

THE ROLE OF THE TURKISH WOMEN'S NGOS ON DECISION MAKING
THE CASE OF AMENDING THE CIVIL (2002) AND PENAL (2004) CODES

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BY
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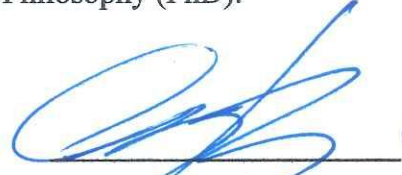
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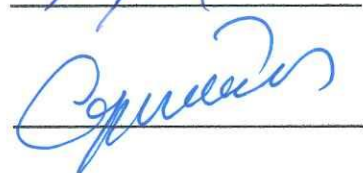
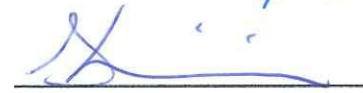
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20.05.2019

Başak Ovacık

A handwritten signature in blue ink, appearing to read 'Başak Ovacık', with a horizontal line drawn underneath it.

ABSTRACT

This study investigates the involvement of the women's NGOs (WNGOs) in Turkey regarding their contribution to the legislative decision-making processes between 2001 and 2004. It places a particular emphasis on the amendments made in the Civil Code and the Penal Code and examines the extent to which WNGOs were effective in achieving legislative change during this period.

WNGOs, particularly, Mor Çatı, Ka-Der, TÜKD, Uçan Süpürge, KİHYÇ, and İKKB, have raised public awareness of the issues to a large extent. They have served to create positive public opinion in favor of change. They have also played a significant role in magnifying democratic participation.

The conventional approach views legislative change through the lens of Turkey's efforts to integrate with the EU. Hence, it emphasizes the demands placed on Turkey by the accession process. Thus, the EU is seen as the main driving force in the development of the women's movement. This study contends that while the EU provided crucial guidelines and took important initiatives for the improvement of civil rights, Turkish WNGOs took much of the heat in their struggle for recognition and getting their demands recognized within the state apparatus. Hence, this study suggests that Turkish WNGOs are denied much deserved credit for their relentless activism that shaped the movement throughout the 1990s.

WNGOs have influenced the decision-making of parliamentarians and have thus made a major contribution to getting the law changed in favor of women's rights.

Keywords:

civil law, civil society, democracy, gender, penal law, violence against women, women's movements, women's NGOs, women's rights in Turkey.

ÖZET

Bu çalışmada Türkiye’deki kadın STK’ların 2001-2004 yılları arası çıkan yasalara katkısı, Medeni Kanun ve Ceza Kanunu’ndaki değişiklikler üzerinden incelenmiştir. Bu çalışmada demokratikleşme, STK’lar ve onların talepleri bağlamında ampirik ve sözlü tarih bakış açılarından incelenmektedir.

Bu araştırma, Türkiye’deki kadın sivil toplum kuruluşlarının siyasal, ekonomik, sosyal ve kültürel taleplerinin, yasayı yapanlar tarafından ne derecede ciddiye alındığını ve hayata geçirilip geçirilmediğini tartışmaktadır. Kadın haklarını sağlamak ancak kamu politikalarını etkileyerek yapılır. Özellikle altı kadın STK; Mor Çatı, Ka-Der, TÜKD, Uçan Süpürge, KİHYÇ ve İKKB bu süreçte kilit roller oynamıştır.

Bu dönemde, demokrasinin gereği olan STK’ların varlığı ve onların çabalarının yansımaları mecliste yer bulmuştur. Türkiye’de yasaları değiştirirken, kadınların tecrübelerini ve haklarıyla ilgili görüşlerini aktarmaları çok önemlidir. Kadın haklarının sağlanmasında, savunuculuk ve lobi yapan Kadın STK’lar kamu politikalarını etkilemiştir. Bu bağlamda, kadın STK’lar vatandaş bilincini büyük ölçüde arttırmış, kamuoyu oluşturmuş ve demokratik katılım açısından önemli bir rol oynamıştır.

Türkiye’nin imzaladığı uluslararası sözleşmeler ve AB üyelik süreci de kadın hareketine olumlu yönde etki etmişlerdir. Ancak, Avrupa Birliği üyelik şartlarının hükümet tarafından yerine getirilme isteği yasaların çıkmasını sağlamıştır iddialarının aksine, Türkiye’nin AB üyeliği gereklilikleri ancak bir araç olabilir. Aynı zamanda sürece hızlandırıcı, itici bir faktör olarak katılmıştır.

Bulgularıma dayanarak, kadın sivil toplum kuruluşlarının bu değişikliklere yadsınamaz bir katkı yaptıkları sonucuna vardım. Kadın STK'ların çalışmaları, karar verme mercinde olan, yasayı çıkaran parlamenterleri etkilemiş, yasa olumlu yönde değişmiştir. Bu bağlamda kadın STK'lar halkı da büyük ölçüde ayağa kaldırmış, bir kamuoyu yaratmış, demokrasinin işlerliği adına dikkate değer bir rol üstlenmiştir. Sonuç olarak yasalar kadın hakları lehine değişmiştir.

Anahtar Kelimeler:

ceza kanunu, demokrasi, kadın hareketleri, kadın STK'lar, kadına yönelik şiddet, karar alma, medeni kanun, sivil toplum, Türkiye'de kadın hakları, toplumsal cinsiyet.



To my daughter Lâl,

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LIST OF ABBREVIATIONS

AKP--Justice and Development Party (Adalet ve Kalkınma Partisi)-conservative right wing party

ANAP – Motherland Party (Anavatan Partisi) -right wing party

CEDAW-- The Convention on the Elimination of All Forms of Discrimination against Women -Kadınlara Karşı Her Türlü Ayrımcılığın Önlenmesi Uluslararası Sözleşmesi

DSP – Democratic Left Party (Demokratik Sol Parti) - left wing party

DYP—True Path Party (Doğru Yol Partisi)-right wing party

EWL--European Women Lobby

FP—Virtue Party (Fazilet Partisi) –conservative right wing party

GONGO-- Government Operated (Organized) Non-Governmental Organization

GREVIO-- Group of Experts on Action against Violence against Women and Domestic Violence

İKV-- Economic Development Foundation-İktisadi Kalkınma Vakfı

IPU--Inter Parliamentary Union

KADEM--Kadın ve Demokrasi Derneği

KADES-Kadın Acil Destek İhbar Hattı

KSGM -- General Directorate of Women's Status -Kadının Statüsü Genel Müdürlüğü

MHP—National Action Party (Milliyetçi Hareket Partisi) nationalist right wing party

MP--Member of Parliament

NGO-- Non-governmental organization

STGM-- Sivil Toplum Geliştirme Merkezi

STK—Sivil Toplum Kuruluşu

TBMM --Turkish Grand National Assembly-Türkiye Büyük Millet Meclisi

TCK—Türk Ceza Kanunu-Turkish Penal Code

TKDF-- Türkiye Kadın Dernekleri Federasyonu

TÜKD—Türk Üniversiteli Kadınlar Derneği

TÜRGEV-- Türkiye Gençlik ve Eğitime Hizmet Vakfı

TÜSEV--Türkiye Üçüncü Sektör Vakfı- Third Sector Foundation of Turkey

WNGO—women’s non-governmental organization (I used this abbreviation to prevent long words)

YAZKO--Sınırlı Sorumlu Yazar ve Çevirmenler Yayın Üretim Kooperatifi

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1-INTRODUCTION

By the end of the 1980s, women's rights had already become a controversial topic. During this period, many feminist gatherings and campaigns that were designed to raise awareness of critical issues concerning the role of women in the family and violence against women took place. The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), signed by Turkey in 1985, required the Turkish government to take numerous measures regarding *gender equality*. However, commencing in the 1990s, failure to meet the provisions of this agreement provided fertile ground for the germination of many women's NGOs-WNGOs mobilizing for women's rights. This study examines these NGOs, among others, focusing particularly on the Kadının İnsan Hakları Yeni Çözümler Vakfı (Women for Women's Human Rights-New Ways), KA-DER (Association for the Support of Women Candidates), Mor Çatı (Purple Roof Women's Shelter Foundation), TÜKD (Turkish Association of University Women), Uçan Süpürge (The Flying Broom Foundation) and İKKB (Union of Istanbul Women's Associations). These organizations were critical given that they served as a means to institutionalize women movements in the 1990s. These efforts took off in academia, which resulted in the opening of women's studies centers in universities. For instance, the first Women's Studies Center was opened at Istanbul University in 1989 and at Ankara University in 1993.

This study analyzes the translation of women's demands into policies through the activism engaged in by six WNGOs founded in the 1990s. Through these organizations, women from all walks of life were able to make a case for equal rights and raise their voice against violence and inequalities, both in the public and private

spheres. In this regard, the amendments made to the Civil Code in 2001 and the Penal Code in 2004 remain crucial to understanding the function and the effectiveness of these WNGOs in building consensus for women's rights and its correspondence in the legal sphere. The study conducts an in-depth examination of the Civil Code, primarily the sections dedicated to 'Family Law,' which involves the position of women in the family, marriage, the sharing of acquired property, and to the 2004 Penal Code, which consists clauses concerning women in the private sphere, crimes committed against the body, honor killings, rape, sexual assault, domestic violence and adultery.

Considering the contribution of Turkish women's movements to the amendments of Civil and Penal Codes, the conventional view is that the women's movement in the absence of pressure from the EU would not have taken root. Hence, the EU was the main driving force in this process. This study, however, contends that the conventional view misrepresents this process. Contrary to discounting the power of indigenous factors, it argues that changes to the civil and penal codes were in fact the result of the major strides made by Turkish WNGOs. The conventional view perceives this process through the lens of Turkey's effort to obtain EU membership. Therefore, it maintains that legal changes would not have been wrought without the obligations imposed on Turkey by the EU as part of the accession process. This study contends that this approach largely overlooks the actual dynamics underlying the formation and development of WNGOs in Turkey throughout the 1990s. Turkish WNGOs deserve credit for the assault they waged on patriarchal, conservative attitudes through their activism. The international conventions signed and Turkey's European Union membership requirements served as instruments to facilitate and accelerate this process.

By providing avenues for communication between the government and individuals, WNGOs have been effective in both transforming the way in which gender equality is thought about and raising consciousness on resulting issues. To this end, by creating a countrywide agenda, they exerted pressure on government to take women's issues seriously and, in the end, amend the civil and penal codes. Consequently, the parliament took significant steps forward and set up commissions to investigate the issues being raised. The study analyzes the strong relationship and collaboration that developed between WNGOs, MPs and government at the beginning of the 2000s in Turkey. It also discusses the setbacks and achievements made in this area in light of the findings made through face-to-face interviews conducted with WNGO representatives and MPs.

The road leading to amendments in the Civil and Penal Codes was paved by the extensive organizing and collaborating undertaken by WNGOs to advocate for women's rights and a more sustainable future. Their struggle resulted in amendments made to the Civil Law (2001) and Penal Law (2004). This study demonstrates that the presence of WNGOs is a *sine qua non* for achieving legal gains in the field of gender equality.

1.1 Goal of the Thesis

The thesis discusses the ways in which the women's movement in Turkey, and its crystallization into major WNGOs (Women Non-Governmental Organizations), contributed to major legislative change in the area of women's rights in the country. It looks at the role of WNGOs in orchestrating this change in light of democratic theory and practice.

The thesis highlights the notable progress made and critical setbacks experienced in legislative decision-making in the area of women's rights, particularly between 2001 and 2004, in Turkey. It also briefly evaluates the historical course of the Turkish women's movement so as to provide the reader with a general idea of what transpired beginning in the 1980s. It discusses the opportunities and gains made possible by the existence of these WNGOs. Moreover, it underscores the limitations of their activities as well as the obstacles they faced as they attempted to reach their goals.

Despite existing for less than a century, women's movements have played a significant role in the development of women's rights in many arenas in Turkey. Turkish women have had an uphill battle in achieving and exercising their rights due to the social, political, cultural, legal and economic obstacles confronting them. The goal of ending "violence against women," which was politicized after a greatly publicized divorce case in Çankırı, served as the catalyst to bring Turkish women, both at universities and as part of WNGOs, together to take the steps necessary to achieve it. Women believed violence against women could be prevented through gender equality, and that this could be achieved primarily by amendments in legal codes pertaining to women. As part of a major campaign against wife beating, they organized a huge protest march. This is said to be the first event in Turkish women's history held for such a purpose.

Regardless of education, social status or economic welfare, women are exposed to violence. What is more, traditional attitudes towards gender roles can be a barrier to achieving gender equality. However, the evidence that such attitudes can change over time is very encouraging.

Chapter 1 is an overview of the purpose of this study. It contains an introduction to the topic, the goal of the work and the methodology explained with the literature review.

Chapter 2 provides the theoretical framework for the thesis. It introduces certain key concepts related to civil society and democracy, highlighting, for instances, major Enlightenment thinkers, as well as 19th and 20th century political philosophers and political scientists. It underlines the role of NGOs (in particular, WNGOs) in the attainment of women's democratic rights in Turkey. To this end, it provides statistics highlighting, for instance, the areas in which NGOs operate and pertinent gender distribution-related data. It evaluates how NGOs are conceptualized and investigates the characteristics and types of the relevant NGOs. The chapter details the membership profile of NGOs on the basis of, for example, level of education and employment status. It also points out where NGOs act independently or act in ways that are contrary to the achievement of women's rights. By doing so it offers crucial insight into the political climate of the period. The chapter concludes by drawing attention to the fact that most NGO members are women and the area in which they are mostly interested is civil rights.

Chapter 3 looks at women rights within the international context and the role that the women's movement and WNGOs played in achieving them. The United Nations-UN Women World Conferences shed light on the Turkish women attending them. Comparing Turkish women's movements with similar cases in different parts of the world, it shows that as Turkish women began to recognize and push for their rights, Turkish women movements gained momentum. The role these conferences had was in guiding the establishment by the government of gender-based policies.

The chapter also examines international agreements on women's legal rights. It explains CEDAW (the UN Convention on the Elimination of all Forms of Discrimination against Women), and the Istanbul Convention (The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence). The Turkish government has signed both agreements, but they have yet to be implemented. The chapter also explores the role of the European Union (EU)-Turkish membership process in the struggle for getting laws amended.

Chapter 4 begins with a brief history of women's movements in Turkey from the Ottoman period up to today and an explanation of the rights of Turkish women. It goes on to discuss the steps involved in women achieving integration into the work force and feminization in Turkey. Feminization refers to the process whereby a shift in gender roles occurs; when viewing roles in society, it focuses on the feminine. With increasing access of women to the workforce, women became more vocal not only about their rights in the workplace, such as factories, but also their rights to government services. Their greater participation in the labor force helped to raise awareness in society about women's status in public life. Working women began to struggle hand in hand with educated elite women for their rights.

Finally, Chapter 4 discusses the ways in which each of the major WNGOs in Turkey contributed to the amendment of the Civil and Penal Codes through their activism and awareness raising, both in society and the parliament. It evaluates their mission and the major role they have played historically in achieving and protecting women's rights in Turkey and in legislative decision making, especially in regard to changes made in the Civil and Penal Codes. The chapter is key to the theoretical claims made in thesis as shows how the actions of WNGOs can be seen in light of democratic theory and practice.

Chapter 5 analyzes the ongoing struggle waged by women's organization and the first gains they acquired in the 2000s. It compares both previous and present Civil and Penal Code articles pertaining to women's rights within the context of national politics as well as international dynamics. It investigates the roles assumed and the actions taken by WNGOs within this context. It draws attention to parliamentary bodies involved in women's issues and how they interact with WNGOs. The chapter examines the in-depth interviews conducted with MPs and activists. Finally, it evaluates both the perspective of legislative decision-makers when it comes to amending laws as well as how effective WNGOs were in bringing about these amendments through their advocacy. It also considers other factors that may have some bearing on amending laws to the benefit of women.

National and international developments contributed greatly to the rise of numerous WNGOs in Turkey. The study singles out six WNGOs (Kadının İnsan Hakları, KA-DER, Mor Çatı, TÜKD, Uçan Süpürge, İKKB) considered to be deserving of particular attention due to their long battle for recognition and change. Each of them is examined in a separate case study, which contains their objectives, missions, campaigns, bulletins, publications, projects, conferences, and documents. The interviews conducted with their members provide insight into their experiences.

Chapter 6 provides a summary of the conclusions of the study.

1.2 Literature Review

Women's studies in Turkey has an important legacy. A wide range of cross-cutting fields, including literature, political science, history, law, sociology, philosophy and psychology, intertwine within women's studies and gender studies. Nevertheless, even though legal research on constitutional changes and the

amendments of laws and by-laws, as well as research on political subjects such as democracy and NGO relationships has been conducted, there is indeed a gap in the literature combining the two categories. This study will further advance women's studies research by helping researchers acquire greater understanding of the subject through the use of personal communications and experiences of MPs and/or representatives of NGOs. The aim is to combine the law and women's movement relations more effectively.

While writing my dissertation, I carried out research in the Women's Library and accessed many original sources such as old magazines and publications like *Pazartesi* and *Kadınlar Dünyası*. As a guest student, I attended 'Women's Studies' classes at Istanbul University and 'Sociology of Gender' classes at Yeditepe University. I participated in seminars on women, as well as conferences and meetings of WNGOs such as TÜKD and KA-DER. I also attended a Henrich Böll Foundation Seminar, a Women Summit, a Women's Day March, a Women Workshop, an İKV-İktisadi Kalkınma Vakfı (Economic Development Foundation) conference about EU's impact on women's rights, Civil Society Development Center (STGM - Sivil Toplum Geliştirme Merkezi) meetings and many more. I became acquainted with the experts, academicians, politicians, lawyers, WNGO representatives, activists, journalists and made personal contacts, which contributed to the thesis via interviews.

Conducting a case-study of six WNGOs and doing research in the WNGO centers, I examined the periodical publications, bulletins, printed books, and met some of the members and leaders of Kadının İnsan Hakları, KA-DER, Mor Çatı, TÜKD, Uçan Süpürge and İKKB. The responses I got while conducting in-depth interviews with WNGO representatives/members enabled me to put myself in their shoes, thereby helping me to develop a comparative perspective on the subject. Many

of the women I interviewed were women who have been pioneers in the field and have made great strides on behalf of human rights for the future of the society. The belief and endeavor put forward here is undeniable. Moreover, they worked not only in big cities such as Istanbul, Ankara, İzmir, but in every corner of Anatolia.

The books included in the reference section helped me to understand the major debates on pluralist democracy, the conceptualization of NGOs and issues about women's movements, women's history, and feminist knowledge production process, and provided me with a comprehensive human rights perspective. I watched films and documentaries on Turkish and international women's movements, from which I was able to acquire background information and develop a comparative point of view.

I researched UN Women reports, EU reports, government reports for CEDAW, the Istanbul Convention and shadow reports of GREVIO (Group of Experts on Action against Violence against Women and Domestic Violence) to create an international context about women's rights and combine it with my main argument.

In addition to books, I read theses written on similar subjects, and many thought-provoking articles. After I examined the YÖK (Council of Higher Education) thesis database, I discovered that the relationship between NGOs and legislation is a topic mostly handled by law students. Theses on this subject were useful within the wide approach my study uses. They enabled me to combine perspectives grounded in both political science and sociology with ones that were more law oriented.

One of these theses, A. Moraloğlu's "Legal dimension of women's empowerment," provided me with deep legal knowledge of the Civil Code and the Penal Code from a lawyer's perspective. It also contained a brief discussion of the CEDAW and the Istanbul Convention. The author emphasizes that there are social,

political, cultural, legal and economic obstacles to the exercise of the rights of women in Turkey. She examines the studies of legal mechanisms that provide women's access to justice and strengthen women.

M. Apak's thesis, "The development of women's movement between 1980-90 in Turkey and its reflection in the 2000s," examines the historical and current data of the women's movement in Turkey. It compares post-1980s women's movements with earlier ones and examines how they changed as they transitioned into the 1990s and the reasons for the changes they underwent. It also makes predictions about the course they might take in the future. It made policy recommendations that were similar to mine.

Z. E. Avci's thesis, "Women's civil society organizations after 1980 and their effects on the Turkish judicial system in Turkey," analyzes the second-wave women's movement that emerged in the 1980s. Exploring the post-1990 period, it examines the impacts of constitutional amendments and changes in the Civil Code, the Penal Code, Labor Law, and the Municipalities Act. It provides an overview of the demands women have made in this framework and the way they have publicized them. The approach used is quite similar to what I propose. The author explains the work women have done to get international legislation implemented nationally. Accordingly, she looks at the impact of the women's movement has had on the Turkish legal system in Turkey since 1990. There have been additional developments since this thesis was written in 2011. Therefore, for instance, while she does not cover the Istanbul Convention, I have included in my study.

Ü. Karaaslan's thesis, "The Historical Development of Women Movements in the west in the 19th century," discusses the concept of gender within the framework

of the private-public space dichotomy. It highlights the problem of unequal wages that came about after women started to work in factories, abortion, prohibition and punishment policies, and suffrage rights. In a similar fashion, I wrote about ‘feminization,’ which provides a brief account of how Turkish women took part in the public sphere, after which they became activists.

Ç. Kovanlıkaya’s article, “Erkek Parlamentonun Kadın Siyasetçileri” (Women Politicians in a Men’s Parliament) (2001) contains interviews that parallel my discussions and, therefore, support my findings. It is not possible to conduct interviews with all MPs so I used some of his interviews as supportive footnotes.

Similarly, S. Çakır’s book about women MP’s (*Erkek Kulübünde Siyaset – Politics in a Men’s Club*, 2013) contains interviews done with female MPs in the Turkish parliament during the 1999, 2002 and 2007 sessions. This book provides insight into the reaction of women’s movement to masculine politics. Its timeframe corresponds to the period I examined, so it served as a kind of guide for my interviews. Going beyond her work, I conducted interviews with both male and female MPs.

My study differs from existing ones in that I combine theory with practice and focus on consolidating relationships. I studied the theory related to the subject and I have been a member of a WNGO for 20 years, thus, I have experienced firsthand the actions taken on the WNGO side, which enabled me to merge theory and practice. I believe this is my contribution to the literature. As I am a member of an esteemed WNGO, I took advantage of reaching key names from other WNGOs and easily made appointments for interviews. I also had the chance to meet them at conferences, meetings, forums, assemblies, and gatherings. In this study, while reviewing the

issues on a WNGO basis, I also questioned lawmakers, that is, MPs. I also examined the legal dimension of the topic in order to be more objective. In the end, I believe I was able to acquire an even-handed perspective.

My thesis also used as primary sources the observations WNGOs and MPs made in connection to my research. I placed particular emphasis on WNGOs' annually and monthly published handbooks and bulletins that explain their policies and future plans. I utilized secondary sources written about WNGOs, such as books and academic articles, which formed the basis of the literature review. I collected these secondary sources from the Women's Library, WNGO centers, and daily newspapers.

In the literature review, I tried to uncover different perceptions on this specific subject. My research method was effective and practical in reaching a conclusion. Further research could be done by conducting surveys, thereby reaching many more WNGOs and MPs.

1.3 Methodology

In this study, I want to show how WNGOs in Turkey emerged, were recognized and struggled to achieve their goals. I try to demonstrate how they articulated their demand for change and the efforts they made to pressure the government to achieve such change. I also discuss the outcomes of their struggle, which involved making members of parliament more aware of women's issues so that laws could be amended. Specifically, I conclude that their efforts led to amendments in the Civil Code (in 2001) and the Penal Code (in 2004), which formed the basis for gender equality.

I use three main sources of information to support my claims. First, I obtained and analyzed the websites and publications of six target organizations, in particular, and many other women's organizations, in general. These publications include books, newsletters, magazines and brochures.

Second, I conducted in-depth face-to-face interviews with the directors/founders of women's organizations. These interviews were designed to elicit information about how the performance of the organizations contributed to the amendment of law.

Third, I carried out comprehensive face-to-face interviews with several MPs, who were asked about their familiarity with women's organizations, activities, lobbying or protests. I asked questions to obtain the personal opinion of the MPs and their party's stance vis-à-vis women's issues. I also asked about their positions on national and international debates. I chose some MPs according to their special involvement in the amendment process. For example, I conducted interviews with MPs that were members of the justice commission and sub commission. Some MPs were also members of WNGOs and were already known for their commitment to women's rights. To balance the field, I randomly selected other MPs who were not particularly interested in the topic. I made an effort to include a range of political perspectives. I included both male and female MPs, as well as ones from different provinces of the country.

I used primary sources to research WNGOs in detail. I collected data from WNGO websites, bulletins, publications, and individual members. I analyzed them by examining registered branch numbers, locations, and activities. I wanted to know if and when they were actively working. Other crucial pieces of information I wanted to

obtain included their mission and vision and the subjects with which they dealt, the areas in which they concentrated their efforts, and their goals.

