children also reduces their access to services. It was learnt that 90.73% of the migrant women participating in the research have children. For the awareness and access of women with children to employment opportunities, it is important that their children can receive care in safe areas. Providing safe nursery and care areas especially for pre-school age children will facilitate the mother to follow legal counselling procedures. 96.69% of the children between the ages of 0-18 are in basic education. In addition to awareness and access to their own legal rights, mothers should also consider their children's right to be included in basic education. Events and seminars where migrant families with children aged 0-18 are informed about the legal framework for compulsory basic education are offered by TRCS Community Centers. **At these events, protection and integration staff, interpreters and legal experts provide information on the legal framework for continuity of education, as well as on other situations where the fundamental rights of the child are abused and there are legal sanctions (child marriage, child labour, child abuse, etc.).** Host organisations in the provinces where the TRCS Community Centers are located also contribute to the awareness seminars and trainings, both as organisers and participants, through collaborations developed from time to time.

3.3.5. Follow-up and Cooperation

-In addition to the quality of the service provided by the community center in the information, counselling and guidance activities offered by the community center to migrant women who want to receive legal support within the framework of their legal rights and obligations, it is also important that the beneficiary is open to cooperation and follows up the process.

-According to their observations and experiences, 41% of the field staff participating in the research stated that even if migrant women who are afraid of pressure or violence from their family and close environment apply to legal aid mechanisms, their processes are interrupted. In order to overcome this situation, which hinders the access of these people to legal rights and services, information and awareness-raising activities should be increased not only for migrant women but also for all groups.

-44% of the research participant field staff stated that the beneficiary's not following the information and guidance provided or not being open to cooperation as the second most challenging reason after the language barrier in legal support processes. In addition, migrant women beneficiaries seeking legal assistance were asked to rate the beneficiary's behaviour in following their own processes as medium, low and high according to the observations of the field staff working one-on-one with them for legal assistance.

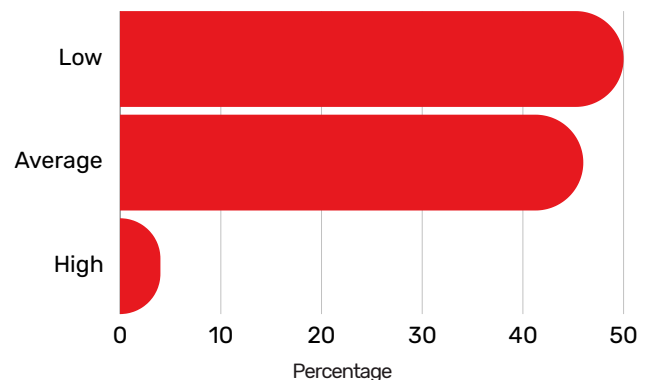


Figure 21: Tendency to Follow Judicial Proceedings of Migrant Women Beneficiaries (Field Workers' Assessment)

-It is also important to understand the underlying reasons behind the lack of follow-up and cooperation of migrant women beneficiaries with legal support, whether due to individual, environmental or other factors, in order to provide protection interventions, if necessary.

4. CONCLUSION AND RECOMMENDATIONS

-The supportive and reassuring approach of Turkish Red Crescent Community Centers was considered by the sample group as one of the main factors facilitating legal counselling activities. Legal support tools, which are highly effective in increasing migrant women's awareness of their legal rights and obligations, also contribute to understanding the activities of local organisations in the provinces where the community centers are located. **Community centers' legal counselling activities directly and indirectly increase awareness of local capacity and develop a localisation approach.**

-The awareness of migrant women beneficiaries who apply for legal counselling from community centers about their legal rights and obligations accelerates the follow-up and conclusion of legal processes. **Increasing initiatives to raise awareness of migrant women on migration law and the rights and obligations of their legal status, establishing awareness seminars and information support lines in cooperation with institutions and organisations, and disseminating information and awareness on existing online support mechanisms are effective.**

-It is of great importance for migrant women to know Turkish, even at a basic level, in order to be able to carry out their work outside the home independently, to be included in employment, to receive support from local institutions and organisations, to follow official paperwork processes and procedures, to establish social ties with local communities in their neighbourhood and immediate surroundings, and to travel individually in and out of the city. **Language competence is a determining factor in migrant women's social cohesion processes.** It is important for them to have free access to Turkish language courses and to show continuity. It is also important to develop facilitating alternatives through online modules and courses for those who cannot attend courses for reasons such as childcare at home.