I evaluated and interpreted the resulting data, which led me to conclude that WNGOs had made a positive contribution to raising women's consciousness. I came to realize how WNGOs participated in and contributed to decision-making bodies during the process. I tried to understand how Turkish citizens and NGOs participate in legislative decision-making. I wanted to find out the extent to which the involvement of WNGOs in this process influenced actual decision-making outcomes in the parliament. In other words, how effective were they in orchestrating change, which might include submitting prospective bills, bringing in bills, collecting signatures and engaging in street protests. The sampling frame consists of six major WNGOs working for women's rights. They include an activist NGO working on the streets, one that is engaged in collecting signatures and has branch members all over Turkey, and another that consists of legal experts that write manifestos. The WNGOs selected, Kadının İnsan Hakları, KA-DER, Mor Çatı, TÜKD, Uçan Süpürge, İKKB, all work with the media as part of civil society and make demands on legislative, executive, jurisdictional and local government bodies. I divided them into categories and attempted to include national ones rather than local (ones located in Istanbul and Ankara) but some have countrywide branches. I tried to separate them according to their missions: Empowering women and girls, dealing with gender equality, and those against violence and discrimination and the ones which primarily contributed to change in the law.

The sample size consists of six WNGOs, a number of women activists and journalists in the field, and specific MPs who had made a concrete effort to bring about legislation during my target period. Also included are a number of MPs who are

not particularly involved in the subject. I also interviewed male MPs. I tried to interview MPs from different political parties and different provinces in order to be objective. I analyzed and interpreted the data obtained through interviews to reach a conclusion.

The six WNGOs chosen were analyzed as case studies, which include the activities, work, practices and actions of the WNGO in question. There may be sampling bias due to the small size of my sampling frame. Therefore, if the study had included subjects that were more conservative, had political views contrary to the ones expressed by those included in this study, or represented particular ethnic groups, the results could have been different. While I actually interviewed only a few MPs, I did read statements made by MPs and interviews held with them that were reported in daily newspapers during the law amendment process. I also read and used their interviews appearing in articles and books.

While this is a qualitative research project, I used statistics, graphics and figures to shed light on the subject. I collected data for the period from 1990 to 2018, which shows that this is a cross-sectional analysis. I simultaneously used both written and oral history. I wanted to evaluate the impact of WNGOs and to see the extent to which they had been effective.

I believe I contribute to the literature since I mostly look at data from 2000 onwards. Several publications about this subject were written before 2000, which is why I preferred a cross-sectional design that include the years 2000 to 2004.

To support my conclusions, in addition to the interviews I conducted, I examined the reactions of MPs from different political parties in newspapers. I also looked at the minutes of parliament, obtained from the official websites of the Turkish

Grand National Assembly and the Ministry of Family and Social Policy, the Turkish constitution, and other pertinent sources of data. I wanted to find out more about how the legislative decision-making process was carried out in the Turkish political system and how it could be influenced. I researched and wrote briefly about women in Turkish politics, about when they first were included in the Parliament, and about what they have done to make changes on behalf of women and women rights.

My research is valid and reliable, in part because it rests on written law. However, since it is based on Turkish law, it is not generalizable to other laws in other countries. I analyze the laws in Turkey that specially deal with women's issues and try to find out the extent to which WNGOs are aware of and interested in the subject. I also analyzed the contribution of other factors such as EU and international agreements.

I conducted semi-structured interviews with MPs and WNGO representatives. While I prepared a list of questions, I left room for comments and a dialogue since unexpected information could arise. Through these in-depth interviews, I measured the impact WNGOs had on the decisions made by MPs.

2- DEMOCRACY, CIVIL SOCIETY AND NGOs

The aim of this chapter is to discuss the relationship between civil society and democracy by placing special emphasis on women's non-governmental organizations. It analyzes the contributions WNGOs make to democracy in light of the theoretical discussion.

As highlighted by Cohen and Arato, "Civil society refers to associations that are autonomous from the state yet that mediate between the individual and the state. Civil society also impinges on the relationship between the individual and market institutions" (1994, pps: 5-6). Civil society operates independently of government. It is an area related to personal freedom. People must be encouraged to participate in protecting their rights; they have the right and opportunities to become actively involved in political decision-making through NGOs. This initiative is seen as a way for direct legislation by citizenship.

When there are limitations on individual freedoms of the society, democracy does not work. Through organizations, citizens may demand their rights, endeavor to change the minds of the decision makers and may even demand regulations on the laws by which they are governed. Furthermore, they may resist the promotion of undemocratic values by a power that is a direct threat to democracy. It is within this framework that I examine how women's rights and laws are influenced by the demands made by WNGOs.

2.1 The Concept of Democracy

Many political scientists and sociologists have engaged in classifying political systems and defining what constitutes democracy. While this thesis is not primarily concerned with democracy per se, it does analyze one of the basic features of democracy - freedom of expression and the degree to which WNGOs are able to exercise it.

The Italian political scientist G. Sartori (1924-2017) dealt with comparative politics and democracy). He characterizes democracy as the state of power over society that does not belong to a single person. His book *Democratic Theory* examines democracy, both the practice and the ideal. Thus, democracy is understood as a political system where no one is above society and no one has the power to cover the whole of society.

Sartori replaced the concept of *democracy* with the *rule of the people*; he re-defines it through factors such as consent, approval, responsibility and testing. Although power is exercised over the people, this power model derives its power from social consensuality and it does not contain a classical power order.

Sartori connects the emergence of democracy with the development of law rather than power and the regulation of the relations of power and ties on the basis of reciprocity. What this does is to emphasize a type of power based on consent rather than the classical model of power based on force. This reduces the functioning of the political process to peaceful methods based on regulation instead of struggle.

In addition, the political theorist Robert Dahl (1915-2014) viewed democracy as the pluralist interplay of groups in what he called a “polyarchy,” which means “rule by many.” He also argues that it is the acquisition of democratic institutions within a political system that leads to the participation of a plurality of actors. He believed in the value of an active citizenry.

Pluralism is the theory of the dissolution of political power. Instead of concentrating power in the hands of an elite or ruling class, it envisages a broad and equal distribution of society. In this sense, pluralism is often seen as a theory of 'group politics' where individuals are represented through organized groups, of which they are members and that all such groups are involved in the political process.(Heywood, A. 2014).

The theory of pluralism holds that there are different ideas, ideologies and religious beliefs in social life and that all of them are equally essential. Pluralism assumes that diversity is beneficial to society. Civil society organizations are important instruments of pluralist doctrine. Therefore, in the political arena, individuals organize and adopt ideas equally and freely. This chapter analyzes pluralist democracy, which is conceptualized as a place where diverse views can be found and integrates individuals within a social context.

R. Dahl's form of government, which he formulated in New Haven on the basis of his field research (*Who Governs?: Democracy and Power in an American City* (1961), and which represents the elite pluralism of modern industrialized societies, arises through not only a complete elite administration, but the simultaneous influence of multiple elite groups on social and political processes.

Similar to what he discussed in his case study, in Turkey, an elite group of women established Turkish women's associations, through which they made their demands and influenced public opinion and public policy. This is both a social and a political process that highlights the dynamics of a pluralist democracy. He interpreted polyarchy as an interpretation of his New Haven case study of power dynamics.

There are several sources of power in society. Some groups have access to policy-making arenas and have opportunities for effecting policy outcomes. Policy emerges between parties as a result of bargaining and negotiations. Hierarchical politics is associated with horizontal relations. I choose a very unique example (women's NGOs) in the process of democratization. I discuss the contribution of this original example to the democratization process. In this thesis, a policy is wrought through the efforts of different groups of women engaging in advocacy and lobbying. The government is seen to take action in support of the policy proposals of WNGOs and legislates accordingly. The state and WNGOs negotiate with each other over policy issues. WNGOs organize to voice people's demands and call for the government to fulfill its responsibility. An example of this process is the impact WNGOs had on parliament amending the Civil Code (2001) and Penal Code (2004).

“The struggle of individuals and groups to gain autonomy in relation to the control of others is, like the efforts to acquire control over others, a fundamental tendency of political life. Struggles for autonomy result from conflicts and cleavages; when these struggles are successful, as they often are, they result in turn in tendencies toward pluralism. Because conflicts and cleavages are ubiquitous, so too are tendencies toward pluralism” Dahl, R., (1978, p: 191).

According to Robert Dahl, the main actors of pluralist democracy consist not only political parties, but also non-governmental organizations. The distinguishing feature of civil society is political pluralism. It is an environment where members have a high level of intellectual and social development, and are free and able to act independently. Civil society produces advanced consciousness.

Robert Dahl says that democracy should have a system where expectations and aspirations of all interest groups in society are met. Dahl argues that individuals and minorities can influence decision-makers through elections and interest groups. If a group of people with a common aim can organize and elicit public support, and if what they want is considered to be legitimate by people in positions of power, the government will not remain indifferent. Dahl writes, "All active and legitimate groups in the population can make themselves heard at some crucial stage in the process of decision" Roskin, Cord, Medeiros, Jones (1991, p.87).

Therefore, it can be argued that one of the most serious challenges to democracy is the lack of active NGOs. Civil society embodies equality and the rule of law, and provides opportunities for greater political participation. Liberty and equality are not possible without a strong democracy. Citizens engage in politics more intensely, for example, by "attending public meetings, taking part in demonstrations." It is important for democracy that "nobody is excluded from the process of discussion and decision-making but also that everybody is included on equal terms" Young (2002, pps: 24-25).

Relations in civil society are horizontal ones based on consent. When you are born in a country, you automatically became the citizen of that country, you do not choose it. Whenever you decide to become a member of an NGO, you can choose

according to the policy, mission, and vision of that NGO by building horizontal relationships. It is not a chain of command like in politics, which considers the society as a pyramid, a traditional, classical way of conducting vertical politics. This means associating hierarchical politics with horizontal relations.

Discussions of the relationship between democracy, civil society and NGOs date back to the 18th century. Hegel (1770-1831) is the father of the concept of “civil society,” but Hegel's civil society had the meaning of “bourgeois society.” The main idea of civil society is an establishment of the freedom of the individual person. In his theory, civil society is an area where individual interests and demands are defined. Civil society is committed to meeting individual needs and protecting individual rights. He considered civil society not as a concept that limits the powers of the state, but as a fact that connects it with the state.

Hegel envisions a broad range of mobility for the state because it organizes socio-economic life and keeps society under control. Thus, Hegel perceives civil society not as a concept that limits the powers of the state, but as a phenomenon that unites civil society with the state. Hegel calls the system of economic needs based on the dependency it uses for bourgeois society civil society.

Alexis de Tocqueville (1805-1859) conducted a comparative analysis of democracies and drew attention to the essence of NGOs. Unlike other thinkers, Tocqueville focuses on the function of civil society as a tool and focuses on the role of civil society organizations. For Tocqueville, the most important check upon the power of the state is the one executed by professional, cultural, religious and social associations in civil society. He referred to them as the independent eye of the society. The condition of democracy is a plural civil society. In his 1830 book *Democracy in*

USA, he argued that NGOs form the backbone to the mechanism running the U.S. democracy. Sometimes organized, sometimes ad hoc, U.S. NGOs functioned as a buffer between the individual and the public authorities, on the one hand, while forming politics within the society, on the other hand. What resulted was politics that were moderate and tolerable. Tocqueville said, “In America, I saw more than America.” What he meant was that he saw in America a model of egalitarian and pluralist democracies. He is said to have “tried to take a photograph of a democratic society there” Oktay, C. (2003, p. 111).

NGOs are mechanisms for fostering democracy. People set up increasing numbers of these organizations as instruments to meet community needs, to defend interests or to promote new policies. Solidarity, cooperation, organized common values are the key to forming an NGO. According to Tocqueville, the volume and mode of activity of an NGO constitute a kind of “school of democracy.” Hundreds and thousands of people come together to solve a problem, which has an impact on political institutions. Public opinion affects individuals and government institutions; actively created public opinion cannot be prevented. It is not important how competitive or individualistic a society is. If a society does not develop common understandings and sentiments, it is very difficult for that society to create NGOs (Oktay 2003, p. 118). Parallel to this view, Y. Ertürk commented: “The reform processes also created a dynamic public discourse that impacted the minds and decisions of authorities and ordinary people” Ertürk, Y. (2016, p. 261). For instance, the criminalization of marital rape could not have been possible if women had not managed the public discourse so effectively. Every successful campaign brought more legitimacy to the movement, while increasing the movement’s leverage against the state.

The demand of Turkish WNGOs in the 1990s was to create a public policy for a more secure, equitable, impartial, fair order by changing the law so that it would protect women's rights. The Civil Code of 2001 and the Penal Code of 2004 were enacted through strong WNGO involvement. However, backward steps have since been taken by the conservative government. The relationship between democracy and civil society in building women NGOs has been pointed out.

Civil society is most commonly used by Gramsci (1891-1937) in his discussions of democracy, where he especially refers to voluntary organizations and NGOs. Both government and civil society have roles to play. As Gramsci argues, the state is the synthesis of civil society and political society. This thesis sees NGOs as a bridge between citizens and the government. A country is conceived to be more democratic when it has a multitude of active civil society organizations. Civil society has become an important aspect of the democratization process of a country. This can be noted by the role played by Turkish WNGOs, which can be seen in the new clauses of the civil and penal codes that bolster women's rights. The presence of NGOs is crucial to fostering democracy. Civil society acts as an advocate of democracy.

2.2 The Concept of Citizenship and Civil Society

It is impossible to discuss democracy without including citizens. A "citizen" is a member of a political community, which is defined by a set of rights and obligations. "Citizenship therefore represents a relationship between the individual and the state, in which the two are bound together by reciprocal rights and obligations" Heywood, (1994, p. 155).

T. H. Marshall (1950) defined citizenship as “full membership in a community.” To him, citizenship is made up of three elements: civil, political and social. The civil element of citizenship is composed of the rights necessary for individual freedom, and what is most directly associated with it is the rule of law and a system of courts. The political part of citizenship comprises the right to participate in the exercise of political power. Such rights are associated with parliamentary institutions. The social element of citizenship chiefly consists of a right to the prevailing standard of a long and social heritage of a society. These rights are significantly realized through the social services and the educational system.

While the thesis provides some historical perspective to civil society, it is recognized that the term as we understand it today was formulated in the 1970s and proliferated throughout the world, including Turkey, in the 1980s. Civil society became stronger in the West especially after the 1960s. However, historically, in Europe, civil society began to emerge during the transition from a feudal to an industrial society. It was the result of the bourgeoisie struggling to distinguish itself from the aristocracy. Following the French Revolution, a society of free and equal individuals who have the right to make their own laws and constitution began to be imagined. There arose the idea that people and their rights had a privileged standing vis-à-vis the state, and that it was the duty of the state to defend these rights which belonged to every individual by nature.

Against the backdrop of the rising ideologies concerned with equality and human rights following the Second World War, the United Nations was established and The Universal Declaration of Human Rights in 1948 was declared. This declaration proclaimed, for the first time, that there were fundamental human rights that needed to be universally protected, and thus established a common standard

against which the achievements of all peoples and nations would be judged. It is through the implementation of Article 1 of this charter that WNGOs strive to achieve women's rights and gender equality (see Appendix B - Article 1 of the Charter).

Michael Walzer (1992) characterizes civil society as “the space of uncoerced human association and also the set of relational networks – for the sake of family, faith, interest and ideology – that fill this space.” Civil society can be understood as the "third sector" of society and the organizations in this realm are generally referred to as NGOs (Non-Governmental Organizations), which are distinct from government and business, and includes the private sphere. Civil society generates enhanced consciousness and objective self-realization. Civil society is composed of voluntary associations, self-help groups, political parties, private media, trade unions, chambers, neighborhood organizations, cooperatives, fraternal organizations, charities, social movements, interest groups, and NGOs. In this work, civil society is analyzed only from an NGO perspective and refers specifically to women's NGOs (WNGOs).

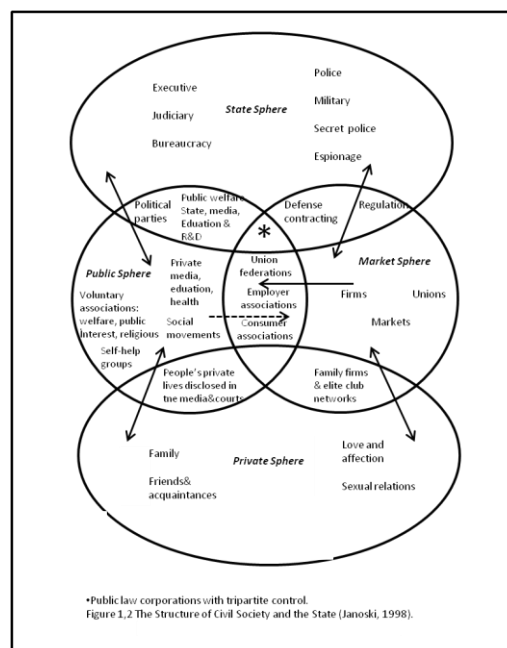


Figure 2.1: From “States, civil societies, globalization” by Janoski, Cambridge Uni p.21

The roots of politics lie in civil society. As Janoski (2005) states: “The very nature of the field that makes political sociology sociological comes from civil society in the broadest sense-everything about society that is either not the state or where the state has overlapped into other arenas.” This would be the overlapping circles below the circle representing the state, that is, the public, market and private spheres in figure 2.1.

According to Janoski, “The social bases of politics are located not at “Number 10 Downing Street,” “the hallowed halls of Congress,” “the White House” or “the new Bundestag building in Berlin.” Rather they reside with citizens situated in groups like labor unions, women’s groups, corporations, voluntary associations and churches or other religious organizations.” Taken within this context, civil society and the rise of NGOs, particularly WNGOs, in Turkey is the social basis of the politics of women’s rights in Turkey.

2.3 The Emergence of Civil Society in Turkey

Civil society is considered to be essential to democracy and a means of preventing authoritarian or military regimes. A political task is attributed to civil society. It is crucial for consolidating democracy. Its rise in Turkey is reflective of the changing state-society dynamics occurring in the middle of the 20th century. The importance of the rise of civil society actors, particularly beginning in the 1980s, for the acquisition of women’s rights cannot be underestimated.

Turkey has been a multi-party democracy since 1946, after which the Democrat Party (DP) won in the elections in 1950, replacing the 30-year rule of the Republican People’s Party (CHP). Turkey experienced a shift from a single-party rule (established in 1923) to a multi-party democratic system. In the 1960s and 1970s,

leftist movements of students and workers were considered as a threat to state authority. Any social opposition was considered as an enemy of the regime. This strong and deep-rooted understanding has led to restrictive measures against the development of an autonomous civil society in the country. The rise of Islamist and Kurdish opposition in the 1980s increased societal demand for democratization. This was followed in the 1990s, when the private concerns of individuals, which encompassed, for example, the environment, female identity and individual freedom, and LGBT rights, became part of the political agenda. Politics is a part of everyday experience. The following chapters will analyze the democratic dynamics of the women's movements, where the personal is actually the political.

The 1960, 1971 and 1980 military coups were notable defeats of democracy in Turkey. The elections of 1973 and 1983 were showcases of instances where the people rose up against authoritative actors (Keyman 2010). These elections were largely representative of the people's desire to reinstate a democratic system. The obstacles had fueled people's desire for change and, as a result, a number of NGOs started to emerge. In the 1970s and 1980s, they began assuming a political rather than social role. After the 1980 military coup, people wanted to remove the bans and barriers imposed by the military administration. Civil society has an ethical duty to spread democracy in that society – to help it make the transition to a democracy. This required the democratization of the state, making it more transparent, and transforming it into a responsible administrative entity vis-à-vis the collective (Keyman 2010).

As Arat has said, in reference to the women's movements that emerged in the 1980s,

“[they] contributed to the creation of political democracy as well as a democratic society. In search of their gender interests and liberal rights, women helped resurrect civil society and thus contributed to a transition to a political democracy as well as a democratic society” Arat, Y. (1994, p. 242).

The NGOs established before the 1980s in Turkey were established mostly for the representation of professional associations, trade unions, students, women, youth, and business associations. After the 1980 military coup, despite authoritarian rule, there was an attempt to create a neutral civilian space existing outside of political controversy. (After the 1980 coup, all associations, including women’s associations, were closed. Until the 1982 Constitution and new Law on Associations went into force, it was forbidden to establish an association).

From the mid-1980s to the 1990s, violence against women, forced virginity checks, sexual harassment and rape, the Civil Code, the Penal Code, secularism, and the headscarf ban were the main areas of struggle for the women’s movement. In the 1990s and 2000s, democracy became multidimensional and more complex. NGOs began operating in different areas. While the goal of democracy in the 1970s and 1980s had been on the development of democratic political structure, in the 1990s, its goal came to encompass the protection of human rights and freedoms as well. An emphasis was placed on the regulation of state-society relationships so that rights were guaranteed. Initially, the relationship between civil society and the state was seen in terms of opposition, but this later transformed into the idea of cooperation between the two. In recent years, where there has been a rise in the authoritarianism of the leader of the country and the state, concerns in society about the democratic process have once again surfaced.

The establishment of many GONGOs (government-organized nongovernmental organizations, i.e., anti-NGOs) is seen as camouflage. The state makes it look like all organizations are acting freely according to democratic rules when in fact there is state intervention in some organizations. By supporting them financially, the state wants to expand its views widely in the society. In this way, the state disseminates over a large number of people the norms it wants them to adopt.

NGOs are sometimes encouraged by intergovernmental organizations. There has been an increase in the establishment of GONGOs set up to express and propagate the government's views. The intention here is not the furthering of democracy. On the contrary, it reflects the increasingly populist effort of the government to influence society to get it to think the way the government wants them to think. Thus, GONGOs can be regarded as an extension of state power.

Consequently, while these organizations may sometimes contribute to democracy, they may also serve to weaken it. In a democratic country, NGOs should be self-governing, and not be directed by another authority. There must be an emphasis on independence and autonomy from the state. When they do not have this status, they end up preparing biased reports, which do not reflect reality, for international organizations. Parallel reports supporting government views (from GONGOs) create disruptions and confusion in the international arena. Outsiders fail to get a true assessment of the country's status in terms of democracy.

2.4 The Conceptualization of NGOs

As Bernard Shaw said, "If you want to know how a democratic system works, then look at its parts." Since NGOs are crucial elements of a democratic system, they need to be examined carefully. What we call NGOs are the organized form of civil

society. They work formally in their own specific fields, as unique organizations. Civil society is self-expressed by NGOs. Civil society means that society has initiative. It does not expect everything from hierarchical politics, and, therefore, from the state. However, when there is a problem, it tries to solve the problem by organizing itself.

The UN Conference on Environment and Development (also known as The Earth Summit) held in Rio in 1992 was a milestone for Turkey in the sense that the government accepted the presence of different NGOs in the country. Afterwards, it decided to host the UN Summit Habitat II. In 1994, members of a number of non-governmental organizations came together and created a Host Committee with their own means. The Habitat II Summit held in Istanbul in 1996 became a turning point for the establishment of NGOs in Turkey. Turkish NGOs started to receive funds from the EU, which was seen as an encouraging development that would enable them to grow. However, there was yet no definition of public space for NGOs. It attempt was made to find a counterpart for the word NGO in Turkish. They used words such as “non-state organizations” (*devlet dışı kuruluşlar/DDK*), “non-governmental organizations” (*hükümet dışı kuruluşlar/HKD*), and “voluntary organizations.” In the end, “organization was added to the Turkish translation of “civil society” (*sivil toplum*), which how term *Sivil Toplum Kuruluşu-STK* started to be used as an equivalent of the term NGO. Professional associations, trade unions, specialist organizations, and local initiatives began adopting the acronym STK, and regarded themselves as “representatives of the people.”

Despite the rich diversity of NGOs in terms of their fields of interest, activity, mission, services, and capacities, they share a number of common features as well.

Salamon, L.M., Sokolowski, S. W. and Anheier, H. K. (2000) and Salamon and

Anheier (1992, p. 12) argue that the structural and/or operational character of NGOs is the most appropriate basis for categorizing them into types. While they vary in function, they are generally voluntary, private, self-governing organizations that operate on a non-profit basis. Similarly, Gordenker and Weiss (1995) refer to NGOs as voluntary non-profit self-governing organizations that operate formally and privately.

In a similar vein, Tekeli, İ. (2012) argues that what distinguishes NGOs from other similar organizations is that they operate on a voluntary basis and do not have as a motivating force self-interest. Their ultimate aims are to offer something to society, to contribute to the social well-being, and to never to seek power over others to this end. They operate freely within civil society. Furthermore, horizontal relationships are paramount and hierarchical relationships are eliminated as discussed in the previous chapter. Finally, NGOs should be open and specialized in a specific issue (i.e., be issue specific).

I describe an NGO as a voluntary partnership. When an NGO chooses its members, it must consider how they will impact harmony, conformity, and consistency within the organization. Members ought to share the same feelings about a specific issue and be motivated to work together for the common interest of society. A partnership is being established for the well-being of present and future generations. It is an endeavor that may at times become a struggle. NGOs deal with issue-based matters. Many of these organizations may emerge as problem-oriented. Moreover, a wide variety of people can contribute to the organization in order to forge consensus on a joint solution. The best example in this regard is the NGOs that came together to work towards the amendment of the 2001 Civil Code. In this instance, different women's groups, regardless of their political orientation, cooperated to push

for revision of the law. According to one interviewee, this was not a small feat since many of the women felt antipathy towards one another. However, given the conditions of the time, they had agreed to collaborate so as to ensure that their common interests were voiced, thereby increasing the chances that they would be successful.

2.5 NGOs in Turkey

The CSDC (Civil Society Development Program), sponsored by the European Commission, was initiated in Turkey in 2002 for the purpose of contributing to the improvement and the strengthening of civil organizations on the basis of participatory and pluralist democracy. In 2005 the Program evolved into an organization itself called the Civil Society Development Center, whose activities include forming a database of NGOs, preparing guidance material for them, providing them with technical assistance and conducting courses for expanding their capacity (www.stgm.org.tr) (n.d.). Information obtained from the CSDC was used in this thesis to categorize Turkish NGOs.

The CSDC defines civil society as an area consisting of organizations forming as the result of people voluntarily coming together outside the confines of what constitutes state, market, and family relationships to improve the common interest of the community. It is this definition of civil society I use when referring to NGOs in this thesis.

According to CSDC data, there are 86,394 associations, 4,585 foundations, 102 labor unions, 97 public employee unions, and 4,794 professional chamber organizations operating in this field in Turkey. It classifies the distribution of

organizations according to such variables as fields of activity and education (STGM Etki Değerlendirme Raporu [CSDC Impact Assessment Report], 2010)

Table 2.1: Most participants (13.6%) indicate that they operate in the human rights field. The fields where there is the least activity are environmental rights and disability rights (8.4%).

Table 2.1: *NGOs Field of activity (CSDC)*

NGOs Field of Activity			
	N	Percentage	Subject Percentage
Gender	102	10,00%	39,10%
Children, Youth, Elderly	108	10,60%	41,40%
Environmental Rights	85	8,40%	32,60%
Disability Rights	85	8,40%	32,60%
Human Rights	138	13,60%	52,90%
Cultural Rights	110	10,80%	42,10%
Fraternal Association	115	11,30%	44,10%
Local Orientation	109	10,70%	41,80%
Rights Based	110	10,80%	42,10%
Other	55	5,40%	21,10%
Total	1017	100,00%	389,70%

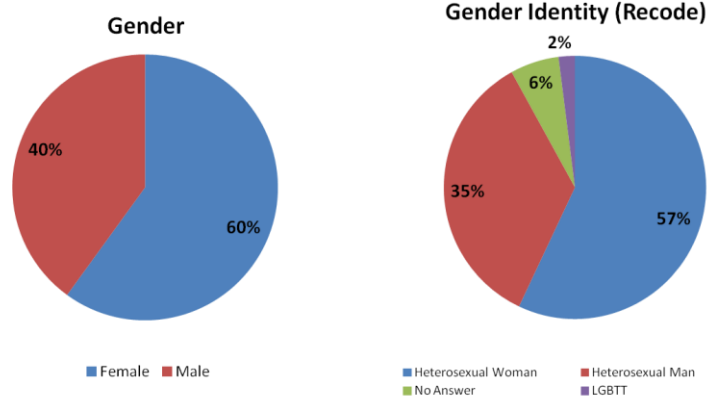


Figure 2.3 NGO participation on the basis of gender and gender identity; source: CSDC 60% of NGO members are women.

Table 2.2 shows the distribution of employment status of NGO members. About 13.8% work as paid employees of NGOs. 61% of NGO members work in the public and public sectors. So as civilian activists, they do not see their activities as being a source of income. They are involved in NGOs on a voluntary basis.

Table 2.2 *Employment status taken from CSDC*

Employment Status				
	Frequency	Percentage	Valid Percentage	Total Percentage
Public Sector Paid Employee	69	26,3	26,4	26,4
Private Sector Paid Employee	47	17,9	18	44,4
Civil Society Paid Employee	36	13,7	13,8	58,2
Retired	34	13	13	71,3
Freelance	32	12,2	12,3	83,5
Unemployed	25	9,5	9,6	93,1
Student	10	3,8	3,8	96,9
Housewife	8	3,1	3,1	100
Total	261	99,6	100	
System	1	0,4		
Total	262	100,0		

It is noteworthy that 75.1% of people who belong to NGOs have a Bachelor's degree or higher (see Table 2.3). This is particularly remarkable given that in Turkey as a whole; only 8.32% of the population has the same level of education. (2010). Clearly, the basic activities of civil society in Turkey are being performed by highly educated people.

Table 2.3 *Educational Level (CSDC)*

Educational Level				
	Frequency	Percentage	Valid Percentage	Total Percentage
Graduate	139	53,1	53,3	53,3
Post Graduate	57	21,8	21,8	75,1
High School	32	12,2	12,3	87,4
Bachelor	22	8,4	8,4	95,8
Primary School	6	2,3	2,3	98,1
Secondary School	5	1,9	1,9	100
Total	261	99,6	100	
System	1	0,4		
Total	232	100,0		

According to Third Sector Foundation of Turkey (TÜSEV) 2015 statistics, Turkey trails Germany, France, and the United States, for instance, in total number of NGOs operating in the country. There are 2,100,000 NGOs in Germany, 1,470,000 in France and 1,200,000 in the United States. There is a deep gap between these states and Turkey. 1/866 persons in Turkey is a member of an NGO. This contrasts with nearly 1/40 in Germany and France. This means that in France 4/10 persons belongs to an NGO.

In terms of geographical concentration, 35% of Turkish NGOs are located in Istanbul, Ankara and Izmir. Young people make up 8% of the membership of NGOs (Henrich Böll 2013, p. 155).

Data show that in Turkey 66% of people participating in NGOs are women and that the field in which NGOs are most active is human rights. It may be

concluded that NGO members consist of educated women working towards a better future and for human rights.

There are other institutions that serve to support the activities of NGOs. These include, for example, the Center for Civil Society Studies (Sivil Toplum Kuruluşları Eğitim ve Araştırma Birimi) at Bilgi University, which was established in 2013. The center has thus far focused on rights-based issues and the grass root activities of NGOs. Its expertise lies in capacity building and networking. Currently, the Center consists of four units and runs an MA program. It publishes books, reports, and articles, and holds conferences about the field.

3- THE INTERNATIONAL CONTEXT AND WOMEN

There has been an extensive exchange of experience and information between countries and the Turkish women's movement. Moreover, Turkey has numerous international obligations it must meet as a signatory to international conventions. The women's movement in Turkey owes its success to women who benefited from a favorable international environment. Women had the chance to compare the status and circumstances of Turkish women with those of women from other countries.

A comprehensive international regime for women's rights has resulted from the interaction between the global women's movement and actions taken within the United Nations (UN). As women's concerns trickled up from the local to the global, the women's movement diversified and so did the UN gender agenda, which experienced a shift of focus from formal equality to integrating women into development, to women's empowerment, to women's human rights, and to women and peace (Ertürk 2016; Jain 2005; Snyder 2006). This regime encouraged national-level pro-women change – at times modest and at times impressive – in the four corners of the globe. Ertürk, Y. (p: 16).

The recognition of violence against women by CEDAW as a public policy concern was a powerful force for mobilizing women worldwide. Meanwhile, in 1993, the Vienna Conference on human rights officially recognized violence against women as a human rights violation. This laid the strategic ground for the women's movement to coordinate advocacy around the reform of laws. Their strength depended upon the CEDAW agreement, upon which they established strategies and undertook major reform initiatives. What is more, within the context of the *acquis* process that was unleashed by Turkey's membership application to the European Union, state actors

had every incentive – particularly between 2001 and 2004 – to agree to the reform of gender regime-related laws and regulations.

The contemporary concept of human rights dates back to the Universal Declaration of Human Rights adopted by the United Nations in 1948. First-generation human rights were primarily related to the public sphere. In contrast, second-generation rights, which include economic, social and cultural rights, are valid within both the public and private spheres. In this regard, second-generation rights may be more important and meaningful for women's lives, since they are vital to creating the legal bases of social arrangements.

International agreements such as the Universal Declaration of the Human Rights, the Beijing Declaration and Action Plan, the UN's Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) of which Turkey was one of the first certifier countries. Turkey has gone a long way in formalizing these second-generation rights. Turkey has made major commitments in the area of gender equality due to its being a signatory to these and other agreements. Turkey has also been a member of United Nations since 1945 and has relations with UN institutions concerning women.

Policies at the national level cannot help but be influenced by the commitments entailed in these international agreements. International and national leaders and governments are accountable for the commitments they make. International agreements establish standards by which human rights are to be

protected. Accordingly, Turkey has a set of responsibilities and obligations it must meet on account of having signed and ratified the agreements.

The strength of the women's movement rests on the international treaties Turkey signed and ratified. Two such agreements (CEDAW and Istanbul Convention) have been particularly crucial to changing the current situation of women in Turkey today. The CEDAW (Elimination of All Forms of Discrimination against Women) is the most important in terms of obligations. Turkey's contractual obligation means that it has to change its national laws in accordance with the dictates of the agreement.

Turkey is also a candidate to join the European Union. As part of the membership acquisition process, it must meet certain criteria with respect to the equality of men and women before the law. Since applying for EU membership, Turkey has fulfilled a number of its obligations and signed major agreements with the EU, such as the Istanbul Convention.

This section of the thesis explains how European and international decisions and conventions affect Turkish policy on women's issues. It is obvious that the EU is another contributor to legislative change. Critical institutional transformation has occurred because of EU membership sanctions.

3.1 World Conferences on Women

Women's movements and the acquisition of women's rights in Turkey owe much to the contributions made by a number of key World Conferences on Women: Mexico City (1975), Copenhagen (1980), Nairobi (1985), Beijing (1995), Beijing plus Five (B+5) (2000), Beijing plus Ten (B+10) (2005), Beijing plus Fifteen (B+15) (2010), and Beijing plus Twenty (B+20) (2015) (See APPENDIX D for the details of

each conference) These conferences, where targets are set and achievements, implementations and failures are discussed every 5 years, have enabled Turkish women to familiarize themselves closely with organizational models and working methods, and ways of achieving social mobility, from different continents.

A decisive revision of the Turkish constitution in 2002 illustrates the impact of international commitments on national legal frameworks. Article 90 of the constitution was amended to read: “international agreements have ascendancy over national law in the event that there are controversies with respect to different clauses on the same subject regarding basic rights and freedoms.” Therefore, states much make public policy and enact legislation that conforms to obligations international agreements imposed on them. At the same time, “WNGOs have the right to call on governments to act accordingly” Moroğlu, N. (2009, p. 39). Therefore, despite the undeniable role the EU has played in institutional change, WNGOs have come to assume an even greater one.

Hence, the global environment has a profound impact on national policies. Turkish women have acquired an awareness of international developments in areas pertaining to women. The content of UN-sponsored conferences has an undeniable role in shaping national policy since many results in legally binding resolutions that have to be implemented by national governments.

International organizations have drawn attention to advances women have been in Turkey since the early 1970s. While women used to be treated as second-class citizens, they are increasing being viewed as full and equal partners of men, with equal rights to resources and opportunities. What has been taking place is an

enormous transformation that could not have been possible without international input and the full participation of women.

The conferences focus international attention on the need to develop goals, to set objectives, to identify obstacles, to find effective strategies and plans of action for the advancement of women. The UN focused on the subjects of education, employment opportunities, political participation, health services, housing, nutrition and family planning which are all problems Turkish women face every day. These are fields where there is intensive broadcasting, promotion and networking strategy. Member States, like Turkey established national mechanisms, institutions parallel to this policy of UN, and adopted research and programs aimed at women's advancement and participation in development in the light of the mentioned conferences.

These conferences serve to promote the advancement of women by opening a worldwide dialogue on gender equality. They have been enlightening for the Turkish women's movement. Women began to learn about the problems endemic to other countries and to determine key priorities for promoting the equal participation of women in Turkey. The conferences provided an area for formulating common strategies and contributing to international agreements through collaboration. Women were able to demand that their country accept and sign the agreements reached at them. Thus, they became important tools in the national advocacy efforts of the women's movement. Women call upon their governments to apply international legal standards to national laws, and to formulate and implement national strategies. In this regard, the CEDAW has been a great source of inspiration for Turkish women's rights and movements. What was needed was already there, they do not need to write or combine information from the beginning. CEDAW will be dealt in detail in section 3.3.

While the interests of the women attending international women's conferences are diverse, most are interested in issues of peace. The priorities of others include matters of equality and development that reflects the political and economic realities of their own countries. Nevertheless, UN conferences have played an important role in bringing together women and men from different cultures and backgrounds to share information and opinions and to set in motion a process that will help unite the women's movement, which by the end of the Decade for Women would become truly international. The conferences have also been instrumental in opening up the United Nations to NGOs, which have enabled the voices of women to gain access to the Organization's policy-making processes.

The first world conference on the status of women was held in Mexico City to coincide with the 1975 International Women's Year. With more than 8,000 people participating, women from around the world coming to the conference, both as governmental delegates and as member of civil society organizations, encountered each other for the first time under the auspices of the United Nations. An important facet of the meeting in Mexico City was consciousness-raising. Women themselves played an instrumental role in shaping the discussion. Of the 133 government delegations gathered there, 113 were headed by women. Women also organized a parallel NGO Forum.

Twenty-two governments and twenty-two NGOs adopted the "world plan of action." The agenda underlined the status of women in society and the obstacles that needed to be overcome to attain equal rights, opportunities and responsibilities. This action was adopted by The Assembly. In the Turkish case, the "Women's Petition" was the first mass action after 1980 coup. On 8 March 1986, the 7000 signatures that were collected in the campaign for the implementation of CEDAW were submitted to

the Parliament. In 1987, the Women's Association against Discrimination was founded to support the implementation of CEDAW. These developments show they were guiding the Turkish women.

The Decade for Women (1976-1985) was launched as a direct outcome of the International Women's Year (the Mexico Conference) to combine the concerns of numerous NGOs with that of the UN. The UN Development Fund for Women - UNIFEM - was established to provide direct support to development projects for women.

The most important conference of all was the Beijing Conference (the 4th Women's Conference) held in 1995 at the 50th anniversary of the establishment of the UN. Moroğlu crowned this gathering the "conference of commitments," adding that this was what distinguished it from other conferences. Moroğlu, N. (2009).

The importance of The Beijing Conference was its adoption of an action platform: the Beijing Declaration and Beijing Platform for Action (see Appendix E), which set an agenda for women's empowerment. 189 countries represented by 17,000 delegates committed and guaranteed to apply gender equality in all state policies and programs. This was the recognition, based on the Vienna Conference on Human Rights, that women's rights are human rights. There must be a shift of focus from "women" to the concept of "gender," recognizing that the entire structure of society and all relationships between men and women within it had to be re-evaluated.

According to Clause 14, the Action Platform was designed to allow world women to act in a more organized manner, to strengthen each other in their own countries while applying pressure on governments and political/public institutions. It provides a powerful international pressure group function. Turkish women came to

understand this, which is reflected in the various forms in which they pressured government to reform laws, including lobbying, submitting petitions, and advocacy.

The conference divided women issues into a number of subtopics: women and poverty, education and training of women, women and health, violence against women, women and armed conflict, women and the economy, women in power and decision-making, institutional mechanisms for the advancement of women, human rights of women, women and the media, women and the environment and lastly 'The girl child.'

In addition, in Beijing, Turkey committed to withdrawing its reservations to the CEDAW, to raising compulsory education to eight years, to increasing the rate of literacy among women to 100% by the year 2000, to providing women with the same educational opportunities and conditions as possessed by men, and to strengthening the national mechanisms for improving the status of women.

Compulsory education was extended to eight years in Turkey in 1997. Concomitantly, a National Plan for Action, which used the Beijing Platform for Action as a guide, was prepared jointly by the Directorate of Status of Women and a group consisting of universities, bar associations and WNGOs. The education of women is a requirement for women's participation in other areas of community life. The fact that compulsory education was increased from five to eight years has made it possible for young girls to benefit more from education opportunities.

Turkey participated in the 1995 Beijing conference with a large delegation. A male minister from Turkey attending the conference was ashamed to see the number of women delegations that most governments had sent. He had attended the meeting along with a female MP. From that time onwards, however, the ministers responsible

for affairs related to women have been women. A participant in this conference that I interviewed explained to me that there has been a change in attitude at subsequent conferences. She said, “We WNGOs, government officials, and academicians collaborated with each other and represented a single view. However, I see that the delegations at recent conferences act like enemies, the government representatives on the one hand and the WNGOs on the other. Turkish delegates have tended to stick with their own group. This shows how the government’s view of women’s issues has changed since the beginning of the 2007s.”

Other UN Conferences that have addressed women’s issues include: Habitat II, Istanbul, 1996, the World Summit for Social Development, Copenhagen, 1995, the International Conference on Population and Development, Cairo, 1994, the UN Conference on Human Rights, Vienna, 1993, the UN Conference on Environment (UNCED), and Rio de Janeiro, 1992.

3.2 UN Institutions on Women

Of the number of institutions dealing with women’s issues that operate under the auspices of the United Nations is the Commission on the Status of Women (CSW), which was established as a functional unit within the UN Economic and Social Council (ECOSOC) in 1946. The first World Women's Conference was held in Mexico in 1975. This was followed by others in Copenhagen in 1980, Nairobi in 1985 and Beijing in 1995. The four women's conferences and events such as the UN Women's 10th Anniversary between 1976 and 1985 accelerated the expansion of the international women's rights agenda.

The United Nations designates specific days, weeks, years and decades as occasions to mark particular events or topics in order to promote, through awareness

and action, the objectives of the organization. “Considering that it is necessary to strengthen universal recognition of the principle of the equality of men and women, de jure and de facto, and that both legal and social measures have to be taken by Member States which have not yet done so to ensure the implementation of women’s rights” (UN web site) (n.d), the UN General Assembly announced the year 1975, as International Women’s Year for the purpose of getting women’s rights included on the agenda in all countries.

In a similar vein, the UN declared March 8th as World Women’s Day in 1977. This date was chosen to commemorate the struggle women waged at a New York textile factory that began with their striking on March 8th 1857.

Due to the importance of working towards the safety of women, November 25th was designated the International Day for the Elimination of Violence against Women. The UN also initiated a campaign called “The 16 Days of Activism against Gender-Based Violence,” which aims to raise public awareness and mobilize people everywhere to bring about change.¹

3.2.1 UN Women

“The UN attaches special importance to women; UN Women is an entity that was created in 2010 to work for gender equality and the empowerment of women. UN Women supports UN Member States as they set global standards for achieving gender equality, and works with governments and civil society

¹ “Some intolerable facts: Violence against women is the most extreme form of discrimination. According to the aforementioned report, on the basis of data from 2005 to 2016 for 87 countries, 19 per cent of women between 15 and 49 years of age said they had experienced physical and/or sexual violence by an intimate partner in the 12 months prior to the survey. In the most extreme cases, such violence can lead to death. In 2012, almost half of all women who were victims of intentional homicide worldwide were killed by an intimate partner or family member, compared to 6 per cent of male victims.”

to design laws, policies, programs and services needed to ensure that the standards are effectively implemented and truly benefit women and girls worldwide”. UN Women website (n.d)

Other entities the UN has set up include: the International Research and Training Institute for the Advancement of Women (INSTRAW), an Office of the Special Adviser on Gender Issues and Advancement of Women (OSAGI), and the United Nations Development Fund for Women (UNIFEM).

UN Women’s main roles are:

“To support inter-governmental bodies, such as the Commission on the Status of Women, in their formulation of policies, global standards and norms, to help Member States implement these standards, standing ready to provide suitable technical and financial support to those countries that request it, and to forge effective partnerships with civil society, to lead and coordinate the UN system’s work on gender equality, as well as promote accountability, including through regular monitoring of system-wide progress”. UN Women web site (n.d.).

3.2.2 The Commission on the Status of Women (CSW).

The Commission on the Status of Women (CSW) is a functional commission of the Economic and Social Council (ECOSOC) established by Council resolution 11 (II) on June 21st 1946. As “the principle global intergovernmental body exclusively dedicated to the promotion of gender equality and the empowerment of women” UN website (N.d) the CSW is instrumental in promoting women’s rights, documenting the reality of women’s lives throughout the world, and shaping global standards on

gender equality and the empowerment of women. Both government officials and NGO representatives are allowed to attend the CSW. One of the MP's I interviewed said: "You must be there at least once; it is the heart of the women's issues." During the Commission's annual two-week session, representatives of UN Member States, civil society organizations and UN entities gather at UN headquarters in New York. They discuss progress and gaps in the implementation of the 1995 Beijing Declaration and Platform for Action, the key global policy document on gender equality, and the 23rd special session of the General Assembly held in 2000 (Beijing+5), as well as emerging issues that affect gender equality and the empowerment of women. Member States agree on further actions to accelerate progress and promote women's enjoyment of their rights in political, economic and social fields. The outcomes and recommendations of each session are forwarded to ECOSOC for follow-up.

The Turkish government and WNGOs attend CSW every year. UN Women supports all aspects of the Commission's work. The entity also facilitates the participation of civil society representatives" (UN Women web site (n.d.)) "Following the adoption of the 2030 Agenda for Sustainable Development in 2015, the Commission now also contributes to the follow-up to the 2030 Agenda for Sustainable Development so as to accelerate the realization of gender equality and the empowerment of women" (ECOSOC resolution 2015/6). The participation of Turkish women's groups in the CSW has provided them with an international perspective, which has enabled them to formulate strategies at the national level.

3.2.3 Sustainable Development Goals

At the 2015 UN Summit, 193 member countries adopted a set of Sustainable Development Goals (SDGs) aimed at ending poverty, protecting the planet and

ensuring prosperity for all as part of a new sustainable development agenda. Each goal has specific targets to be achieved by 2030. For the goals to be reached, everyone needs to play a role: governments, the private sector, civil society and individuals. The goals of achieving ‘Quality Education’ (goal number 4) and ‘Gender Equality’ (goal number 5) are the main focus of Turkish WGNs. This is because they know that they can improve women’s rights by educating people and by achieving gender equality.



Figure 3.1: SDGs (un.org)

“While the SDGs are not legally binding, governments are expected to take ownership and establish national frameworks for the achievement of the 17 Goals. Countries have the primary responsibility for follow-up and review of the progress made in implementing the Goals, which will require quality, accessible and timely disaggregated data collection. Regional follow-up and review will be based on national-level analyses and will contribute to follow-up and review at the global level” UN web site (n.d.).

According to the SDG 2017 Report published by the UN, gender inequality persists worldwide, depriving women and girls of their basic rights and opportunities. Achieving gender equality and the empowerment of women and girls will require

more vigorous efforts, including legal frameworks, to counter deeply rooted gender-based discrimination often resulting from patriarchal attitudes and related social norms.

The report mentions that Turkey is a country where the number of child marriages, violence against women, unequal distribution of wages, and unpaid work are high and participation in politics and representation in the parliament are low. As a result, it is vitally important for Turkey to work in collaboration with the UN. Without outside oversight and having to meet the obligations set out in international agreements, Turkey is likely to drag its feet even further.

3.3 Commitments that come with the signing of CEDAW

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was adopted in 1979 by the UN General Assembly to prevent violence and discrimination against women just for being women. CEDAW is often described as an international bill of rights for women. This contract protects a range of rights of women in marriage, divorce, public life and body in the world.

The CEDAW Convention (see Appendix F) is a legally binding human rights convention; it contains a definition of discrimination against women at international law level. In other words, it frames international standards in this area which makes the convention unique.

Countries agreeing to the Convention are obliged to implement a non-discriminatory policy towards women, harmonize their national laws with the Covenant and prepare regular reports (once every four years) for the CEDAW Committee. In addition to government reports, the CEDAW accepts independent

reports (called Shadow Reports) prepared by WNGOs. Through the agency of civil society organizations, it gives citizens a chance to express their independent ideas about women, which may be contrary to what is contained in government reports.

Signing and ratifying this convention in 1985, the Turkish government became responsible for seeing to it that its national legislation was compatible with it. However, since the signing of CEDAW in 1985 and the withdrawal of reservations² in 1990, WNGOs have become active and have called upon the government to make the necessary amendments to the constitution, and civil and penal law (details pertaining to these changes are discussed in the next chapter).