-Cultural habits and traditional attitudes can also be an obstacle to obtaining legal support from time to time. Although migrant women are subjected to emotional, physical or economic violence within the household, they do not apply to judicial mechanisms due to concerns of feeling unsafe or being ostracised. It is important to involve not only migrant women, but also their families and close relatives in awareness-raising activities on legal rights and obligations.

-Many women who are aware of migration law and their legal rights cannot apply to judicial support mechanisms even though they are subjected to physical, emotional and economic violence in the household due to their limited financial resources. Within the scope of improving the socio-economic welfare of migrant women, it is essential to ensure their access to regular livelihoods and to support them to be aware of and benefit from employment opportunities. **Access to regular social assistance mechanisms should also be supported for those who have vulnerabilities such as disability, newborn baby care, chronic illnesses, etc. that prevent them from being employed and continuing their employment.**

-Cultural habits and traditional attitudes can also be an obstacle to obtaining legal support from time to time. Although migrant women are subjected to emotional, physical or economic violence within the household, they do not apply to judicial mechanisms due to concerns of feeling unsafe or being ostracised. **It is important to involve not only migrant women, but also their families and close relatives in awareness-raising activities on legal rights and obligations.**

-When the software of the community centers is examined, it is seen that the most common reason for legal counselling for migrant women is "*physical and psychological violence*" after divorce and alimony procedures. All legal regulations protecting women and children exposed to protection risks in Türkiye also apply to migrant women and children. For women and children who are victims of physical or psychological violence, it is important that units such as ASHB, ŞÖNİM and the KADES application, which has services in different languages, are known. Support lines with language options, contact information of local relevant institutions and organisations, and information on access to law enforcement officers should be disseminated among migrant women. **It is important to be aware of official units that prioritise the provision of safe spaces not only for women victims but also for their children.** Local institutions and organisations should cooperate with judicial units and disseminate information and awareness raising activities to reach more people.

-Domestic responsibilities of parenthood and childcare also have an impact on migrant women's access to basic rights and services. **90.03 per cent of migrant women participating in the research have children. There is a need to increase opportunities such as day care, nursery and kindergarten especially for pre-school children.** Considering the high level of poverty and dependency on social assistance, it is also important that day-care centers and other care practices are free of charge and in close proximity.

-It is important to develop positive attitudes towards continuity of education among parents for the continuity of education of children in the household. **96.9% of the migrant women participating in the study have children between the ages of 0-18 years of compulsory education. Considering the high rates of illiteracy and non-continuity of education among mothers as seen in other findings of the research, the need to increase awareness-raising activities for children comes to the fore.** Awareness raising activities on the legal obligation of basic education in our country, which are regularly offered by the protection and cohesion programme of community centers, should be increased by strengthening cooperation with other local institutions. In addition to trainings and seminars, access should also be provided through social media tools, printed documents distributed by community centres during the pandemic period and the lines that can be contacted in case of violence, and online tools.

-Seasonal agricultural labour is quite common among migrant families. Families working in agricultural lands spend part of the year in tents and sheds there. It is important to increase awareness and information activities to meet the safety, protection and privacy needs of migrant women and girls in agricultural fields. **Awareness of tools (support lines, gendarmerie and other security units, etc.) that will support migrant women's access to legal support mechanisms in agricultural lands should be increased.** In addition, it is important to update and disseminate the current situation and needs analyses of the field studies conducted by local institutions and organisations in the fields where seasonal agricultural workers are located. Utilisation of resources in line with the needs increases the impact.

-The monthly household income of 73.50 per cent of the migrant women participating in the research is well below the minimum wage. Poverty and social assistance dependency, which are common in these households, have the effects of not being able to meet the basic needs of the women in the household and using limited resources for other family members. **. Migrants can request a lawyer from the courthouse and file a lawsuit free of charge, but it would be advantageous for them to have financial resources to cover their additional expenses while following the process.** Especially in metropolitan cities, it is difficult to meet the transportation costs in the city while completing the procedures such as visits to community centers, courthouses, notaries and institutions for legal support requests. The free counselling, translation, document costs, transportation and accompaniment support provided by community centers are quite qualified in this respect, but they cannot fully meet the needs, especially in places with a dense migrant population. It would be useful to provide support such as tickets or discounts for transport, and the ability to complete institutional transactions online.