When the CEDAW was signed, domestic violence was seen as part of the private sphere. It took 13 years for there to be a change in mindset. In 1992, General Recommendation No. 19 on violence against women, adopted by the Committee, states that discrimination against women includes gender-based violence, defined as, “violence which is directed against a woman because she is a woman or that affects women disproportionately,” and, as such, is a violation of their human rights. It unequivocally removed violence against women from the private sphere and put it into the realm of human rights.

At the Vienna UN Human Rights Conference in 1993, it was officially stated that “violence against women is the violation of human rights.” It clearly framed violence against women as a form and manifestation of gender-based discrimination, used to subordinate and oppress women.

² Turkey had signed CEDAW with some reservations (article 15, paragraphs 2 and 4, and article 16, paragraphs 1, c, d, f, and g). “The reservations were primarily due to the existing Civil Code that claimed the husband to be the head of the family and gave him the right to decide on the married couple’s place of residence. The CEDAW Committee duly criticized the periodic Turkish reports and pressured Turkey to withdraw its reservations”.

A further step was taken by the CEDAW in 2017 with the launch of General Recommendation No 35 on gender-based violence against women. It completes and updates the information given by recommendation No 19. A concrete definition is provided. The importance of this recommendation is that prohibition of gender-based violence against women has evolved into a principle of customary international law.

The CEDAW's General Recommendation number 35 was inspired by the Istanbul Convention. The chair of the working group on this recommendation, Mrs. Feride Acar (Turkish) was also the President of GREVIO (Istanbul Convention's monitoring mechanism). She worked on both documents and brought recommendations to the committee.

WNGOs and lawyers in Turkey use the CEDAW as if it were a constitution of women's human rights. Turkish women's movements also mainly refer to CEDAW articles. This is because, the CEDAW defines "all kinds of discrimination, deprivation, and restriction, which prevent women from taking advantage of their human rights and fundamental freedoms in the same way as men, because of their gender... as a violation of the human rights of the individual. The basic principle of the CEDAW eliminates this kind of discrimination both de facto and de jure, in both the public and private spheres" Acar, F. and Ertürk, Y. (2011, p: 273).

Feride Acar refers to the CEDAW as a tool and says "it is important to use that tool. The tool itself is a very effective and instrumental; however, you have to know how to use it...If we don't read the instruction manual of an appliance that we have bought, we cannot use it in the best way possible. This is the case for the CEDAW Convention. People, NGOs and women should know the content of CEDAW Convention very well" (Kazete, February 18th 2008).

In January 1997, women's organizations took part in the CEDAW periodic country review for the first time by preparing a shadow report. Since that date, the women's movement has pursued a policy of preparing shadow reports to the CEDAW Committee, participating in the periodic country review, and monitoring the follow-up of the concluding observations adopted by the Committee. The first legal outcome of the CEDAW periodic country reviews was Law No. 4320 on the Protection of the Family, which provides protective measures such as the removal order from the shared dwelling against the violent offender and the first law to combat violence against women in Turkey. Women's organizations, aware of the significance of and the need for protective legislation, launched a campaign after the CEDAW review. They collected signatures in local marketplaces and organized marches. Law No. 4320 on the Protection of the Family entered into force on January 17th 1998.³

The women's movement consistently reminded the state of its obligations to CEDAW and acted as a watchdog.

3.4 Commitments during the EU membership period

Indisputably, there is a need to assess national improvements within the context of what is happening around the world. The climate worldwide is vital to understanding the process. The westernizing of economic, political and social structures was the goal of the Turkish republic right from its inception. Europe was taken as the role model. Becoming a member of the UN, a member of NATO, the

³ The first legislative measure providing for the protection of women against violence (including the removal of the offender from the shared dwelling) is the Law on the Protection of the Family No. 4320, which entered into force in 1998. After the 2007 amendments to that law, it was finally repealed by Law No. 6284 on the Protection of the Family and the Prevention of Violence Against Women, which entered into force in 2012.

Council of Europe and the OECD may be seen as a success of foreign policy of the time.

The European Union is an organization based on freedom, democracy and human rights. Therefore, it puts enormous energy into dealing with such issues as women, children and the environment. In fact, women's issues make up a major part of the EU agenda and gender equality is included in all of the EU policies. "Turkey-EU relations can sometimes be very tense but gender mainstreaming is influenced positively from this relationship and the EU's democratic society idea coincides with the demands of women's movements in Turkey" Çubukçu, S. (2018).

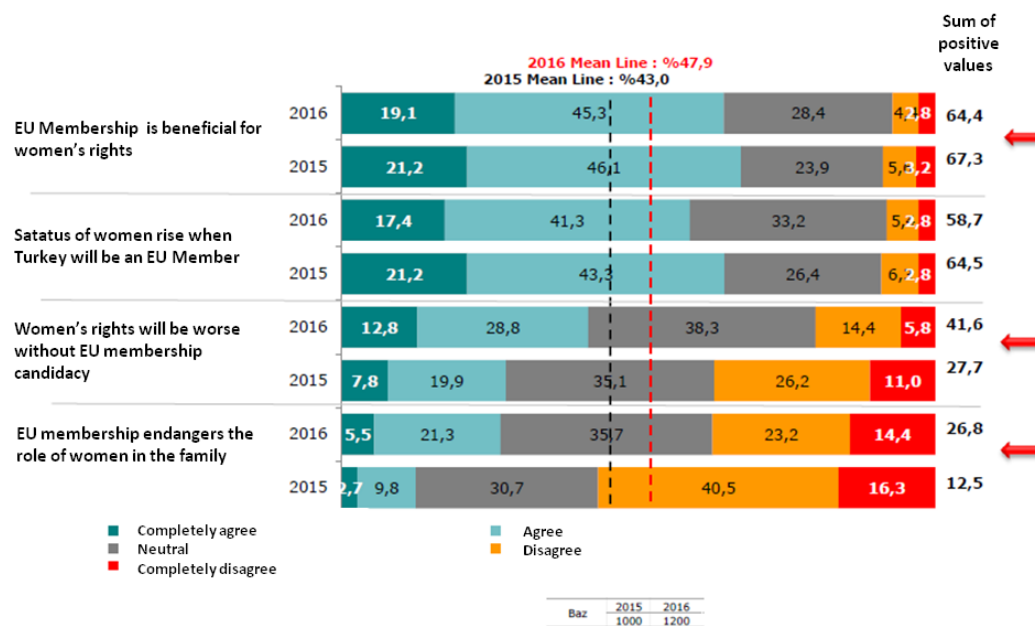
At the end of the 1990s, the EU's role in changes being made within Turkey has intensified due to the requirements of the EU membership negotiation process. These changes include progress in establishing the legal framework for the improvement of human rights. Turkey's close cooperation with the EU began when the establishment of its predecessor, the EEC, in 1959. The country has been making significant effort to harmonize its legislation with that of the EU laws and institutions. However, despite strong financial cooperation, the EU has insisted on excluding Turkey from its enlargement process because of political issues and pre-conditions for moving relationships forward. One of these preconditions set forth is the issue of democracy and human rights, especially women rights. It must be noted that Turkey has a long way to go before becoming a full member. The difficulties Turkey has been encountering with the EU regarding the opening of the 23rd chapter (Judiciary and Fundamental Rights) and the 24th chapter (Justice, Freedom and Security) of the EU acquis are evidence of this.

Prior to the AKP's rise to power in 2002, as well as during its first term in office when the AKP adopted pro-EU policies, the new wave of the women's movement that emerged in 1980s had already managed to make significant impact on the law-making processes. The Turkish government, wanting to include women in its efforts to obtain EU membership, came up with a positive initiative in 2003. The Ministry of Foreign Affairs invited 15 influential women to become volunteer ambassadors to the EU. The women got together and established the 'Turkish Women's Initiative for EU' to contribute to Turkey's European Union (EU) accession process and to change the negative view Europeans had of Turkish society. They worked on projects, held a symposium in Brussels, and opened an exhibition entitled 'Mothers, Goddesses, Queens /Anatolian Women.' The President of the 'Turkish Women's Initiative for the EU,' Arzuhan Yalçındağ (president of TÜSİAD at the time) stated: "we have made great progress, and further steps have been taken on democratic gains and minorities. The new Turkish Penal Code has been accepted. The equality of women, women's place in social life, business life, politics and Islam will be the most important topics in coming years. We aim to get rid of prejudices against us."

"In these legal amendments, besides the undeniable effect of accumulation of feminist movement, experiences and oppression, the government also has the obligation not to close the door to these changes ... in the light of its obligations arising from international contracts and EU candidacy process" Kerestecioğlu, İ. (2004). Since 2010, a sharp shift towards anti-democratic policies in line with the party's own societal vision has become apparent, thus challenging and undermining the equality norm at various levels.

In 2016, Kadir Has University completed a study on the “Perception of Gender and Women”. In one section of the study, they investigated the effects of EU membership on women’s rights. The participants mostly agreed that the EU was beneficial for women’s rights in Turkey and thought that the status of women would improve if Turkey became a member. 41.6 % of the respondents agreed that “if it were not for [Turkey’s] EU candidacy, the situation of women's rights would be even worse [in] Turkey.” And 26.8% responded to the statement "EU membership puts the role of women in the family in danger."

EU Membership and Impacts on Women Rights



2016 Research: Perception of Gender and Women in Turkey

Figure 3.2: EU Membership and Impacts on Women Rights (Kadir Has University Research)

Without exception, all the respondents in my interview asserted that the amendment to the Civil Code in 2001 was a victory won by WNGOs. However, they admit that it would not have been possible without the obligations imposed by the EU

accession process. While the Copenhagen Summit had laid down a number of economic and political requirements, the existence of a stable and institutionalized democracy, rule of law and respect for human rights were paramount conditions that had to be met.

The European Council of December 2004 confirmed that Turkey fulfilled the Copenhagen political criteria that were prerequisite for opening accession negotiations with Turkey and pointed to the adoption of new civil and penal law along the lines the EU desired.

“The Copenhagen European Council Summit of 2002 marked another important turning point in the EU enlargement process. The EU decided that Turkey fulfilled the Copenhagen political criteria; the EU would open accession negotiations with Turkey...Turkey took a number of important steps, the most important of which are the major review of the Turkish Constitution ... resulting in two Constitutional reform packages and eight harmonization packages, adopted between February 2002 and July 2004. With these eight reform packages, 218 articles of 53 different laws have been changed. In December 2003, during the Thessaloniki Summit, the Council’s welcomed the legislative reforms carried out by Turkey.” İKV web site (n.d.).

Accession negotiations were launched on October 3, 2005 with the "Negotiation Framework Document." This document consists of three fundamental principles along which the negotiations were to be carried out. These were:

- 1- Fulfilling the Copenhagen political criteria with no exceptions and assimilating and speeding up political reforms,

2- Undertaking and applying the EU *acquis*,

3- Establishing and strengthening the dialogue with civil society and in this regard undertaking a communication strategy aimed at both the European and the Turkish public.

This created a road map that included NGOs. From then on, the government was obliged to work in collaboration with them.

3.5 Commitments that came with the signing of the Istanbul Convention

Violence against women is not a problem that is faced only by Turkey. On the contrary, it is common global problem. Moreover, it occurs regardless of age, ethnicity, income, level of education, or marital status. It is a major obstacle to the full advancement of women. “The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic violence”- The Istanbul Convention, see Appendix G) signed in Istanbul on May 11th May 2011, is based on the understanding that violence against women is a form of gender-based violence that is committed against women because they are women” The Council of Europe web site (n.d.). It describes *gender equality* as “the sum of roles, behaviors, actions and qualities that are seen as appropriate by the society for women and men.” References to “gender-based violence towards women” stress that it constitutes “violence perpetrated on to women for being a woman and disproportionately affecting women.”

The treaty is a call to action dedicated to encouraging governments and MPs to design and implement the kinds of policies that will meet the goals agreed to by the signatories to the treaty. It establishes commonly agreed upon standards for achieving

such goals, thus serving as a guide for those involved in policymaking. While it was signed after the revision of the Civil and Penal Codes in Turkey, it is still important to the Turkish women's movement. It also aims at monitoring the effectiveness of the measures taken by local authorities and civil society to actively participate in the response to violence against women. G. Kav (personal communication, June 11, 2018), a WNGO representative, said: "the Istanbul Convention was a pioneering agreement for us, similar to what the CEDAW was to women in the past. Our basic demand is the application/implementation of the treaty."

The convention's basic aims are protection (to protect women and members of the family from violence), prosecution (to follow up on the violence committed), prevention (to stop violence) and policymaking (to make supportive policies for the people who are exposed to violence).

Turkey was the first country to sign. N. Moroğlu said that when they attended the General Assembly of the UWE (University Women of Europe-an international WNGO) in the name of TÜKD (Türk Üniversiteli Kadınlar Derneği), they saw that many European states had not signed the treaty in 2012. They wrote a letter to call all for UWE-member governments to sign. There was even a former Finland president at the meeting and she agreed it was a good move. The leadership of Turkish women received the attention of all the assembly delegates.

Contrary to the CEDAW, which is a global treaty, the Istanbul Convention is a European-only treaty. For now, it remains local even though it calls for every country to sign it. It may become a more widespread treaty, similar to the CEDAW, in the future. The EU has signed the treaty but it has not been ratified yet. Nevertheless,

when it is, all EU countries will become automatic signatories, which is likely to be in the near future.

The most important feature of the Istanbul Convention is the requirement that states establish institutional mechanisms that combat violence and work on the prevention of violence. This is binding for signatory state governments. In addition, there are sanctions. If there is something against the convention, the committee calls governments to make necessary changes in national penal codes. “It is the obligation of the state to fully address it in all its forms and to take measures to prevent violence against women, protect its victims and prosecute the perpetrators. Failure to do so would make it the responsibility of the state”. The Council of Europe web site (n.d).

There is an independent monitoring mechanism called the GREVIO- Group of Experts on Action against Violence against Women and Domestic Violence, which was established to monitor the implementation of the Convention by the parties and accept government reports and independent NGO reports (The GREVIO President is a Turkish professor, Mrs. Feride Acar. 2018)

N. Moroğlu (personal communication, February 26th 2018) said, “We needed an inclusive contract in the law. Turkish law no. 6284 (discussed in section 3.4), which covers all women (married or not), adopted in 2012 mostly depends on the force of this convention. The convention suggests it is about both law and practice. In addition, it aims to raise awareness on gender-based education beginning in childhood.”

4- THE WOMEN'S MOVEMENT AND STRUGGLE FOR LEGAL RIGHTS

WNGOs have played an inordinate role in achieving and protecting women's rights in Turkey. They have done this by linking local, national and international action for social change. Their role and mission must be seen within the context of the theory and practice of a functioning democracy, and the role civil society and particular civil society actors play in it. This chapter sheds light on the history of the women's movement in Turkey and the important place of WNGOs in it. It also assesses how WNGOs, especially in the 1990s, contributed to bringing about the legal changes needed to achieve and protect women's rights. Six major WNGOs in particular are singled out for analysis.

The status of women in Turkey is dismal. In 2017, out of a population of 38 million women, two million were illiterate. Only 28% were formally employed. 409 died as a result of violence. 387 girls were sexually abused. Only 82 out of 550 MPs were women. They represented only 43 out of 81 provinces. Just 14% of MPs were women, a figure that puts Turkey in 132nd place in the world.



Figure 4.1: Women MPs in the world (KA-DER)

It is not any better at the local level. Only three out of 81 provinces had women governors, 16 out of 973 district governors were women. 66% of the judges and 91% of the prosecutors were men. Bianet website (n.d.).

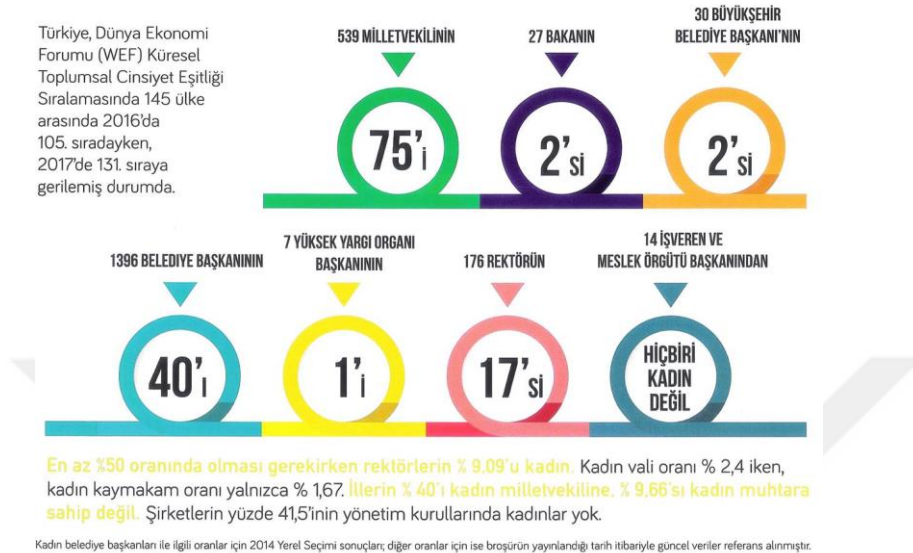


Figure 4.2: KA-DER statistics on higher ranking government officials

“In the course of history, the biological difference between men and women has been transformed into social differentiation and interpreted as a justification for the inequality between the sexes. Even though equality before the law has actually been recognized, there has always been a marked discrimination against women. Movements aiming at putting an end to this have gradually gained momentum. Especially since the 1970s, the issue has often been on the agenda in the international discussions on human rights and fundamental freedoms.” Moroğlu, N. (1999, p. 25).

Modernity has both economic and social aspects, marked historically by the Industrial Revolution and the French Revolution, respectively. It also includes the relationship between civil society and the state. This component of modernity is a

matter of political sociology, which entails a study of social movements. The analysis of women's social movements falls within this rubric. It involves what Marx referred to as praxis, the combination of theory and practice under a single umbrella. Specifically, what is explored is the collective consciousness and the gathering of women coming together to solve these common problems.

Important critical thinking emerged after WWII, when people began to question and to search for alternatives to the relationship between the state and society. Earlier, Enlightenment thinkers such as Montesquieu and Rousseau had asked if individuals were the product of the system or if individuals created the system. They discussed the idea of "good governance for good society." Later, Marx argued that the system changed individuals; Weber added that individuals, as well as beliefs and ideas, were also crucial. The social basis of politics requires analysis on an individual rather than system analysis of the state.

This thesis analyzed women's movements and found that there are certain areas where women have demanded a change for the sake of society through advocacy, lobbying and activism. Social movements are collective actions taken to bring about or prevent change in society's structure or values. A comprehensive analysis of the women's movements that began to undergo institutionalization in the 1990s was conducted. Many WNGOs were established to bring the concerns of citizens to the attention of governments. They initiated their legal struggle/campaign in support of a social goal. Most of them operated in a task-oriented way, working in the fields where governance is lacking or administrative obstacles exist. An example of this is the area of adolescent education, where girls often do not get the same opportunities as boys. Women's organizations can make a difference here by empowering girls through scholarships and opening up schools in rural areas, for

instance. They can also fight to prohibit child marriages. These types of initiatives contribute to the wellbeing of society.

Feminist historians often cite the late Ottoman modernization as the starting point of democratization and women's struggle (Çakır 1994). While acknowledging this long history of women's struggle, only the last twenty years are within the scope of my study. In this chapter, I provide a brief history of Turkish women's movements starting with the Ottoman period and moving on to the establishment of the republic and women being given rights. I analyze the articles of the Civil and Penal Codes. I explore the establishment of WNGOS and developments in the 1990s. A major component of this chapter is the assessment of the contributions made by these movements to legislative change, particularly the amendment of these codes, through their activism and awareness raising, both in society and the parliament. WNGOs must be seen within the framework of democratic theory and practice, a key theoretical component of this thesis.

4.1 Women in the work force (Feminization)

Women issues should be taken up in Turkey as a special policy area. There are statistics available that can be used for a comparative analysis of a range of topics, such as age at marriage, education, employment and violence, women have become one of the actors through whose efforts policies are formulated. It is important to note that women's participation in the workforce is a major indicator of their status in society. Moreover, the feminization of women in Turkey has played a significant role in social movements.

Even before the development of modern industry, women were an important part of the production process, albeit as unpaid workers. Today, however, women are

part of the paid workforce. This has also created radical changes in women's lives and women's rights. When they began working in factories like men, women received recognition for their work. Women working outside the home in the paid labor force, which had previously been dominated by men, created new labor issues. Women are faced with a glass ceiling both in public and private sector as well as in political life (the notion of “glass ceiling” is discussed in section 5.1) There was a progression of women in the labor force, starting with agricultural professions and proceeding to jobs in the industrial and service sectors. The rural-urban migration in the 1970s fueled this employment. Rural women began to work in homes as housemaids.

New business opportunities opened up for women through the technological revolution, which led to improvements in communication, the rapid development of means of transportation, industrialization, intensified urbanization, and improved lifestyles. This enabled them to more effectively participate in public life. It allowed for a re-examination of the economic, social and legal contexts of the roles they played and their status of governance. Reduced working hours, part-time work, the decrease in the age of retirement, and maternity leave for mothers have all brought the situation of women in the labor force into focus.

With the availability of appliances and consumer goods, women had to work fewer hours in the home. Family size fell, too, as birthrates declined. This led to an increase in the number of mothers working outside the home. With economic and technical progress, the search for equality and rights has blossomed. However, women have faced prejudice and negative attitudes as they moved further away from their traditional roles (e.g., domestic work, looking after children). M. Gülmez (1972). maintained in his article that the cornerstone of feminization was the increase in the enrollment rate of young girls in school and their increased level of education.

Politics have become a decisive factor for women's employment. Turkish women discovered their gender identity in the 1980s. There was a right-wing party (ANAP) in power at the time and according to the conservative politics they supported, women's place was in the home doing housework and raising children. It was thought that the family would disintegrate if women worked outside the home. They were about to create a national Muslim-Turkish citizen model. This did not, however, happen. Instead, they applied a liberal economic model that encouraged men to move out of the public sector and into the private sector, where more profits could be made. S. Acuner (in Bora, A., 2002) argues that by applying this economic model, they opened up a space for women to become civil servants. Women filled this gap between 1980-1988. Because women believed they had rights and could stand up against patriarchal attitudes. The key topics in women's politics in the 1990s and 2000s were the widespread violence against women and equal pay for equal work, respectively.

Official figures released by the Turkish Statistical Institute (TÜİK) highlight gender inequality in Turkey's labor force.

The population of Turkey in 2017 consisted of 40,535,135 men and 40,275,390 women. This breaks down to 50.2% male and 49.8% female.

Women are major contributors to social production and progress in a country. The development of women's rights and the manifestation of women's efforts to achieve them are for the social good. Women want to get social acceptance of gender equality. Part of this struggle is for "equal pay for equal work."

TÜİK statistics for 2017 show that 8.5% of women were illiterate. 14.2% of women had college degrees. 28% of women were employed. They made up 32.5% of the labor force. 23.7% of women were young and unemployed.

Table 4.1: *Overview of total population (TÜİK)*

Selected Indicators	(%)		
	Total	Male	Female
Illiterate (25+)	5,1	1,6	8,5
Graduate	16,5	18,8	14,2
Employment Rate (15+)	46,3	65,1	28,0
Participation in Employment (15+)	52,0	72,0	32,5
Young Unemployment (15-24 age)	19,6	17,4	23,7

As can be seen from the figures below, the growth in women's participation in the labor force stems mostly from their increased employment in the public sector.

Women made up 21.62% of civil servants in 1980. This figure rose to 34.06 % by 2010. Nevertheless, this is much lower than it is in the EU. In fact, Turkey ranks last among OECD countries in women's participation in the public sector.

Table 4.2: *Women in the Public Sector*

Women Civil Servants 1979-2010								
	1980		1990		1994		2010	
	Number	%	Number	%	Number	%	Number	%
Female	305.347	21,62	337.596	30,35	483.656	34,25	592.923	34,06
Male	1.106.896	78,38	774.667	69,65	928.571	65,75	1.148.001	65,94
Total	1.412.243	100,00	1.112.263	100,00	1.412.227	100,00	1.740.924	100,00

Source: Çiftçi, 1982, s.100; Devlet Personel Başkanlığı (1992), Kamu Personeli Anket Sonuçları 8, Ankara; Devlet Personel Başkanlığı (2011) İstatistikler, <http://www.dpb.gov.tr/dosyalar/excel/istatistikler/Grafik-cns.pdf> erişim tarihi: 25/02/2011

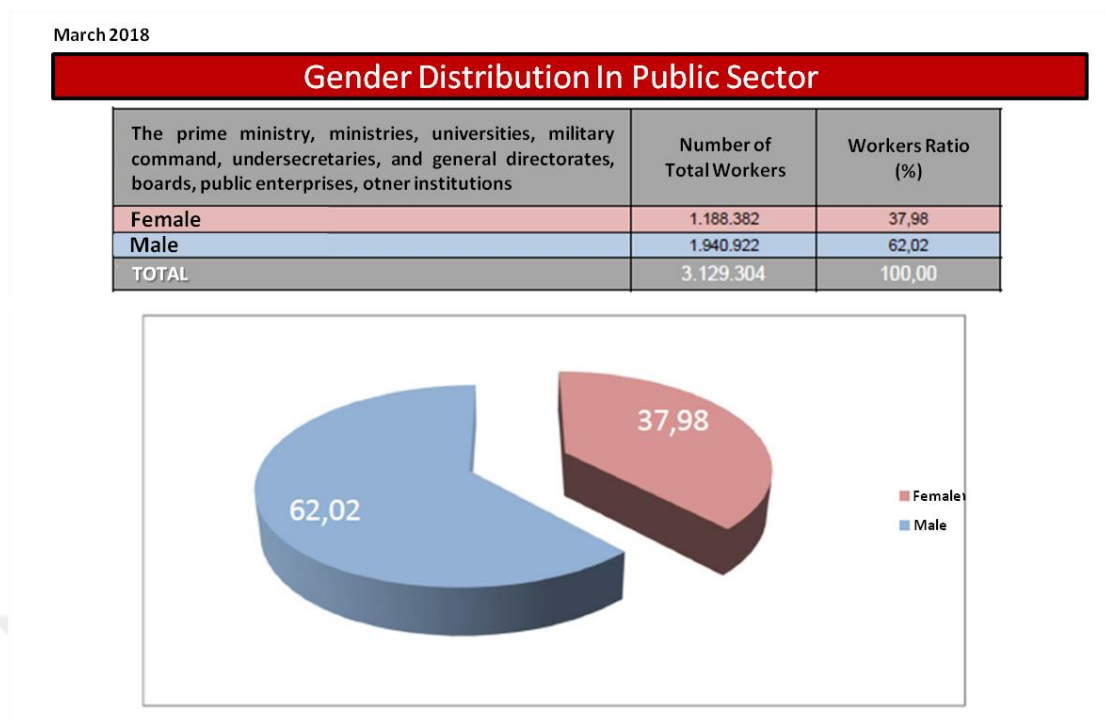


Figure 4.3: Female labor force participation (TÜİK)

The figure shows that more men than women work in the public sector (62.02% compared to 37.98%), which encompasses positions in the prime ministry, universities, military command, undersecretaries, and general directorates.

Table 4.3 shows that in 2015, the educational level of women was directly proportionate to their rate of labor force participation (16.1% for illiterate women, 26.6% for non-high school graduates, 40.8% for high school/technical high school graduates, and 71.6% for university graduates. Women's participation in the labor force rose with educational level.

Table 4.3: *Labor Force Status by educational level (TÜİK)*

Labour force status by educational level 2014, 2015
(15 age)

Year	Labour force participation rate						Employment rate					Unemployment rate					(%)	
	Total	Illiterate	Less than high school	High school	Vocational high school	Higher Education	Total	Illiterate	Less than high school	High school	Vocational high school	Higher Education	Total	Illiterate	Less than high school	High school	Vocational high school	Higher Education
2014																		
Total	50,5	19,1	47,8	53,5	65,0	79,2	45,5	17,9	43,3	47,1	58,1	70,7	9,9	6,3	9,4	11,9	10,6	10,6
Male	71,3	33,6	68,9	71,0	80,4	85,0	64,8	29,0	62,4	64,4	74,0	78,5	9,0	13,6	9,5	9,3	8,0	7,6
Female	30,3	16,0	25,8	31,9	39,8	71,3	26,7	15,5	23,4	25,8	32,1	60,3	11,9	3,0	9,3	19,1	19,3	15,5
2014																		
Total	51,3	18,6	48,1	54,1	65,4	79,8	46,0	17,6	43,3	47,3	58,7	71,0	10,3	5,3	10,0	12,4	10,2	11,0
Male	71,6	30,9	66,8	71,3	81,1	86,2	65,0	27,4	61,9	64,5	74,9	79,6	9,2	11,3	10,0	9,5	7,7	7,8
Female	31,5	16,1	26,6	32,7	40,8	71,6	27,5	15,6	23,9	26,0	33,4	33,4	12,6	2,9	10,1	20,3	18,1	16,3

TurkStat, Women In Statistics, 2016

Source: TurkStat, Labour Force Statistics, 2014, 2015

In recent years, women's employment has been mostly in the service sector. Many sectors still lack a proportional and diverse representation of women and men. Women's employment in the part-time job sector is three times greater than that for men. According to the results of the same survey, in 2016, part-time employees made up 10.3% of total employment; the figures for men and women were 6.5% and 19.1%, respectively.

Table 4.4 shows that the number of women in executive positions is increasing. The proportion of women in senior and middle management positions in private sector/companies was 14.4% in 2012 and 17.3% in 2017. However, these figures in no way reflect gender equality.

Table: 4.4: *Women in executive positions (TÜİK)*

	(%)		
Selected Indicators	Male	Female	Total
Illiterate (25+)	1,6	8,5	5,1
Graduate	18,8	14,2	16,5
Employment Rate (15+)	65,1	28,0	46,3
Participation Employment (15+)	72,0	32,5	52,0
Young Unemployment (15-24 age)	17,4	23,7	19,6

In conclusion, women are increasingly participating in the public sphere, earning their own living, and enrolling in higher education. Thus, they are being

employed in greater numbers and becoming more educated. This gives them a higher quality of life and increased consciousness about their rights. Women have begun demanding equal rights. This has fueled women's movements. The social power of women increased during the period I reviewed. There were many meetings and debates arranged by women in major cities and some women decided to become members of NGOs, which democracies really need.

4.2 A Brief History of women movements in Turkey

The women's movements in the Ottoman Empire and Turkey have been greatly influenced by western women's movements. The women's movement in the Ottoman Empire, which is the precursor of the movement in the Turkish Republic, was initiated mainly by educated, upper-middle class women who had access to the ideas of the West. Çakır 1994, (p. 76).

The first women's movements that can be referred to as feminist started during the 19th century, when the Ottoman Empire was going through changes, facing new challenges, and adapting more and more to Western norms. Many changes in law, education, economy and social structure occurred during this period. Women's movements found a space to develop within the conservative Ottoman society thanks to these reforms in other structures of the Empire.

Serpil Çakır (1994) argues that the most crucial factor in the women's movement in the Ottoman Empire was the press. Women's magazines started to discuss issues relating to women that had never before been challenged in society, such as polygamy, the apparent dominance of men in society, and the education of the women.

The first women's magazine, *Terakki-i Muhadderat*, was published by a Newspaper called *Terakki*, in 1869. The magazine was published weekly for 48 issues. The women could send letters challenging major social norms. The women used pseudonyms of common names when writing their letters (Çakır 1994). Two of the topics most frequently discussed were education and the dominance of men (father, husband, and son).

The modernization movement meant adopting the democratic norms and lifestyle of the West. Women were provided some rights directly without much effort on their part. Most of these rights were given to Turkish women long before western women obtained them.

“Human kind is made up of two sexes, women and men. Is it possible that a mass is improved by the improvement of only one part and the other part is ignored? Is it possible that if half of a mass is tied to earth with chains and the other half can soar into skies?” ATATÜRK

With the 1917 Family Declaration, advanced steps that benefited Muslim women were taken. Polygamy was restricted and the right to divorce was granted. This was a first in the Islamic world. The struggle for the right to vote began in 1919. Turkish women were not far behind western suffragettes.

The Civil Code was adopted in 1926. With this law, polygamy was abolished, women were granted the right to divorce and acquired equal access to inheritance, and the marriage contract was officially established. This was a secular law, taken from Switzerland, which was free from religious content. A marriage registry office was established, and officials became legally authorized to conduct marriages.

Under sharia law, women had been regarded as second-class citizens; they were not included in the society. The Civil Code was very progressive; it was revolutionary for the sociocultural environment at the time. Replacing religious law with secular laws was one of the major achievements of Atatürk's reforms. Through secular laws, women attained a new status as individuals.

After Turkey gained independence in 1923, a group of pioneering women petitioned to establish the Women's People's Party (Kadınlar Halk Fırkası) with the aim of participating in elections. Their request was denied. It was advised that women should establish associations instead of parties, both because women had no political rights and such an initiative would be divisive. So, they set up the Union of Turkish Women (Türk Kadınlar Birliği) instead. This Union, due to the internalization of the new regime's ideology, refrained from playing an active role in politics and eventually dissolved itself in 1935, claiming that they had reached their goal (women's suffrage) and so there was no need for a women's movement anymore.

For F. Berktay, this experiment meant that "in the single-party period, women's unique initiatives in terms of political organization [had] ended. The presidential regime had created a form of state-supported feminism, but [at the same time] it was defining and restricting its parameters" Berktay, F. (1992, p. 25).

Women established many deep-rooted associations. One of the first of these was the Türkiye Yardım Sevenler Derneği (previously Himaye-i Etfal Kadın Cemiyeti) (1928), which grew to have 142 branches in all regions of the country. Another was the Türk Kadınlar Birliği (Turkish Women's Union) (reopened in 1949), which is now the Turkish coordinator of the European Women's Lobby. Among the many others are the Türkiye Soroptimist Kulüpleri Federasyonu (1948), with its 39

branches, the Türk Üniversiteli Kadınlar Derneği (1949), with its 24 branches, the Türk Hukukçu Kadınlar Derneği (1968), and the Türk Anneler Derneği (1977).

In 1934, Turkish women were given the right to vote and be elected. In the elections held in 1935, 18 women were elected to parliament. Atatürk summarized the ideal position of the new women as follows:

“... We have to believe that everything in the world is the result, directly or indirectly, of the work of women... A country which seeks development and modernization must accept the need for change. The weakness in our society lies in our indifference toward the status of women... We must have Turkish women as partners in everything, to share our lives with them, and to value them as friends, helpers, and colleagues in our scientific, spiritual, social and economic life...” Abadan-Unat, N. (1981, p. 5).

Such rights were revolutionary at that time in the history of the republic. In the 1940s, women were satisfied with their current position and did not ask for any more rights than they had already been given. The women were supposed to be well educated, and successful in their jobs; however, they still needed to be good housewives and mothers who would raise the next republican generation. According to Kandiyoti (1989), “in the modernization project of the Republic women were political actors or symbolic pawns but in the contemporary stage the feminists are a small group of people.” She referred to the situation as a dilemma and said that while the republic had given some rights to women, it also had certain expectations of them, which meant that women were not entirely free to exercise those rights. Kandiyoti 1989 as cited in Davis, N.Y. (1989 p. 129).

According to Yeşim Arat,

“If the aim of the modernity project is to create a westernized liberal, democratic, secular society, Sabiha Gökçen, the first woman pilot, was the precursor. There were the educated elite women in the public sphere, on the one hand, and “other;” the western type housewife which symbolizes the modernized private sphere. Women Institutes were established for this purpose (1928) as was later the Evening Women Art Institutes” Arat, Y. (1998, p. 85).

The progressive power of women and the changing structure of the family and society led to gains in subsequent years. By the 1950s and 1960s, women’s typology had greatly changed.

The process of modernization does not occur at the same rate or degree in rural and urban settings. It takes time for some traditional approaches and beliefs to be replaced by more modern ones. Modernization does not take place in the same way or go through the exact stages in all societies, parts of societies or locations. The same can be said for women’s movements. They have different insights into social and political conditions. Most of the women in the countryside still do not know their rights today; they see patriarchy as their destiny. When women move to more urban areas, they begin to engage in other activities. They start working in factories, shopping with their own money, and enrolling in higher education. They develop perceptive selectivity. They take a greater interest in the women’s issues they hear being discussed in the public sphere. They begin to recognize that they are women and that women have rights. In short, they develop awareness.

Unionization, institutionalization, forming associations and foundations are always important steps. Former Istanbul Technical University-İTÜ Rector Gülsün Sağlamer, in a speech at the ‘Women of the Year of TÜKD’ ceremony on March 23rd

2018, said: “I have been an architect, a lecturer and a rector; [but] I did not realize that I am a woman. My awareness came later on after my retirement and now I have started looking at everything from a gender perspective.”

Savran (1998) explains that the Turkish women’s movement consists of three phases. First, in the early 1980s, women were engaged in ideological accumulation and fermentation among themselves. Second, there was an intense period of campaigns and activism that lasted until the beginning of the 1990s. Third, there has been institutionalization and ‘project feminism’ since the 1990s.

In the 1970s, changes unfolded in many areas of life. In the media, political magazines for women began to be published. One of these magazines that approached women's problems from different angles was *Democratic Woman*. The place of the individual in social life began to be questioned in this magazine. It discussed issues related to labor and women (including worker’s movements and strikes), and offered solutions to women’s problems. In the leftist environment of the 1970s, there was more subjectivity. The first feminist movement was for economic rights and equal pay. Leftists did not see the struggle as a separate women’s struggle. The women workers who were members of trade unions shared the same feeling as the males. They shared a common fight. They conveyed information together and produced opinion together. They voiced the same goals and ideals. According to Y. Arat, “Within the leftist ranks in 1975, women organized around the Progressive Women’s Association (İlerici Kadınlar Derneği-İKD) but the members of this association did not assume a feminist ideology. They worked within a Marxist paradigm, where class struggle was assumed to be the cause of women deprivation. Nevertheless, the İKD signaled the emergence of the awareness that women had problems that required separate organizing” Arat Y. (2008, p. 396). However, in the second-wave feminist

movement we see a more controlled women's movement that focused on women as subject. It rose up independently from any ideology. The latest feminist movement is a neo-liberal one. Neo-liberal politics emphasize diminishing the role of the state in economic life, increasing privatization, providing flexible working conditions, preventing unionization and restricting public expenditures.

In Turkey, NGOs take on responsibilities that should belong to the state. A good example of this is the women's shelters, which are opened to help solve the problems of women. The Purple Roof Women's Shelter Foundation- Mor Çatı was established for this purpose in Istanbul. Similarly, the Association for Supporting Contemporary Living -Çağdaş Yaşamı Destekleme Derneği - was set up to provide funds for raising secular students. Some WNGOs such as KA-DER asked for a fund from the state budget for building shelters and women's solidarity centers, but the government did not want to get involved. However, these are obligations that the social state must fulfill. After the EU projects were undertaken, municipalities began opening women's shelters. Other WNGOs also opened shelters and consulting centers. Bar Associations set up 24-hour consultation units; however, these are insufficient to prevent women's deaths and assaults. Following these neo-liberal policies, the state has remained dysfunctional, when in fact these issues should be the state's primary work.

Nazik Işık (2002) maintains that the feminist method establishes and transforms the relationship between science and politics. In the past, there were citizenship classes that provided instruction on how to be a good citizen. Today, however, it is the NGOs that offer training in how to be a good and active citizen. There are associations and foundations that take on this responsibility of the state.

Şirin Tekeli (a pioneer in the field) explains that women's movements have always been cyclical movements, where there were gains and then losses, and they operated both in politics and in economics. During the period 1981-1984 women started to discuss feminism in a symposium held by YAZKO, and to write a feminist page in the journal *Somut*. An open-air Festival is held in Kariye.

C. Arın, in our interview, said: "Şirin Tekeli and Stella Ovadia are pillars of the women's movement. Şirin, Stella and I, along with many others, created feminist consciousness-raising groups in the 1980s. In April 1984, the Women's Environment was founded and books of feminist writers were translated into Turkish. And the campaigns started to come one by one".

In 1986, women launched a petition campaign for the UN treaty CEDAW to be signed by Turkey. The major campaigns of the women's liberation movement of that day were the 'Purple Needle Campaign' (1989) and 'Our Bodies are ours, Say No to Sexual Harassment' and the 'Collaboration of Women against Beat' (1990). Women were even arrested at marches they had organized in order to keep important issues on the public agenda.

Towards the end of the 1980s, socialist-leaning publications began emerging. One example of these was *Socialist Feminist Kaktüs*. It was felt that under the ideology of socialism, feminism could be a powerful political force.

The movements in the 1990s differed from the ones in the 1980s. In the 1990s, institutions such as Purple Shelter, KA-DER, and the Women's Library were established. Kurdish women opened Ka-Mer (Women's Center) in Diyarbakır in 1997. Kurdish feminists published the journals *Roza* and *Jujin*. Women Studies

Centers were instituted at universities. The women's research centers became platforms where feminist knowledge was collected and developed.

In 1986, Duygu Asena published a book “*Kadının Adı Yok*” and subsequently assumed a major role in the sudden popularity of feminism. The woman mentioned in the book symbolized the liberal thought and the concept of freedom and feminism which had risen in 1970s. This was the first time the suppression of Turkish woman had been vocalized so loudly. Necla Arat’s academic works, Şirin Tekeli's translations of basic feminist books and Duygu Asena's ability to draw the attention of journalists helped lay the foundation for the ecology of the women's movement.

Many universities currently have master and doctorate degree programs, and there are 87 women studies centers at 85 universities (the very first ones at Istanbul University, established in 1992 by Necla Arat, Middle East Technical University-ODTÜ, established in 1994 by Feride Acar, Ege University, established in 1999). Since the 1990s, there have been more academic works and theses on women written and published.

Yıldız Ecevit (2018) emphasizes that these academic works are important because they have served to produce feminist knowledge, to question existing gender relations and inequalities, to make women's experiences visible and historical, to challenge the dominant patriarchal definitions and constraints, to question the basic concepts of mainstream disciplines and dominant knowledge/science forms, to create new ways of thinking, to produce new teaching processes (feminist pedagogy), and to produce feminist politics.

“We may argue that women’s/gender studies in Turkey had largely been the product of socio-political contingencies. In this context, the nation building

and modernization processes proved to be the major dynamics underlying the historical evolution of the field. The rise of the feminist movement in the post 1980s, as a social opposition platform to the subjectivizing of woman, on the other hand, fueled the development of the field in a way as to consider the particular conditions and needs/demands of women” Kerestecioğlu, İ. (2001).

Women have established a number of NGOs that have different purposes and directly intervene in community life. Through them, they have been able to find platforms for their criticisms, suggestions, and proposals, thus demonstrating their presence. This is why NGOs are indispensable for democracy. While women have been struggling for their rights for years, they have only attained some of them and are still demanding others.

Nazik Işık (2002) argues that civil society was made up of mostly associations and unions before 1990, and that there was greater institutionalization after 2000. Foundations such as Mor Çatı Kadın Sığınma Vakfı, Kadınlarla Dayanışma Vakfı, Kadın Emeğini Değerlendirme Vakfı; associations such as Kadın Adayları Destekleme Derneği, Kadın Araştırmaları Derneği; platforms like İstanbul Kadın Platformu, and groups like Yerel Gündem 21 Kadın Çalışma Grubu have been established. She stresses that the main line of development in the 2000s will likely be "the deepening of institutionalization."

With the digital era, women began to set up e-groups (e.g., Constitution Platform-Anayasa Platformu, Woman Assembly Platform- Kadın Kurultayı, Penal Law Platform-TCK Platformu, End Violence Platform- Şiddete Son Platformu, Women Stronger Together Platform-Kadınlar Birlikte Güçlü Platformu, Emergency Act against Murders-Cinayetlere Karşı Acil Önlem Platformu, İstanbul Convention

platform-İstanbul Sözleşmesi İzleme Platformu). The purpose of these e-groups has been to engage in and discuss issues dealing with women's rights. They have done this through online activities and the distribution of relevant news, thereby enabling people to become more informed. Almost everyone uses smart phones now; access to all kinds of information is possible regardless of location. News can be gotten immediately. A call to participate in a campaign can be acted on straightaway. Communication between WNGOs became even greater in the 2010s. A very good example of what is making this possible is the digital platforms Amargi and Bianet. These channels make the latest news and archives available at the touch of a finger, making it possible for any subject to be researched at any time. Another digital innovation was the Istanbul Women's Museum, Turkey's first digital women's museum, opened in 2012 in a virtual environment. Its aim was to create a "women's memory" and to keep women's history on the agenda.

Since 2000, both feminist speech and institutionalization have become widespread and enriched. New steps have been taken in feminist organizing and publishing. The feminist struggle has gained strength through such new initiatives as the Amargi Women's Cooperative (2001), Filmmor Women's Cooperative (2003), Socialist Feminist Collective (2008) and Women's Murders (2009). As for feminist publications, in addition to the books *Amargi Feminist Theory and Policy* (2006) and *Feminist Politics* (2009), there are also magazines such as *Feminist Approaches in Culture and Politics* and *Fe*, which are actively pursuing both feminist policy and theory. Other magazines include *Cımbız*, *Kadın Postası*, *Pazartesi*, *Dolaşan Mavi Çorap*, *Eksik Etek*, *Çağdaş Kadın*, *Kültür ve Siyasette Feminist Yaklaşımlar*, and *Kadın Bülteni*. The most popular one now is the humor magazine *Bayan Yanı*.

4.3 The Rights of Turkish Women

Turkish women were given significant rights with the establishment of the Turkish republic and Atatürk's legal reforms. "Nations that leave their women behind are condemned to backwardness" ATATÜRK. Co-education at Dar'ül-Fünun (the first university to be founded in the Ottoman Period) began in 1921. Education was secularized and all educational institutions were connected to the Ministry of National Education under the *Tevhid-i Tedrisat Kanunu* (Educational Unification Law) enacted in 1924. Girls and boys began to enjoy equal educational rights. The law on headress and regulations concerning clothing in 1925 encouraged modern clothing for men and women and, women stopped wearing veils.

"In 1926, the new Civil Code (from Switzerland) gave women a status of "person" and, therefore, equal rights to men in some areas (including marriage, and divorce). It was under these new changes that religious and polygamous marriages were banned. The right to vote in local elections was given to women in 1930, and full suffrage was adopted in 1934. There were also other social developments for women during the 1930s. For instance, Keriman Halis became the first Turkish woman to attend the international beauty contest which took place in Brussels in 1932. Sabiha Gökçen-the adopted daughter of Ataturk-became Turkey's first woman combat pilot Arat, N. (1996).

The Labor Law was adopted in 1936 and with it arrangements were made concerning women's working life in 2002. The labor law introduced equal rights to women, along with the principle of equal treatment in recruitment and dismissal, and in on-the-job vocational training. For example, in the event a female quits her job due

to sexual harassment from her employer, she will be entitled to all severance pay. Women will also be granted maternity leave, both before and after birth.

Internationally, the signing of the Convention to Eliminate All Forms of Discrimination against Women-CEDAW (discussed in section 3.3) by Turkey in 1985 meant that Turkey committed itself to undertaking measures to end discrimination against women in all forms. The year 1993 was another symbolic turning point for Turkey. For the first time a Turkish woman, Tansu Çiller (from the DYP-right wing party, a secular professor), became the prime minister of Turkey.

Furthermore, in 1998, Turkey adopted the Family Protection Law (Law no: 4320), which was important in that it provided “a protection system if a spouse or child or another member of the family living under the same roof is subject to abuse.” The law was amended in 2007, and its scope was enhanced by the Law to Protect Family and Prevent Violence against Women (see Appendix G - Law no: 6284) that came into force in March 2012, also with the strong support of women’s movements.

N. Moroğlu (personal communication, February, 26, 2018) characterizes these developments as a multi-stage process. Women achieved certain rights (through positive discrimination) incrementally, in three phases, between 2001 and 2010. Article 41 (“family is the foundation of the society”) of the Turkish constitution was amended, but the demands of WNGOs were not met. So, in 2004, Article 10 of the Turkish Constitution was amended to state: “Women and men are equal. The state is obliged to implement this equality.” The new Civil Code was adopted in 2001 and new Penal Code was adopted in 2004. The Istanbul Convention was signed in 2011 (discussed in section 3.5).

The history of general women's rights in Turkey as they related to need for amendments in the Civil and Penal Codes are discussed in the next two sections of this thesis. The gains acquired by women with the eventual amendments made to the Civil and Penal Codes (2001 and 2004, respectively) will be discussed in section 5.3.1 and 5.3.2.

4.3.1 Turkish Civil Code 2001

While my focus is on the post-2000 period, it is clear that the struggle in the 1990s led to gains in women's rights in Turkey later in the century. Women's movements in the late 1980s and the 1990s laid the foundation to changes in the new Civil and Penal Codes in the 2000s.

In the world of the 1980s in Turkey, the place of the individual in social life began to be questioned. This change resulted in the emergence of many different social movements, one of which was feminism. The problems of sexual consciousness and freedom also came onto the agenda. However, for nearly thirty years, the women's movement has been limited mostly to the "identity" and "body" of women, while overlooking other areas important to women.