-It is understood from the research findings that the factors that act as barriers and facilitators in migrant women's access to legal rights and services can be both intra-household and environmental. **It is important to raise the awareness of not only migrant women but also their family members and other parts of the society on the legal rights of migrant women.**

After the Syria Humanitarian Crisis, the number of organisations carrying out activities for migrants in Türkiye has increased and the capacity in this field has increased considerably. It would be beneficial to increase cooperation and coordination between institutions and organisations, to transfer the experiences gained on migrant protection, to expand capacity building activities, to standardise case referral and information mechanisms.

5. REFERENCES

- AFAD (2016), Suriyeli Misafirlerimiz Kardeş Topraklarında, World Humanitarian Submit. https://www.afad.gov.tr/kurumlar/afad.gov.tr/25332/xfiles/13aSuriyeli_Misafirlerimiz_Kardes_Topraklarinda_2016_Turkce_.pdf (Access Date: June.3, 2024)
- Ailenin Korunması ve Kadına Karşı Şiddetin Önlenmesine Dair Kanun (6284 Sayılı Kanun), 2012, T.C.Resmi Gazete, 28239, 20.Mart.2012 <https://www.mevzuat.gov.tr/MevzuatMetin/1.5.6284.pdf> (Access Date: June.3, 2024)
- Birinci, N., & Özdemir, N. (2023). 6284 Sayılı Ailenin Korunması Ve Kadına Karşı Şiddetin Önlenmesine Dair Kanun'daki Destek Hizmetlerinin Dönüştürücü Adalet Bağlamında Değerlendirilmesi. Ankara Üniversitesi Hukuk Fakültesi Dergisi, 72(2), 619-642. <https://dergipark.org.tr/en/download/article-file/3070944> (Access Date: June.3, 2024)
- Collyer, M. (2014). Geographies of forced migration. The oxford handbook of refugee and forced migration studies, 112-123. (Date of Access: May.31, 2024)
- Özcan, Z. K. (2021). Covid-19 Salgını Ve Türkiye: Göç Yönetişimi Üzerindeki Etkileri. OPUS International Journal of Society Researches, 17 (Pandemi Özel Sayısı), 3808-3831. <https://dergipark.org.tr/en/download/article-file/1591204> (Access Date: June.12, 2024)
- Gonzales, R. G., Sigona, N., Franco, M. C., & Papoutsis, A. (2019). Undocumented Migration. John Wiley & Sons. https://books.google.com.tr/bookshl=tr&lr=&id=kcq1DwAAQBAJ&oi=fnd&pg=PT6&dq=undocumented+migrant+s&ots=R5kTwx9dsv&sig=KEEixhWIDp45r4mf2UDDJCIGFbg&redir_esc=y#v=onepage&q=undocumented%20migrants&f=false (Access Date: 27, 2024)
- Öztürk, N. (2017). Ailenin Korunması ve Kadına Karşı Şiddetin Önlenmesine Dair Kanunun Getirdiği Bazı Yenilikler Ve Öneriler. İnönü Üniversitesi Hukuk Fakültesi Dergisi, 8(1), 1-32 <https://doi.org/10.21492/inuhfd.298121> (Access Date: June, 3.2024)
- Spencer, S., & Triandafyllidou, A. (2022). Irregular migration. Introduction to migration studies, 191. (Access Date: June.3, 2024)
- Turkish Red Crescent 2025-2030 Stratejik Plan . (2021). <https://www.kizilay.org.tr/kurumsal/misyonumuz-vizyonumuz> (Access Date: May.31, .2024)
- Law on Foreigners and International Protection (Law No. 6458) ,2013, T.C. Resmi Gazete, 28615, 11.Nisan.2013 <https://www.mevzuat.gov.tr/mevzuatmetin/1.5.6458.pdf> (Access Date: June.11, 2024)



TÜRK
KIZILAY

LEGAL COUNSELLING ACTIVITIES OF TURKISH RED CRESCENT
COMMUNITY CENTERS FOR MIGRANT WOMEN

2024