Just how overwhelming this neglect is can be seen by looking at other cases in various parts of the world. Take, for instance, equality of men and women in the family. This was achieved in the 1950s in Germany and the Scandinavian countries, in the 1960s in France, Belgium, and England, in the 1970s in Italy and Greece, and in the 1980s in Spain and Portugal. Several amendments to the Swiss Code were achieved in 1972, 1976, 1984 and 1994. In contrast, the Turkish version of the Civil Code, which was adopted in 1926, remained unaltered for decades. The original code needed updating with respect to gender equality. As Moroğlu has maintained, "If

the rules of law are not changed in accordance with the changing and developing conditions of life, they cannot respond to the needs of the society and cannot reach a fair solution” Moroğlu, N. (2000, p. 101).

EQUALITY OF MEN AND WOMEN IN THE FAMILY

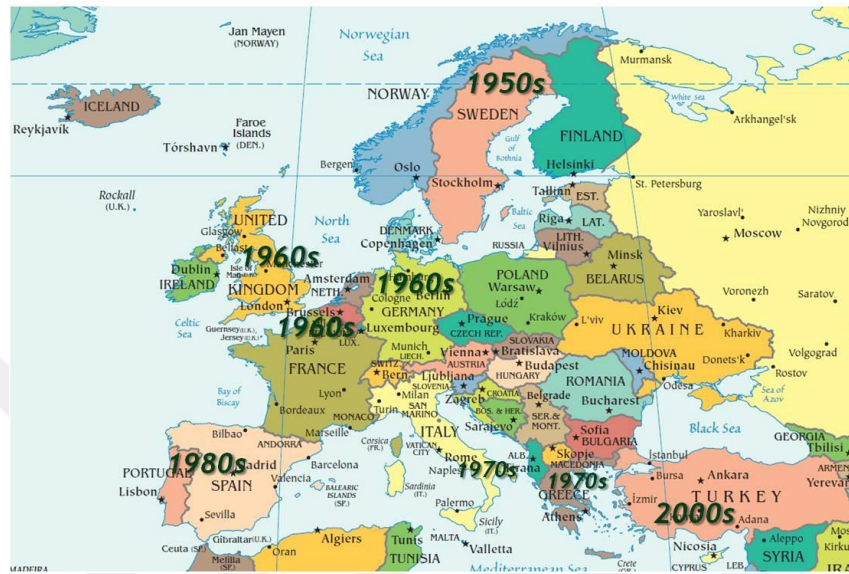


Figure 4.4: Equality of men and women in the family in Europe

As Necla Arat has stressed, “Atatürk bequeathed ‘the revolution must be completed’ and we need to change the civil code by taking this revolution one step further” İKKB, (2001, p. 45).

“Since 1926, secular Turkey had modernized into a pluralist society. Women who benefited from the 1926 law had, in 2001, become important civil society actors demanding the amendment of the code in line with the expanding global human rights regimes” Arat, Y. (2000, p. 241).

When professionals talk about reform in Turkish law, they mean the Civil Code, which symbolized a revolution in law. The Civil Code of 1926 (Yurттаşlar Yasası) was seen as a door to enlightenment and a step taken towards democracy. It

was secular and based on equality. Canan Arın (personal communication, June, 6, 2018), an activist and a lawyer, told me in our interview; I come from the nurtured illusion that men and women were equal. I thought it was so. But then, when I took part in the women's movement and looked at the events carefully, I saw that the most obvious examples of the inequality of men and women are first in civil law and then in penal law. Of course, I was surprised. There was never inequality in the family I grew up in, I do not remember doing the work of a brother, or ironing [for him], for example, because he was a man. However, I now have seen the world of women, and see how unequal the situation is.

Despite it being a revolutionary law at the time, it included several articles that reduced women to a subordinate position within the family. For example, it defined the husband as the head of the marriage union, granting him the final say over the choice of domicile and decisions regarding the children. Spouses were not given equal rights within the union. The identity of a woman was essentially destroyed.

The core part of Civil Code is Family Law, which

“...has always been a special branch of law, because the contradictions between religious and secular law arise most concretely in this sphere. At the same time, it is located at a juncture where private law intersects with public law. The family is defined as “the smallest unit of the social structure” (this seems to fall under the private sphere). On the other hand, internationally individual citizen’s rights need to be protected (which falls under the public sphere). The conclusion is that “private is political.” Ayata, G.&Candaş, A. in Ertürk, Y. &Afkhani, M. &Mayer, A. E., (2019 p:178) .

The married woman was subject to her husband. She had to assume his surname and live where he wanted. She also needed his consent to work outside the home. In short, she had a restricted legal status. The time eventually came, however, when women began to realize that they had been left out of the social, cultural, and economic developments that occurred over the years. In particular, it came to be understood that Family Law was extremely inadequate to meet modern-day circumstances, and so needed modification. Laws stipulating the relations between spouses needed to be reformed. The inequality enshrined in the law was contrary to the principles of international contract law, which contained the principle of equality between the parties to a contract. For 15 years, from 1985 to the end of the 1990s, topping the agenda of the women's movement in Turkey was the reform of the Civil Code. After many years of struggle, a new Civil Code was enacted and went into effect on January 1st 2002. This was a monumental legal achievement for civil society and the women's movement in Turkey.

This new law drastically changed the legal status of women in the family. The terms 'the wife' and 'the husband' have been replaced by 'the spouses.' Marriage became an equal partnership.

4.3.2 Turkish Penal Code 2004

The first Turkish Penal Code was adopted from the Italian Penal Code in 1926. It contained many draconian articles regarding crimes committed by women and against them. This was primarily because a woman's body was seen as the property of her husband. This was particularly evident in cases of rape, where the punishment was more severe when a married woman was raped because she was seen as being the property of her husband. However, if the raped woman was a sex

worker, the punishment was less. A major campaign was orchestrated to get Article 438 amended. Activist women carried banners with the words “we are also prostitutes’ on the street where there were brothels. Handing out “certificates for chaste women” (*Iffetli kadın sertifikası*) around Istanbul’s brothels, they unmasked the hypocritical and sexist moral norms of society. They protested the discrimination between “chaste and unchaste women.”

In the law, adultery was a crime as well as a justification for divorce. A man had to live with another woman for at least six months in order for his actions to be accepted as adultery. In contrast, it was enough for a woman to be seen with another man only once for her behavior to be considered adultery. There were other areas where men and women were not treated equally under the law (art. 440 and 441). The constitutional court was petitioned twice to get adultery removed as a crime from the Penal Code, but it rejected the petition on both occasions. However, after further struggle, the article that made adultery a crime was abolished. This major change in the law is also the result of the efforts made by women’s movements.

Turkish has no equivalent terms as used in international law for “rape” or “sexual assault.” The previous law, too, was lacking in this regard. The expression used was “*ırza geçme*” - a Turkish concept having reference to honor and chastity. It was based on the notion that a woman’s body and sexuality did not belong to her, and thus, was not part of her identity. Instead, these things were considered to be the purview of men, who were in charge of protecting the family’s honor and morality. Hence, women’s identity in society was reflected through the prism of men and family. When this law was in effect, if a woman married her rapist, he could escape punishment.

So-called honor killings is another issue. The international community applied great pressure on the Turkish government to increase the punishment given to the perpetrators of such crimes. The UN considered “honor killings” to be male violence perpetrated against women.” C. Arın (personal communication, June 6th 2018) told me that she had fought one long night to get this issue accepted by the UN (during the Beijing+5 UN official delegations meeting in 2000 in NY). She said that they had referred to the article as “Canan’s article.” During the session they had rewritten articles in the Turkish Penal Code concerning sexual offenses by comparing it to the Penal Codes of England, Germany, Austria, Iceland, and France, while keeping the dynamics of the Turkish society in mind. She said that these crimes were subsequently recognized as crimes against sexual freedom, meaning that the state had accepted the notion of sexual freedom.

Another issue concerns the age of consent, which is the age of 15 in Turkey. Sexual intercourse with someone under this age is considered a crime of rape. However, there was a case where 26 men raped a 13-year-old girl and the Supreme Court talked about the consent of the girl. C. Arın explained that this was just to protect the bureaucrats who were involved.

C. Arın told me (personal communication, June 6th 2018) that a proposal had been made to not consider as rape sexual intercourse engaged in with teenagers between 15-18 years old if there was consent, with an age difference of four years being considered normal. She said, however, that there was opposition to this proposal in the parliament where it was argued that it was a normal part of Turkish customs for older men to prefer marrying younger women. Subsequently, the Criminal Court immediately rejected this proposal. She commented that judges interpret the law through their own minds, which are shaped through education and

cultural experience, and that this mind should be changed through education, beginning in primary school.

Sexual harassment, sexual assault and incest are defined as criminal acts in the new law, which clearly states that no penalty reductions will be considered in cases of murders carried out on women where “customs” is used as the justification. It is clear that the taboos on morality, honor, virginity, sexual orientation and the crime of adultery crime are being demolished.

N. Moroğlu (personal communication, February, 26, 2018) elaborates on how they went about making proposals for changes in the law: We firstly analyzed the whole law from a gender perspective, uncovered contrary articles in the penal code restricting women rights, and went over them one by one. They were either repealed by parliament or rejected by the constitutional court. There was work around the issue of the legislation and legislative discrimination. We also engaged in field work to familiarize society with the new legislation.

N. Moroğlu maintains that the power of civil society is directly proportional to democracy in a country. She said that they were working in collaboration with the MPs who were sensitive to women's rights issues, and that their comments of draft laws were sent to the parliament.

4.4 Women NGOs in the 1990s

The proliferation of WNGOS has had a major impact on the ability of civil society to make its voice heard on major issues, one of the most important of them being women’s rights – their acquisition and protection. There were just ten WNGOs in Turkey between 1973-1982. This number rose to 64 between 1983-1992 and

mushroomed to over 350 after 2004 (Uçan Süpürge, 2004). According to the database of Ankara Social Sciences University, as of July 2017, there were 99 WNGOs headquartered in Ankara and 195 in Istanbul. In addition, there were a number of other WNGOs or the branches of these WNGOs located in other cities of Turkey. It can definitely be said that the women's movement spread all over Anatolia. Some of these organizations also have international connections, such as TÜKD, and share global information. There are Bar Associations in every province and they have "Centers for the Application of Women's Rights," which work like WNGOs. The Istanbul Bar Association's Women's Rights Commission was instrumental in the establishment of Turkish Bar associations' Women's Rights Commission (TÜBAKKOM) in 1999. Other examples of organizations with branches throughout the country are the Türk Kadınlar Birliği, which was established in 1924 and works in 40 provinces, as far-ranging as Trabzon, Kahramanmaraş, Izmir and Mardin; the Türk Üniversiteli Kadınlar Derneği, which was established in 1949 and has 24 branches in provinces like Samsun, Gaziantep, Kocaeli and Adana; KA-DER, which was established in 1997 and has 20 branches, including Şanlıurfa, Mersin and Balıkesir; KADEM, which was established in 2011 and has 41, including Ağrı, Antalya, Bursa and Bingöl. All of these WNGOs work under a General Assembly, a Board of Directors and a Supervisory Board. Some operate by opening branches in different cities.

To understand the role of WNGOs, as civil society actors, in raising awareness of the importance of women's rights and in orchestrating legislative change, I conducted a stratified sampling using six WNGOs that are actively working in the field of women's rights. The common denominator is their participation in the process of getting amendments made to the civil and penal codes. KA.DER- Kadın Adayları

Destekleme Derneği, Kadının İnsan Hakları Vakfı, Mor Çatı, Türk Üniversitesi Kadınlar Derneği, Uçan Süpürge, and İKKB are strive to achieve respect for human rights, full democracy, and the rule of law, struggle against all kinds of discrimination and violence against women, and work to integrate gender equality. In addition, the ones forming the sample are all secular WNGOs. This is because the efforts to make legal changes have been undertaken by secular constituents of society.

Although I visited the headquarters of two other (conservative) WNGOs (Hazar-Association of Education, Culture and Solidarity and AKDER), and interviewed members there, I did not include them as they said they were not effective in changing the civil and penal codes. This is because the president of a conservative WNGO had told me: We are all in this process; however, we have worked more in the background. The other organizations did not respect us or invite us to these meetings; there was the barrier of the headscarf at the time. Whenever we heard something, we continually attended the meetings, listened to the discussions and wrote reports even though we knew they would not pay attention to us. We were also struggling for another subject at the time.

In the 1990s, the debate for the freedom and lifestyle of women was over the headscarf. On May 2nd 1999, Merve Kavakçı (a headscarf-wearing MP for the right-wing Fazilet Party) attempted to attend the TBMM's swearing in ceremony wearing a headscarf, for which she was removed from the parliament hall. The headscarf has been transformed from an accessory, into a symbol of political struggle. It is no longer something that concerns only women.

In 2018, there are a few Turkish MPs who wore scarves during parliamentary sittings. Women have been permitted to wear headscarves in the civil service and at

universities since September 30th 2013. Recently, there have been debates about women wearing skirts and shorts in public buses, and the subway. So now the issue of women's freedom has turned into a debate over skirts and shorts. The ruling party (AKP) has become increasingly conservative in attitude. What's more, "The party supports "government-organized NGOs" (GONGOs) to construct and disseminate its conservative discourse. KADEM is one such GONGO that carries out this task. It works on the construction of an anti-feminist discourse that calls for the replacement of the concept of "gender equality" with "gender justice" Diner, Ç. (2018, p. 103).

This thesis focuses on the issue of women's rights, investigates amendments made to the Civil and Penal Codes, and explores the extent to which and how women's organizations established in the 1990s helped to bring about these changes. The research involved obtaining information about the formation and activities of the organizations specifically for the Civil and Penal Code amendment process. I address each of the selected WNGOs in detail by using data gathered by visiting their office/headquarters/branches and conducting research on their websites. I also collected and read their publications (e.g., books, newsletters, magazines, and brochures). I conducted face-to-face in-depth interviews with the presidents/ founders/ members of the chosen organizations and evaluated their performances vis-à-vis decision-making bodies. Their personal arguments and experiences are noted in section 4.5.

Considering their long battle for recognition and change, there are six WNGO's that deserve a particular attention in the 1990s (for further information of why they are chosen is explained in page 91).

4.4.1 KİHYÇ - Kadının İnsan Hakları Yeni Çözümler Vakfı

Women for Women's Human Rights (WWHR) – New Ways is an independent women's non-governmental organization, founded in 1993, which aims to promote women's human rights, equality and non-discrimination in Turkey and on the international front. Its name was inspired by the affirmation of women's rights as human rights following the 1992 World Conference on Human Rights in Vienna. WWHR-New Ways supports the active and broad participation of women in the establishment and maintenance of a democratic, egalitarian and peaceful social order as free individuals and equal citizens at national, regional and international levels.

Through two decades of persistent activism, advocacy and networking, WWHR-New Ways has become a widely renowned WNGO, not just in Turkey but also around the globe. It has contributed significantly to numerous legal reforms; increased rights awareness of women and the realization of women's human rights in Turkey; the advancement of sexual and bodily rights in Muslim societies, and the promotion of women's human rights at the United Nations level.

Issues they are working on include: investigating problems women experience in the sphere of human rights and devising potential solutions; influencing decision-making mechanisms at national and international levels; developing and implementing national and international training programs on women's human rights; developing publications, materials and tools for women's initiatives to support their organizing and the struggle against gender discrimination; and contributing to the establishment and work of effectual solidarity networks among non-governmental organizations working in the fields of gender, human rights and democracy in Turkey,

on the regional level (Middle East, North Africa, South and Southeast Asia) and around the world.

The distinctive characteristics of their work are: approaching women's human rights with a holistic perspective, and taking into consideration and addressing the interrelations between various issues concerning women in our work places (such as violence against women, education, political, social and economic rights, legal rights, sexuality, reproductive rights, rights of the girl child, etc.); combining various methods and tools in their efforts such as action-research, publications, training, influencing decision-making and policy development mechanisms, creating pressure groups and advocacy; working on and striving to bridge local, national, regional and international levels.

Women for Women's Human Rights (WWHR) – New Ways was awarded the 1999 Leading Solutions Award by the Association for Women in Development (AWID), in recognition of its contributions to advancing gender equality and social justice. In 2007, it was the recipient of the Gruber Foundation International Women's Rights Prize for coalition building to increase the knowledge, solidarity, and advocacy on bodily integrity, sexual, reproductive and bodily rights, and human rights among women and men in Muslim societies, and contributing to legal reforms to safeguard women's human rights and the realization of gender equality in Turkey and around the world. WWHR-New Ways also holds NGO consultative status with the Economic and Social Council (ECOSOC) of the UN since 2005. UN website, (n.d.).

In my interview with the WWHR representative, she proudly said that they had brought about the change in the Penal Code through advocacy and lobbying. They had established a working group and a platform (the Women's Platform on the

Turkish Penal Code –TCK Kadın Platformu) through which all WNGOs could combine efforts. H. Gülbahar (lawyer and activist) also confirmed that they had formed a group together, the ‘Women’s Platform on the Turkish Penal Code-TCK’ and had worked from 2002 to 2004 to get amendments made to the Turkish Penal Code.

They were the founding members of CSBR-Coalition for Sexual Bodily Rights in Muslim Societies. One of their members said: On behalf of Muslim societies, we saw more western speech about sexual and bodily rights and a sort of essentialization from the west, namely a reductionist approach. We are making an effort in these regions to push these Muslim societies to come together and use their own words and advocacy. The CSBR aims to bring together academic researchers and non-governmental organizations and to bring the promise of sexuality and body rights to Muslim societies.

On the national agenda, the WWHR is also working on the creation of awareness of Sustainable Development Goals (SDGs), working with NGOs, municipalities and other stakeholders, as well as advocating that the state implement SDG goals from a gender perspective.

For further information, see www.kadinininsanhaklari.org

4.4.2 KA-DER-Kadın Adayları Destekleme Derneği

KA-DER (Association for the Support and Training of Woman Candidates) is a women’s organization which advocates equal representation of women and men in all fields of life, especially promoting women’s participation in the parliament. KA-DER supports equality between women and men in all elected and appointed

decision-making bodies, where decisions concerning society and individuals are made, as a matter of democracy.

Women in Turkey have taken their place in different areas of social life. However, in top management positions and especially in politics, women are still significantly underrepresented. KA-DER was established by 19 professional women in March 1997 with a mission to eliminate inequality, to enable all citizens to participate in decision making, and to bring women's experience and resolution ability into the social and political arenas. KA-DER strives to increase the number of women in all decision-making bodies, both elected and appointed. They launched campaigns to reach their first target, which was for women to win enough seats in parliament in general elections to make up 10% of the total MPs there (this is equivalent to 55 women deputies).

Considering how much weight politics carries in social life, KA-DER has made ensuring equal representation, primarily in politics, its main objective. Equal representation ensured in the political field will pave the way for equality between women and men in all fields. KA-DER has four branches and four representations across the country. KA-DER's head office is located in Istanbul.

An interviewee talked about how KA-DER's activities and the women's movement had contributed to greater numbers of women in the media and in executive positions in large holdings. There are, instance, Turkish firms that support the UN-initiated 'He for She' (a solidarity campaign for the advancement of gender equality, whose goal is to achieve equality by reaching 50-50 employment), in education and so on. However, more of this kind of improvements can only come through supportive state policy. It is clear that more work needs to be done since the

number of women working in the public sector is gradually decreasing and it is very rare to find women in administrative positions in academia such as deans or rectors.

KA-DER publishes an annual school report for Turkey to raise public awareness. (see Appendix M). The organization has conducted many campaigns to achieve this. These include the “275 women MPs,” Politics without Moustache” and “Do you have to be a man to enter parliament?” KA-DER campaigns helped the women’s movement raise public awareness of the need for changes in the civil and penal codes. For further information, see www.ka-der.org.tr

4.4.3 Mor Çatı Kadın Sığınağı Vakfı

The first women’s rebellion against male violence in Turkey was organized by a group of feminists in 1987. A judge in Çankırı had rejected a pregnant woman's request for divorce, saying, ‘You could not leave the wife’s back without a stick, her belly without a baby’ (*kadının sırtından sopayı, karnından sopayı eksik etmemek gerekir*). (This saying emphasized the subservient role of women in a marriage, where the husband was considered to have final authority over her, hence the “stick.”) The decision also instigated a series of actions taken under the name of Women’s Solidarity against Battering - Dayğa Karşı Kadın Dayanışması (see Appendix N). Many of these actions were deeply shocking to the dominant mentality in Turkey. It was clearly understood that ‘*the private is political*’ and the government should take measures to protect its citizens. This ended with the establishment of Mor Çatı in Istanbul and Kadın Dayanışma Vakfı in Ankara.

The Purple Roof Women’s Shelter Foundation was founded in 1990 to collaborate with women experiencing violence and to spread the struggle against domestic violence. C. Arın (personal communication, June 6, 2018) said that, in 1988,

she had gone to Sweden and Şirin Tekeli had gone to Germany to study the women's shelters there. They subsequently established the Purple Roof, which they based on international models. Purple Shelter uses feminist methods to wage its struggle against male violence. The organization holds that it is necessary to combat inequalities by strengthening women's solidarity, where male violence is caused by inequalities between men and women in society. When giving support to women, instead of making a decision on her behalf, she is given support regardless of she decides. Women are not judged for their decisions. The Purple Shelter is located only in Istanbul.

Purple Roof organizes 'Women Shelters and Centers Assembly' to share experiences and information every year. This is a very important event as many WNGOs attend, produce and distribute knowledge. 2018 will be their 21st year. This is a most notable activity of women movements as they mobilize WNGOs in every assembly.

For further information; www.morcati.org.tr

4.4.4 TÜKD - Türk Üniversiteli Kadınlar Derneği

The Turkish Association of University Women (TAUW) was established in 1949. However, it was not until mostly the 1980s and 1990s that it opened branches in seven regions of Turkey. It currently has 24 branches comprising a total of 1,100 members. The structure of the association is as follows: General Assembly, the Board of Directors and the Supervisory Board. The General Assembly meets every three years in April. Registered members elected as delegates from branches attend the GA and have the right to vote. Branch Presidents and the Board of Directors are natural

members but can vote only if they are elected as delegates. Decisions are made by majority vote.

TAUW headquarters are located in Istanbul. It has five branches in Istanbul, three in Ankara, two in Antalya, two in Edirne and one each in Adana, Bolu, Bursa, Eskişehir, Gaziantep, Isparta, Izmir, Kastamonu, Kocaeli, Konya, Samsun and Yalova. These branches collected most of the signatures during the Civil Code Petition Campaign.

TAUW is a member of an international federation. The international body is the Graduate Women International (formerly IFUW), with which TAUW has been affiliated since 1955. GWI has had a special consultative status with ECOSOC since 1947 and is an NGO maintaining official relations with UNESCO. TAUW has also been a member of a regional graduate women organization, UWE (University Women of Europe) since 2002. This means that TAUW receives international feedback regularly by bulletins, newsletters, e-groups. In addition, it conducts joint projects with GWI member countries and receives funding for projects.

TAUW used the advantage of being a member of an international WNGO and experienced with other countries' actions on women's rights-related issues. It is in contact with the headquarters and is providing reports about the country, actions against women's rights. In turn, the international NGO is giving full support to this struggle by being their voice in the UN.

The mission of TAUW is to play an active role in providing leadership in attaining a contemporary and secular Turkey, where women are equal, active and independent citizens and can initiate change. TAUW aims to increase the number of women university graduates in Turkey, to develop fellowship/scholarship programs

for female university students, and to contribute to the enlightenment of the Turkish population.

The major obstacles women face in Turkey concern violence and lack of representation in decision-making. With all of its branches, TAUW collected a significant number of signatures to submit to the Turkish Parliament during Civil Code amendment campaigns. One of the woman MPs during the debates over the Penal Code amendments was a member of TAUW. She was a bridge between the Parliament and WNGOs. She was the source of indoor news and TAUW used this opportunity by creating new campaigns, reactions or strategies.

TAUW organizes ‘legal literacy’ workshops for women to teach them about the changes brought by the new civil and penal codes. It is crucial to make women citizens aware of their rights in protecting themselves from the violence perpetrated by their partners, husbands, or brothers. They are taught, for instance, how and when to seek legal remedies.

TAUW is working to empower women. It operates with the vision that women are equal, active and free citizens, who take an active role in all decision-making processes, and act as a vanguard for change. One of TAUW’s aims is to organize educational programs on women in decision-making mechanisms and women in politics. Education is a tool that is used against violence and discrimination. Another of its aims is to increase the enrollment rate of girls in school and to support female students through scholarship programs. Child marriages also hinder education for about one-third of girls under 17 years of age. Therefore, TAUW is playing an active role in promoting education for girls and women. Scholarships are provided to students. Their purpose is not only to provide financial support, but also to develop

friendships. Some branches raise funds for mentoring. When students graduate, they are asked to mentor younger members so that education and awareness will be sustainable. One other important aim of TAUW is to create and develop intellectual and contemporary citizenship awareness among university female students. Ultimately, it strives to develop leadership skills in women that can be used within a secular Turkey.

Other branches of TAUW undertake joint projects with the EU and GWI. Its branches obtain project funding to enhance skills for women in different areas, be it jewelry, marketing or even opening a kindergarten. Its members are helping to train and encourage them.

In the field of women's rights, TAUW works to actively monitor the work of the UN in women's human rights, ensure the implementation of CEDAW in Turkey, support the implementation of international conventions for the provision of equality between men and women, encourage public awareness of the human rights of women, end violence against women, carry out activities that will ensure equal participation of women, and those that will increase women's employment.

For further information; www.tukd.org

4.4.5 Uçan Süpürge Kadın İletişim ve Araştırma Derneği

The Flying Broom Women's Communication and Research Association was established in November 1996 with the aim of increasing communication, cooperation and solidarity among women's organizations and women's movement, transferring their experiences to younger generations and establishing a national and international network.

Its main objective is to prepare a national database that includes all women's organizations from different regions of Turkey and an international database with addresses and information about international women's NGOs. It engages in many different activities designed to empower women. Examples include organizing meetings in different regions, providing coordination and cooperation between WNGOs, publishing a newsletter (*Uçan Haber*), which examines developments in women's issues, helping WNGOs to get to know each other and increasing their interaction, making radio programs on three different radio stations, and organizing women's film festivals. It also strives to raise public awareness about women, which it does by organizing campaigns and events serve to empower women. It is in the broadest sense a "communication center" that contains a reliable database. One way the organization has used its vast data base was in preparing reports and holding informative workshops for the 4th Beijing World Women Conference.

A wonderful project conducted by Flying Broom was "My Madame Curie," a series of cartoon movies. "My Madam Curie" aims to make girls aware of their talents and dreams and to enable them to choose a profession without being limited by gender role expectations. Flying Sweepers strives to make women aware that they can work not only in the fields of teaching, nursing and law, but also in science and technology.

One of the representatives of Flying Broom said that the foundation had been set up to fulfill a need. One of its first actions was to get together the WNGOs and begin to fight for the amendment of the Civil Code through lobbying, advocacy and activism.

For further information; www.ucansupurge.org

4.4.6 İKKB İstanbul Kadın Kuruluşları Birliği

İKKB (The Union of Istanbul Women's Organizations) was formed under the coordination of the Women's Research and Education Center of Istanbul University. It functions as an umbrella organization whereby organizations come together around a protocol having as its common denominator secularism, equality, democracy and the human rights of women. The union consists of 45 WNGOs (see Appendix H - List of participants). The participating WNGOs have agreed to stage activities such as panels, exhibitions, theatres, rallies, and women's festivities. The Board of Directors is comprised of five WNGO presidents, who are elected on a rotational basis every year. The Board of Directors is responsible for communication and activities and is authorized to work in cooperation with all associations. İKKB is above all parties, works only in the area of women's politics, and accepts the president woman commissioner of each political party as an ex-officio member.

All associations that are members of İKKB work in harmony. In every action taken against human rights, they offer common responses to public authorities and to the media in order to raise public awareness. Since its establishment in 1990, the İKKB has engaged various actions and activities, the very being the action they took to bring about a change in the Civil Code (see Appendix N). In addition, they have held campaigns during run ups to elections. As part of the "Use Your Vote" campaign in 1999, 4.000 stickers were distributed to primary school children to raise their consciousness and help them to have influence over their parents. Written on the stickers were "Mum and Dad, Use Your Vote and Let My Future Be Bright."

IKKB believes that equality is a basic condition for democracy. It organizes seminars, symposiums, press conferences and signature campaigns to mobilize political mechanisms so that women can practice their rights and achieve equality in life.

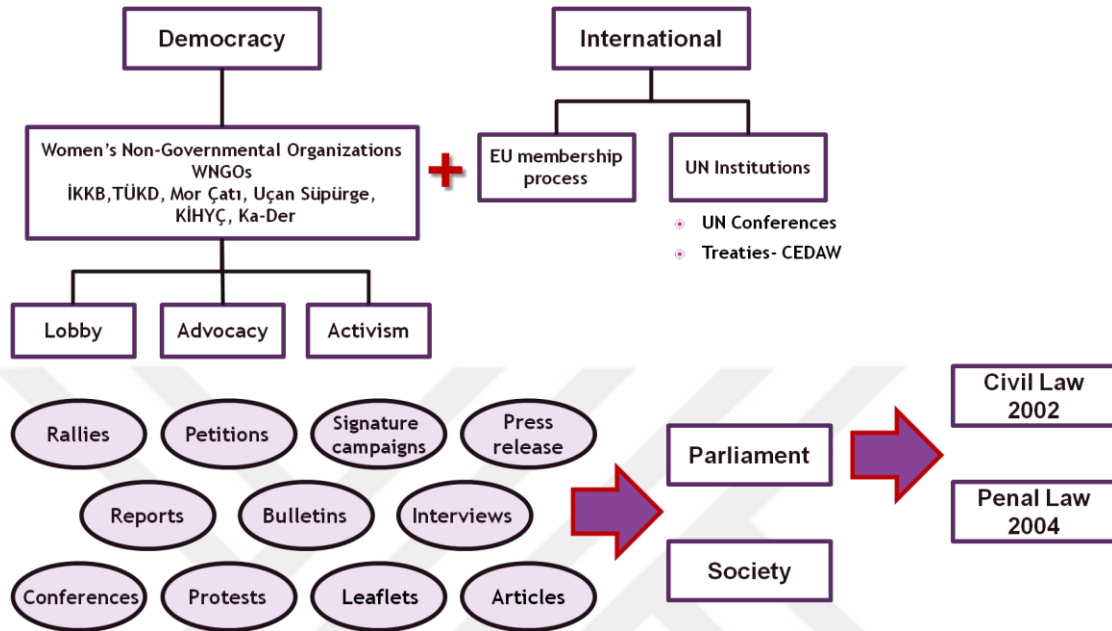


Figure 4.5: WNGOs impact on legislation

4.5 Impact of WNGOs on legislative decision-making

WNGOs have had a major impact on legislative decision-making in Turkey. After many long years of extensive collaborative struggle, they were able to bring about major changes in the Civil and Penal Codes that reflected increased awareness of the need to ensure women's rights. This collaboration was primarily between WNGOs and many activists, who waged numerous and ongoing campaigns to achieve their end. A remarkable aspect of this struggle was the great solidarity that brought women with different visions together to fight for a shared goal. It is a clear example of the role of civil society actors play in a democracy and the success that is possible

when they act together for a common purpose to get their voices heard by state officials. Interviews conducted over a period of two years with members of these WNGOS, as well as other women activists, form the basis for the analytical part of this thesis. I used the information and insight derived from these interviews to conduct further research and to draw relevant conclusions.

Historically, large numbers of women in Turkey have not been content with their position in society. Violence at home, in the political arena and in the workplace has been a continual source of malaise. The customs of “*child marriage*” and “*honor killings*” have been blemishes on women’s and girl’s rights. Women have not been seen as individuals. Instead, they have been forced to assume traditional roles as mother and housewife, serving as unpaid workers. They have lived like second-class citizens compared to men. They have not been equally represented in the parliament or at universities. Despite strong feminization efforts, the employment rate for women has traditionally been lower than for men. Obviously, there have been many serious problems related to women in society. Over time, women realized that they could change their status by opposing and struggling against the patriarchal order. Problems have not existed only in society at large, but also in the judiciary system, which has been discriminatory against women and girls. Because of what was enshrined in the law and the decisions of those charged with enforcing the law – judges and prosecutors, women have not been seen to have certain rights, let alone realize them.

One of the ways women worked to get their voices heard was through lobbying. The first lobbying was conducted during 1990-1993. Many women were invited from various walks of life, including business women, lawyers and lawmakers, economists, politicians, and journalists, to familiarize them with CEDAW (discussed in detail in the previous part 3.3). This proved to be very useful for the

enhancement of social awareness of women's problems. The women's lobby also beneficial in the preparation of the founding Statute of the Directorate General on the Status and Problems of Women. Women's lobbying had an impact on government authorities, who decided to establish an institution dealing directly with women's issues.

In the 1990s, WNGOs carried out a series of successful campaigns. Examples include one that was designed to place priority on getting women candidates elected in the 1991 general elections. Two important signature campaigns were held, one against violence in 1992, and another to amend the Civil Code, in 1993. The latter campaign resulted in the collection of 119,000 signatures in collaboration with WNGOs nationwide. These signatures were handed over in February 1993 to the President of the Parliament and Minister of Justice. WNGO representatives participated in the sitting of parliament where the signatures were received (see Appendix N).

A wreath bearing the words "Women's Rights Revolutions must be accomplished" was placed at the Mausoleum of Atatürk by WNGO representatives. The posters and stickers on which the slogan "Democracy in the family-Democracy in the Society" was written were printed and distributed (see Appendix N).

In 1993, a 'Secularism and Women's mass rally' was organized and a declaration emphasizing the principle of secularism and women's rights was published. In 1995, a 'Civil Code' Convoy (on the occasion of the 69th anniversary of the adoption of the Swiss Civil Code) and a march was organized in Istanbul to draw the parliament's attention to the need for amending the Civil Code. In 1997, a Flowers Rally was staged before the Monument of Independence in Taksim Square on the

occasion of the 73rd anniversary of the adoption of the law for the unification of education. In 1997, a campaign was held in support of 8-year compulsory education. A signature campaign for a ‘democratic socialist call’ collected more than 1,000 signatures. These activities were widely disseminated via local and national media. The media was effective in helping to raise public awareness. It became clear that if something is explained well to people (the citizens and also the MPs) they will become more conscious of the issue and mostly end up supporting the idea.

The above-mentioned campaigns were mostly held by the Union of Istanbul Women Associations-İKKB (İstanbul Kadın Kuruluşları Birliği) of which 45 WNGOs were members.

Meanwhile, CEDAW Recommendation No.19, which pertains to the prevention of violence against women, was adopted in 1992. It states that discrimination against women includes gender-based violence, defined as “violence which is directed against a woman because she is a woman or that affects women disproportionately,” and, as such, is a violation of their human rights. The UN published the declaration in 1993; and this has been a driving force for Turkish legislation. Countries accepting the Convention are obliged to implement a non-discriminatory policy towards women, and harmonize their national laws with the Covenant. Women aimed to take further steps to influence state policy, and demanded a reformation of civil law in order to bring this about. Women believed that the prerequisite for changing behavior was to change policies. The Law No. 4320 on the Protection of the Family, adopted on 14 January 1998, is seen as a positive step towards reducing violence against women. It was also the first legal step. The process of changing law about women was achieved incrementally. After this law was enacted, it was time to take on the Civil Code.

WNGOs worked hard day and night to come up with an action plan specifically for the amendment of the Civil Code. The Union of Istanbul Women Associations (İKKB) (for more info see section 4.3.6) was set up in 1995 for this specific purpose and led the struggle to get amendments made to the Civil Code. The İKKB worked in collaboration with the Ministry of Women in 1990 when there was a coalition government in power. The İKKB worked in collaboration with law experts, including the Istanbul Bar Association Women's Rights Center (İstanbul Barosu Kadın Hakları Merkezi) and the Turkish Jurist Women's Association (Türk Hukukçu Kadınlar Derneği), which took responsibility for preparing a draft and sharing with other WNGOs. They prepared a draft amendment report and sent it to all MPs in the parliament.

The İKKB organized an enormous signature campaign for the amendment of the Civil Code, through which more than 100,000 signatures were raised. This was achieved despite the fact that technology was not in wide use at the time. So it can be seen as the result of the hard work of all WNGOs working together. There were no e-groups or similar quick communication tools. However, there were branches of WNGOs collecting signatures from all over Turkey. These documents were brought in person to the President of the TBMM, Hüsamettin Cindoruk and Minister of Justice Seyfi Oktay by the representatives of the WNGOs. This drew a great deal of attention (see Appendix N). These are activities were carried out by WNGOs to influence policy-making and decision-making processes.

These campaigns were held on every 8th of March Women's Day and every 17th of February, on the anniversary of the Civil Code being enacted in 1926. A Constitutional platform was established.

Necla Arat, the president of Istanbul University Women Center, wrote a letter to the first female Prime Minister, Tansu Çiller, asking for her support, “Our Civil Code was based on Swiss Law in 1926 and has remained the same for 68 years; it has not kept up with the current conditions. We should keep up with the changing society and update the law” (İKKB; 2001, p. 82) (see Appendix N). This letter was published in *Kadınca* Magazine in March 1994. She also wrote a letter to Oktay Ekşi, a respected journalist, to ask for media support (İKKB; 2011, p. 80) (see Appendix N). It is an excellent illustration of activism engaged in to raise awareness about a topic. By making these issues part of the political agenda, it is possible to inform and persuade others, and obtain popular support. The positive influence of the media should not be underestimated. Women had the full support of the media at the time.

Women continued to lobby, take part in street protests, conduct signature campaigns and engage in other forms of advocacy all over Turkey. These activities evolved into a Women’s Platform for Civil Law. H. Gülbahar stated that she also formed an e-group, the Women’s Assembly (*Kadın Kurultayı*), which was a closed group. Everything was discussed within this group. The group was an inclusive group consisting of, for instance, nationalists, Kurds and liberal and conservative women. It was created in the days leading up to what was called the “Violence Act”.

The focal point is Article 41 of the Turkish Constitution which states: ‘The family is the foundation of Turkish society and is based on equality between spouses.’ Article 41 was amended in October 2001, redefining the family as an entity that is “based on equality between spouses.” Future enactments and amendments to laws, such as Act 4320 and the Civil Code, were made in accordance with this article.

Moreover, with these provisions of the constitution, equality between spouses enshrined and guaranteed under the law. After this law was enacted, it was time to go further and work on amending the Civil Code, which a number of working groups did. H. Gülbahar maintains that the Turkish women's movements' driving force was the collaboration between the Women's Platform for Civil Law, which had branches throughout the country, Purple Roof and the İKKB, which in total consisted of 126 women's groups.

She stated that “we started our struggle years and years before, (the Civil Law draft was on the parliament's agenda several times. Since 1951 there have been numerous commissions formed by the Ministry of Justice and several proposals prepared; however, none had succeeded until 2001) what triggered us was an MP's statement on the discussions of Civil Law amendment during commodity regime negotiations”.

The main argument was a design based on equality between men and women. The discussions in parliament focused particularly on the marital property regime between the spouses in the 4th section. In 1997, Orhan Bıçakçioğlu (MHP MP) opposed the proposed change: ‘We will not give it to women’ (*Karılaraya yedirtmeyiz*). Women, rejecting this mentality, went to the parliament in Ankara. They demanded that this rhetoric be dropped and that the equitable sharing of the property in marriage be the rule. However, there was a surprise in front of the stairs at the entrance to the parliament, where people were distributing red carnations. H. Gülbahar (personal communication, May 18th 2018) said: “I just stopped; I realized O. Bıçakçioğlu was behind this and my first reaction was to refuse the flowers. I shouted to all women to stop taking flowers. And said to the MPs, “When you pass this law on our behalf; then

we will come and take these flowers.” This was the brave attitude of H. Gülbahar with WNGOs who put a brick on the new law.

WNGOs continued to engage in awareness-raising activities. The Purple Roof Foundation, TÜKD and dozens of members of the women's organization sent fax messages to the members of the Justice Commission from the Galatasaray Post Office on March 30th 2001. In their letters, women used the opportunity to show that the whole public was able to see the real faces of those who were trying to hide their objections behind the ‘traditional’ and ‘national.’ Some MPs that could not accept equality in their own marriage wanted to adopt a system of "shared goods allocation". Bianet website (n.d.).

This struggle resulted in the changes in the law that stipulated that all property acquired within a marriage would be shared between the spouses. However, this applied only to marriages concluded as of January 1st 2002. This meant ignoring the rights of 17 million women to claim property through marriage. This subject brought the Minister of Justice, Hikmet Sami Türk to the brink of resignation. He said, “It is interesting that 1060 items of civil law changed without trouble; however, when it came to the property regime, we were faced with male MPs’ ferocious objections.” Women tried to get appointments with MPs to discuss the Civil Code amendments and reforms, but were met with strong resistance from religious conservatives and nationalists in parliament. The latter argued that equality between men and women would ‘create anarchy and chaos in the family’ and thus ‘threaten the foundations of the Turkish nation.’ This clearly demonstrates that the patriarchal mind continues. Traditional attitudes towards gender roles are a barrier in achieving gender equality. Such attitudes can only change over time.

WNGOs, trying hard to get a policy formulated, encouraged action that reflected the need for a shift in attitudes towards gender norms. In 1995, research done in five cities showed that 89% of women wanted and supported a reform of the Civil Code. İKKB (2001, p. 48).

WNGOs visited political parties, and even went up onto the mountains to get their voice heard. WNGOs said: “If they cannot hear our voice in the cities, we will try to make our announcements from the mountains.” The women who were blocked by the gendarmerie on the Bakırtepe Mountain (on Taurus)⁴ sent an e-mail to the President, Prime Minister, members of the Justice Commission and the (MHP) deputy Orhan Bıçakçıoğlu, who opposed the bill. This received broad coverage in the local and national media. This action raised awareness in ordinary citizens who had not even heard or thought about women’s rights before. As a result, some people developed a better understanding of women’s and girls’ disadvantages in society.

H. Gülbahar (personal communication, May 18th 2018) said: “In Antalya, women from every group - Kurdish, Muslim, socialist, and secular - collaborated and sent a message saying, if you cannot hear us, we are shouting from the mountains, hear us!” She added they were in the mountains but not alone. “The women on the mountains were connected by mobile phones with women from Germany, from Istanbul, all were supporting them.” They then sailed onto the sea after the mountains and said “Hear us from the sea.” When the new Civil Code’s “acquired property regime” did not cover existing marriages, the women’s protest was carried onto the Mediterranean Sea by means of a press release. They demanded that the law include

⁴ Bakırtepe in Antalya was of particular importance for women because of the fact that female mountain climbers climbed every year on 8 March World Women's Day and placed a "feminine sign" on the peak (1994).

present marriages; women everywhere were protesting and insisting that their demands be placed in the law (see Appendix L- full press release).

The Civil Code was adopted and came into force on January 1st 2002. This was the time to continue to use the road map, to follow the footprints and experiences gained and, to forge ahead with a new struggle for the amendment of the Penal Code.

The murder of women was in newspaper headlines and on the lips of ordinary people in the 1990s. Violence against women, one of the most common human rights abuses, was rising. This was evident from news appearing daily. Examples include the murder of a girl in Urfa, killed by her brother in the street, because her brother's friends accused her of requesting a song devoted to her boyfriend on a radio program. Most commonly, women are murdered by men who are the closest to them such as their husbands, partners, ex-husbands, ex-partners, fathers and brothers. Violence against women can assume a number of forms - economical, psychological, physical, sexual and even digital – all of which motivate women to take a stand against it. Changes in the penal code were crucial to this struggle.

Crimes committed against the body stand out as being the most troubling. WNGOs emphasize that domestic violence and incest need to be taken seriously by lawmakers. They want them to be designated as 'crimes' and legislated against. The "Campaign of Solidarity against the Battering of Women" (*Dayağa Karşı Kampanya*) was organized by Purple Roof and supported by many WNGOs in 1987 in Yoğurtçu Park (see Appendix N). A book entitled "Shout, everyone hears!" (*Bağır Herkes Duysun*) was published. As people talked and shared their experiences, it turned out that it was not as a result of ignorance. This was not only a problem of uneducated

people but also intellectual men were perpetrating physical violence. C. Arın said that her friends, despite being educated elite women, had also been subject to violence.

Another impressive initiative was the Purple Needle campaign held in 1989. Women started to distribute needles with purple ribbons on the Kadıköy-Karaköy steamboat line to draw attention to women being harassed on the street. A similar campaign was held in the Ottoman Women Movement, where women tried to protect themselves by carrying needles. Filiz Karakuş (the leading woman) said that at a ‘feminist weekend’ meeting held in February 1989 it was decided to campaign against molestation in various provinces of Turkey. *The Declaration of the Emancipation of Women* also appeared at that meeting. She said that they had wanted to hold a campaign in Istanbul and so started to debate issues. For example, they introduced the concept of 'sexual harassment' (*cinsel taciz*) as a replacement for 'molestation' (*sarkıntılık*). During the campaign “Our Bodies are Ours, Say No to Sexual Harassment,” which was launched on November 2nd 1989 in Istanbul, women distributed pins with purple heads in public spaces (see Appendix G - *Mor İğne Kampanyası Bildirisi*). Karakuş said that the purple needle was a very special symbol in the feminist struggle, and it was very creative, adding, however, that the practice was inadequate and that harassment still existed. During 2008 New Year's Eve celebrations, she also confirmed that a woman was publicly abused in front of television channels by police officers in Taksim, and the Purple Needle campaign was launched again.

Women of every political stripe got together and started to organize and protest. The aim was to make everybody aware that this was not just an incident limited to a few people but rather was a general social problem having wider ramifications. Women said that they wanted to walk in the streets freely at night. The

aim of the action was to insist that the articles of the Penal Code, which feminists had struggled for years to attain, be enforced.

Women for Women's Human Rights (WWHR) orchestrated successive campaigns and was instrumental in the formation of the Working group and the Women's Platform for the Turkish Penal Code. WNGOs won a major victory with the adoption of the new Civil Code, which spurred them on to strive for even greater gains for women's rights. After the success of the Turkish women's organizations with the Turkish Civil Code campaign, a working group on the Penal Code was established. It reviewed the articles and prepared proposed amendments that would provide better protection for women's human rights. "The Working Group realized that the underlying philosophy of the Turkish Penal Code was one that assumed 'women's bodies' as commodities of men, family and the society, and that women's sexuality has to be suppressed" (WWHR-New Ways, 2003). The group expanded to include new members and became the Women's Platform on the Penal Code.

While women were protesting in the streets, advocacy initiatives were being taken in the parliament to get women's demands turned into policies. A parliamentarian I interviewed said, "In February 2003, WNGOs came to the parliament, distributed booklets about their demands and talked to MPs. At that time, the government was in favor of becoming a member of the EU and the EU was saying that Turkey was democratizing."

However, when the proposal to change parts of the Penal Code reached the parliament, the draft was similar to the previous one. When the draft law went to the commission, WNGOs objected. Efforts were put into establishing a sub-commission, consisting of MPs (2 from CHP and 3 from AKP), two 2 academicians, and

representatives of the Supreme Court and the Ministry of Justice. The atmosphere became more serious once the sub-commission was set up. Even when the bar associations were not yet ready, the WNGOs were; they had been working in advance. They had already prepared proposals for the related changes and had written a draft law and given it to the parties. The representatives from the AKP and CHP worked on this document, which they had suddenly found handed to them. The important issue here was the collaboration of WNGOs. They all had signed the same document and thus were speaking in unison. They had proposed solutions in a number of areas, demanding what they thought to be necessary changes, and submitted the draft at the appropriate time.

H. Gülbahar (personal communication, May 18, 2018), warning that the elections were at the door, said: “We saw AKP’s rise and [realized that] this law should be adopted urgently. At the time, Aysel Çelikel was the Minister of Justice, and she was given the draft; so, when AKP came to power, they found the draft already there.” Nimet Çubukçu (Minister of Women and Family) was also said to be concerned about women's rights and was an important figure at the time. She had been a representative of an NGO when she was elected as a parliamentarian for AKP. She had also studied law. She already had a feminist point of view. Another factor was the EU; it had an impact on the government’s agenda, requiring it to take further democratic steps regarding national law.

However, H. Gülbahar said “Nimet Çubukçu was against equality when they were in the opposition (AKP had 51 seats in parliament in 1999).” When WNGOs protested the quota and positive discrimination, she sued six WNGO representatives. When AKP assumed power, she became minister and started make statements favorable to women and equality. Similarly, AKP, which came to power as a single

party in 2002 and ratified the Penal Code amendment when in power, had opposed the Civil Code amendment and voted against it when in the opposition.

N. Moroğlu (personal communication, February 26th 2018) had a similar experience, reflecting, “It is strange that they support one view while they are in opposition and the opposite when they come to power.” She said that during discussions on equal property clauses in the Civil Code, an MP from AKP, an opposition party at the time, held a position that was nearly a perfect reflection of our (a WNGO) own. “The government was a DSP-MHP-ANAP coalition, which had decided that the changes made in the Civil Code would apply to marriages concluded after 2002. An AKP MP even voiced criticism that 17,000 married women would be denied equal distribution of property rights. However, when they came to power, he even became a minister and supported contrary arguments.”

WNGOs attained enormous success by using a wide range of techniques. Lobbying at the parliament was particularly effective. One of the WNGO representatives I interviewed said: “When we saw a person related to an MP (a family member, a friend, etc.) we would call one another to give the address of the restaurant at which, for example, an MP’s wife was eating, so someone could go and talk to her. Such lobbying inside and outside the parliament was made possible through collaboration and it made a lot of people understand and be aware of why there was a need for a change in law.”

A former woman MP (Gaye Erbatur) said that she would leave commission meetings time after time to give information about what was going on inside to journalists waiting at the door. She said the press was very supportive. WNGOs would send fax messages to members of the commission and to each of the 550 MPs.

WNGOs' representatives came to visit commission members several times at the parliament and submitted the drafts WNGOs had prepared. The MP said that even though she was not a member of the commission, being a woman, she had been in each meeting for six months to carry out information so that WNGOs would revise their drafts and present them again. It was important for someone to lead and redirect the WNGOs so that they could lobby more effectively. "Collaboration between different WNGOs and their collaboration with us at the parliament was the key for successful amendment of the law." Some MPs were instrumental in opening up the parliament to WNGOs, which served as a conduit to bring the voices of women to the parliament. Gaye Erbatur, Oya Araslı and Orhan Eraslan (through the justice commission and sub-commission) made enormous contributions from parliament throughout the reform process.

I talked to another MP from CHP (left-wing party), who knew a great deal about what I was asking about. He knew the detailed process through which amendments were made to the law. He was extremely knowledgeable. He told us that one day a group of women had come into his room at the parliament, (he did not remember the name of the WNGO, only that they were from Kadıköy/Istanbul), and he was shocked by what they told him. He said that he had not been aware that women were experiencing such extraordinary circumstances. He said that he had never seen these conditions at home and thought that every other family was like his own. He added, "After that, we learned about and started to investigate women issues, we got the police records, we looked at the statistics, etc." He said it was imperative to listen to their problems face-to-face and acted accordingly while deciding on the adoption of the new Civil Code. He increased his awareness about women issues and started to understand women's human rights conditions in Turkey.

This example clearly shows the success of women's lobbying and the impact of WNGOs.

On the other hand, I interviewed another male MP from DYP (right-wing party), who was not aware of what was going on. He had very limited information about the Civil and Penal Codes. He advised me that WNGOs should collaborate and work together on such a mission. I told him that women already had umbrella associations such as İKKB (İstanbul Kadın Kuruluşları Birliği) Izmir and Eskişehir Kadın Kuruluşları Birliği. He was not aware of the struggle of WNGOs at the time. He said they had set up commissions on specific subjects and when group decisions were made, he went along with their decisions. He said that he was a feminist, but that he was not well informed. He also said that he was not interested in women issues or the Civil and Penal Codes. He was an economist and was only concerned with issues pertaining to the economy. He said, "Our party leader, also the prime minister (Tansu Çiller), is a woman. So, it means we respect women and women issues."

The interviews I conducted served to widen my perspective. I came see that many MPs were really uninformed with respect to the issues involved and the law amendment process. Some, on the other hand, had detailed information of the subject and worked hard on seeing to it that the amendments were made. In either case, whether driven through personal interest or not, they obtained information through private channels or more publically available ones as the media and /or WNGOs. One right-wing party MP was supportive and respectful of women's rights, but not particularly interested in gathering the necessary information or even in what he voted for. A left-wing party MP I talked to was more aware and knowledgeable about the subject. He talked about the group discussions even though he was not a member of

that group. Neither one of them, however, could provide the names of many WNGOs. The cited only popular ones, and some of these were not even WNGOs.

Besides WNGOs there was a wide-range of actors, including the public, the media, legal authorities and MPs, involved in the reform process. Notably, there has been a feminist pressure exerted on the parliament. For this reason, there are a number of other factors that cannot be ignored. The international factor, especially the demands placed on Turkey by the EU membership process, has had a major impact on the reform process. Actions and decisions do not always stem from a single factor. There are also unintended consequences. It is difficult to distinguish between the relevant factors since they interact with one another to produce a result. In addition, it is hard to tell what might happen if one or more factors are left out of the equation. For instance, feminist WNGOs made major contributions to the process, but if they would have failed if they had not been able to make their positions known to the public.

H. Gülbahar (personal communication, May 18th 2018) proudly told me that she had gotten a phone call from Adana. A woman she had never met called to thank her. She said: “we have the law; we have Purple Roof Law now.” She then continued to explain, how the opening of women shelters saved her life. This is a good example of the perception of these policies in the society.

Another example I came across during my research was a case involving a soldier from southwestern Turkey who had reached out to a call center for consultation. He had said: “I understand that women and men are equal, and that we are both human. However, in our tradition, we usually beat our wives, and what can I do to not beat my wife?” He had heard something about the new law and its applications, and had

begun questioning traditional prejudices. As a consequence, his own patriarchal mind started to change. Men or women, when they get involved in the politics of the country, become aware of the facts, rights and obligations entailed in that involvement.

Feminism grew in between the discourses of Islam, nationalism and westernization in Turkey. Male-dominated and anti-democratic policies are a serious obstacle to the public's access to the women's movement. Sadly, in 2018 appalling proposals such as pink coaches/buses, pink parking spaces in malls, women-only shopping malls (the only example in the world being Qatar) have been made in the name of Turkish women's movements. Does it mean that the government cannot protect women on public transportation if they have to segregate them on women-only vehicles? Does this give men the right to behave however they want to women using public forms of transportation rather than gender-segregated ones? The existence of women-only establishments is a direct threat to democracy; it is outright discrimination.

Gains began to appear at the beginning of the 2000s; nevertheless, the struggle did not stop, but, instead, became diversified. Even when laws were adopted, the WNGOs noticed that the society and government officials-public officers, and civil servants needed to become informed. Therefore, WNGOs started to explore and do the necessary research on what additional new laws were required.

WNGOs held seminars and workshops on gender equality and the rights of women and children for law enforcement officers dealing with crimes against women and children, included assault, torture and kidnapping, and the judicial officials that decide on such cases. The role of police as "first responders," who will address the

needs of victims when the crime is first committed, and how these cases need to be followed up were emphasized. They were familiarized with the content and of the new articles in the Civil and Penal Law and their application. They were also provided with information about the CEDAW, and the international context of offenses committed against women. They were taught how to respond psychologically towards women that have been victimized and how to avoid inflicting further psychological injury.

WNGO representatives agreed on the importance of the presence of active participants that show great interest in the seminars. They stressed that their voluntary input was invaluable. Violence against women is the most humiliating human rights violation and is the most extreme form of discrimination. Deeply rooted gender-based discrimination often results from patriarchal attitudes and is related to social norms. Psychologists maintain that underlying many psychological problems of women are childhood traumas. In Turkish culture, girls are raised to repress their sexuality, which is described as a shame.

Concurrently, WNGOs work to teach women about their own rights, since, if they do not know about their rights, they do not go to the police. Women must first of all know their rights in the Civil and Penal Code, so that they will be aware of their power. Efforts made by WNGOs such as giving voluntary seminars in the suburban parts of the cities are valuable in this respect.

A TÜKD representative explained that many women do not know their rights, even though this knowledge is crucial in all areas of life, including marriage and work. Since 2002, TÜKD has been organizing seminars on 'legal literacy,' where they teach women about their rights and provide them with guidance regarding how to

implement/use their rights. A representative who was an attorney said: “I bake cakes for them; I chat with them and give the recipe of the cake; when you attract their attention, questions begin to come one by one. They even bring their neighbors and daughters the next time to learn more about their rights. More women seeking legal redress through the courts to get their rights recognized, will act as a deterrent against offenders/criminals.

The Women for Women’s Human Rights Association holds legal literacy programs. These 16-week training programs are designed to empower women by teaching them their rights, both in written and unwritten laws. The person I interviewed from this association told me: “It has reached more than 15,000 women in 56 cities plus Northern Cyprus. 1995 marks the 23rd year this training has been provided.

An Emergency Helpline was created by the Turkey Women's Associations Federation (*Türkiye Kadın Dernekleri Federasyonu-TKDF*), specifically for violence against women and child abuse. Creating of this line is stipulated in the Istanbul Convention. The incoming call is answered by social services specialists and psychologists and is evaluated by providing legal information and psychological rehabilitation services.

The emergency telephone number (0 212 656 96 96) has been funded by the European Union for three years under the project, “End Domestic Violence” and has been a success. Other supporters of this line are the Governorship of Istanbul, the Contemporary Education Foundation (*Çağdaş Eğitim Vakfı*), *Hürriyet* newspaper, and municipal social services. In the last 11 years, 55,000 calls have been registered.

This emergency line began to operate 24 hours a day, 7 days a week, with a team of psychologists and lawyers with expertise in family counseling and domestic violence at the other end of the phone line. Purple Roof (a WNGO) and the Kadıköy Municipality are cooperating to ensure that this line is able to provide immediate assistance during the night.

To increase awareness of the line, an agreement was made with the Turkish Federation of Drivers and Car Owners whereby 80,000 stickers were affixed to taxis. The Municipality of Ankara also supported the effort by placing emergency hotline banners on billboards at 50 points, and displaying digital banners on public buses. These endeavors demonstrate how a successful collaboration between government bodies, civil society and the media can help meet a critical social need.

Apart from WNGOs, different government authorities are dealing with the problem. The Ministry of Interior and the General Directorate of Security are also striving to combat violence against women. In this context, the Women's Emergency Support Notification System (KADES- *Kadın Acil Destek İhbar Hattı*), which can be used on smartphones, has been established so that women who are exposed to violence alert authorities more quickly.

Although not a service especially for women, ALO 183 is a call center created in 2008 by the Ministry of Family and Social Policies to provide free uninterrupted round the clock service. The call center staffs also include speakers of Kurdish and Arabic. The line provides information and guidance to families, women, children, the disabled, the elderly, relatives of martyrs, as well as services related to veterans. In addition, precautionary measures are taken in cases of negligence, abuse, violence and

honor killings. In urgent cases, an emergency response team and/or law enforcement officers are provided to intervene.

Since the legal reforms were achieved, WNGOs have been working voluntarily for the sake of women. The legal reforms did not stop men killing their wives, girlfriends, and spouses. The 2009 Münevver Karabulut and the 2015 Özgecan Aslan murders were the tipping point - crowds poured onto the streets to protest the women murders. There has been not end to the murder of women, which is increasing annually. It is a shame that we have to have a femicide map (a map listing women's murders, including city, name, age, reason and perpetrator). One or more women are killed every day in Turkey. The number of women killed between 2010-2017 was 1,964. Kadıncinayetleri website (n.d.). (Please note that, the figures on the map are not proportional to the population; they give only the number of women murdered in that city)



Figure 4.6: Femicide Map

Due to the increasing number of murders committed against women in recent years, which are violations of human rights and crimes against humanity, a meeting was held with all non-governmental organizations of the Antalya City Women's Council. A commission was set up to order a monument which will oppose the murders of women and raise awareness in this regard. The Al Yazma Monument, which was opened within the context of the events of March 8th World Women's Day 2012 to honor humanity, shows the vitality of women. This monument, consisting of metal plates bearing the name of 476 women killed and the province where they were killed, was designed in the form of a red scarf. The monument is about six meters high and 100 meters wide, providing a spacious interior that is open to visitors (See Appendix N –Al Yazma Monument).

There are social, political, cultural, legal, economic obstacles to Turkish women in exercising their rights. While significant steps have been taken in gender equality with the reforms both in the Civil Code and the Penal Code, problems remain in their implementation.

“It is our greatest desire to prevent regression for effective and operational democracy. The implementation of the first article of the UN human rights convention is the simplest objective” İKKB Press Release, (November 2017, para: 3).

The following chapter, chapter 5, discusses the legislative process in Turkey and the role the women's movement and WNGOs, as civil society actors, has played in orchestrating legal change. After providing a brief history of Turkish women's participation in parliament, it discusses some of the structural/organizational responses made by the government, party and parliament to demands for protection of women's rights. This includes new ministries and women's branches of political

parties. It also examines the gains women achieved through changes made to the Civil and Penal Codes. Finally, it raises the issue of the need for additional legal reforms to ensure that women's rights are protected, and reemphasizes the important mission WNGOs have to link local, national and international action for social change.



5- THE RESPONSES OF PARTIES, GOVERNMENT BODIES AND PARLIAMENT TO PRESSURES FOR CHANGE FROM CIVIL SOCIETY

In a democratic state, the power to make political decisions about public problems belongs to the democratic representatives of the people in the legislative branch of government. Under a state of law, the judiciary is independent. For this reason, all that the state does is subject to judicial review. There is a principle of separation of powers whereby the legislative, executive and judicial branches of government operate as distinct entities. This prevents a monopoly of power in any one of them. However, a problem arises when this principle is not implemented as it is written in the constitution and laws.

The constitution contains the complete set of rules for governing the fundamental organs of the state. It stipulates the basic rights and freedoms of citizens that the state is legally bound to secure. It is every woman's and girl's right to be treated equally under the law. Laws must reflect this requirement. However, changes made in legislation regarding women and girls must be followed by changes in society as well.

The process whereby parliament amends the constitution is a lengthy one. Bills proposed by deputies, state ministers, and private citizens must all go through the Office of the Grand National Assembly of Turkey (in short, the Turkish parliament). It then goes to a committee where it is decided whether a bill is to be rejected, accepted or withdrawn. After the committee's report, it is submitted for debate in the parliament, after which there is a vote taken. If enough votes are received in its favor,

it becomes law. Lobbying activities during this process may influence the decision-making that goes into drawing up and enacting legislation.

How to make law?

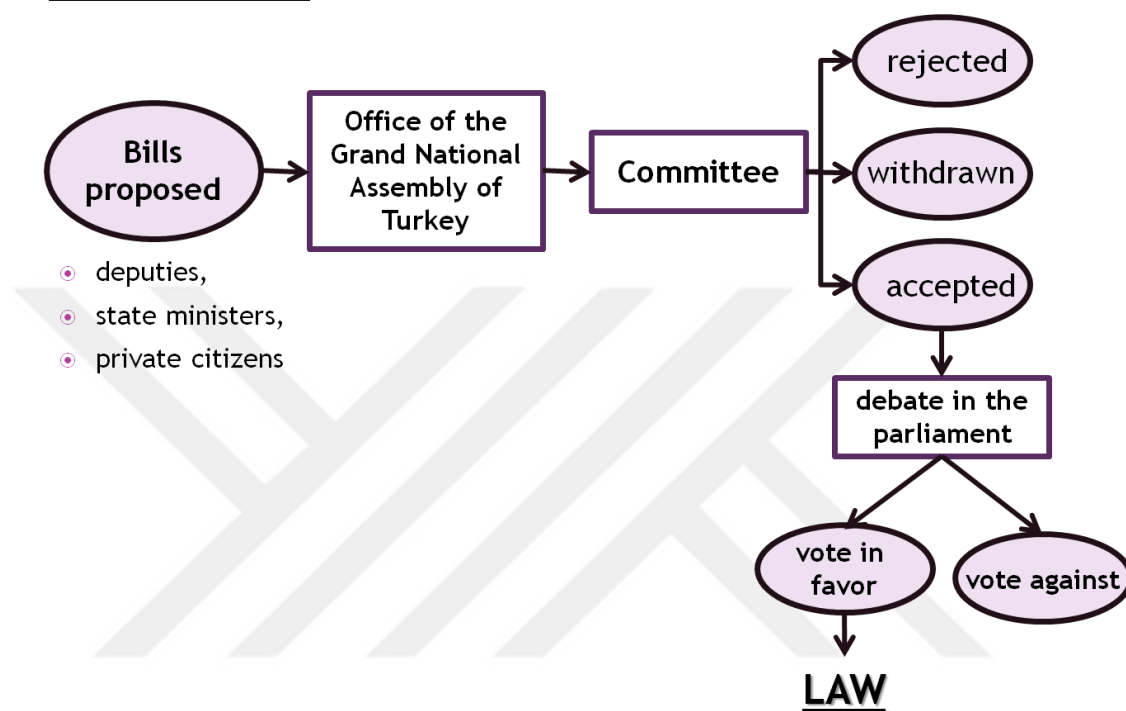


Figure 4.7: How to make law in the Turkish Parliament

Women's movements, particularly in the form of WNGOs, in Turkey have had an impact on the parliamentary decision-making process. When and why these institutions were established and how they operated to influence this process must be evaluated. To get a full appreciation of this impact, the parliamentary debates on the Civil and Penal Codes need to be examined.

The character of the national political wave of the time is crucial to understanding the decisions made. This involves taking a look at the different

perspectives and action plans of right-wing, left-wing and conservative parties.

Periods of single-party rule and coalitions are important factors in lawmaking. The reforms made in the Civil and Penal Codes took place between 18 April 1999 - 14 November 2002, during 21st session of parliament, when the body consisted of MPs from the following parties: FP (111), ANAP (86), DYP (85), MHP (129), DSP (136) and independent (3). At the time, there was a coalition government comprised of DSP, MHP and ANAP (Turkish parliament website lists, past and present MPs; contains information about their biography or drafts, and the proposals they made).

The 22nd session of parliament, which was between November 14th 2002 and 23rd July 2007, consisted of MPs from the following parties: AKP (363), CHP (178) and independent MP (9). The first majority single-party government since 1987 had been formed, which led to a lengthy period of single-party rule.

Most of the women MPs said they had been very influential in changing the Civil and Penal Codes. Some of them had strong ties with WNGOs, with which they had collaborated to get the codes revised. On the other hand, some said that they had experienced a dilemma. As women, they felt they needed to vote to amend the constitution, but as members of the conservative party, they had to vote in line with what the party leader wanted. They shared the same ideology; they met with their colleagues every day. Because of community-based social pressure inside the party, they ended up acting in a way contrary to their own values. This exemplifies what is referred to as *transverse pressure politics*. The term is used to describe what happens, for example, when an individual women MP experiences conflict between the ideology of the party to which she belongs and her personal values. Being a member of a conservative party, whose position was different from her own personal position, she was left with no other choice than to vote against the amendment. In the end, the

women MPs had to vote in accordance with the party line. This is contrary to what WNGOs are working for. This is also an example of the *theory of unintended consequences*, as previously discussed. WNGOs strive to get into parliament as many women MPs who will protect women's rights, regardless of the position of their parties. Their aim was to get women MPs who could resist and persuade their parties through strong irrefutable arguments.

5.1. History of Women in Parliament

The first women were elected to parliament one year after Atatürk saw to it that they were given rights in 1934 (there were 18 women MPs in the 1935-1939 session of parliament). Atatürk was instrumental in bringing about a revolutionary change from sharia to secular law in the Turkish constitution. This change brought with it great advances in the rights of women. The equality of men and women as citizens was enshrined in the new constitution. Atatürk actually used the word 'human.' He believed that secularism was the best revolutionary tool for the creation of a democratic republic. Interestingly, even though the western model had been adopted from Swiss Law, Swiss women did not obtain their rights until many years after Turkish women had, in 1971. As Çakır (2013) writes, "in the project of the republic referred to as the 'women's revolution,' women were the symbols of what was modern, elite, well-educated, mentor women, westernized, modernized, civilized and on behalf of secularism political will."

Although the modernization occurring in Turkey during the early days of the republic was promising in terms of gender equality, it remained limited. Gender equality could not be applied to the public and private sphere since actual legal equality had not yet been attained, a situation that was not rectified until the changes

made in the Civil Code in 2001. New articles in the constitution strengthened the equality of women in the family, and with the 2001 Civil Code, the government became obliged to take action to ensure equality.

It is interesting to note that while there was opposition to feminism in parliament, based on the notion that it was a western ideology that was not suitable for Turkish society, Tansu Çiller, a blonde woman, was elected as prime minister in 1993 and served for three years.

One WNGO representative said: “I see that the party in power, regardless of their political orientation (conservative, left of center, etc.) distances itself from women’s issues. But when they are in the opposition, they support us. Isn’t it interesting?” This view is similar to what N. Moroğlu said to me in personal communications.

In 2018, there were 75 (down from the 82 elected in November 2015) women MPs out of 539 MPs in parliament (13.91% of the total). They came from 36 out of 81 provinces.

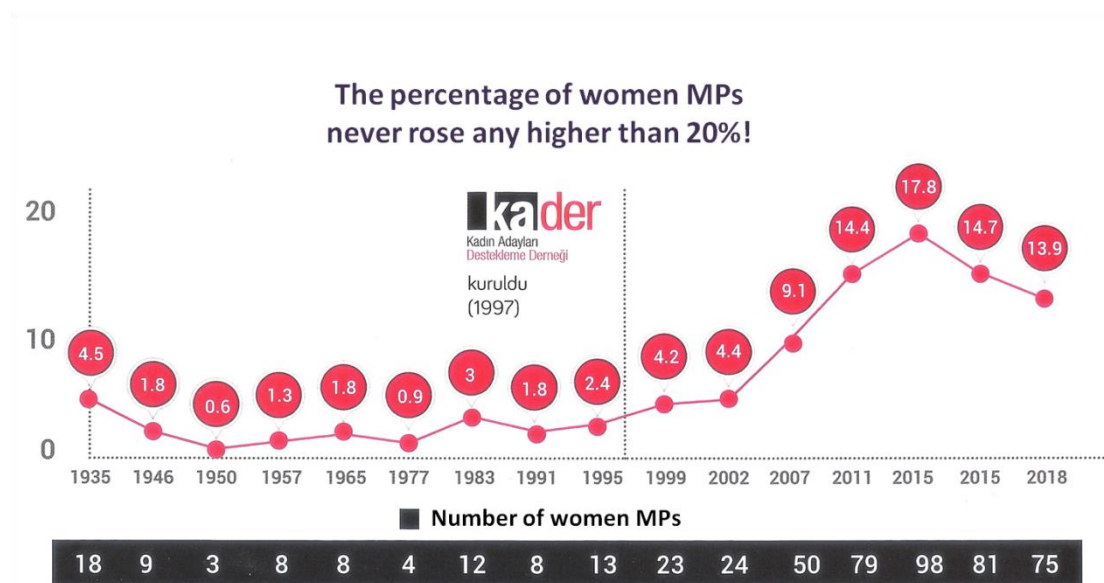


Figure 5.1: Women MPs since 1935 (KA-DER)

In the first years of the republic, there was disdain for the idea of women being in the parliament. Open derision in newspapers was not uncommon: “What are they going to discuss, the model/style of their coat?” (1935, *Cumhuriyet*).

After women first entered parliament in 1935, the percentage of women MPs never rose any higher than 17.8%. Despite acquiring the right to run for public office very early on in the history of the republic, Turkish women have not been able to attain a high level of political participation.

As Moroğlu maintains, “It is not possible for female citizens to obtain equal rights in full as long as the law is exercised by male political power (*eril iktidar*)” (N. Moroğlu 2009, p. 39-40). In practice, in Turkey this has meant that there is a *glass ceiling*⁵ over women in the parliament, in government institutions, in the private sector, and even at the universities. Women in Turkey bump into a glass ceiling, which prevents them from advancing. They constantly come across obstacles. They are forced to fight to get ahead even though the principle of gender equality requires men, too, to recognize this as a problem to be solved. Since this does not happen, men end up disproportionately in positions of power. This glass ceiling effect on women getting promoted to managerial and executive-level positions occurs even in European countries.

The mission of WNGOs has been to break this glass ceiling and strengthen gender equality through legislation and they have made enormous effort for this to happen. Increasing women's participation means bringing the experience, knowledge, and interests of women to the development agenda. The goal of gender equality, thus,

⁵ The glass ceiling is the invisible barrier that prevents women and minorities from rising to the highest ranks in a corporation. The glass ceiling effect is the pervasive but often invisible resistance to the efforts of women and minorities to reach the top ranks of management in major corporations.

entails the transformation of unequal social and institutional structures into equal and the creation of just structures for both men and women.

5.2. Women Institutions in the Parliament

Governments are in charge of political, economic and administrative affairs, and are obliged to act in the community's overall interest. A receptive government must respect the needs and aspirations of all its citizens. Therefore, an accountable government must have effective political institutions.

The needs of the society change over time and sometimes current institutions fail to meet them. In this case, modifications need to be made to the structures and legislation governing the executive body. International developments play a role in accelerating national initiatives, as was explained in the international context chapter of this thesis. This is done by means of, for example, conferences, agreements, and treaties. As seen in some practices, governments get inspiration from international institutions and work to build similar parallel institutions in their own countries.

The fact that women's problems began to attract attention in various fields has also made WNGOs more effective. There was a need for a public authority to deal with the problems women face and women's rights in Turkey. This led to the establishment of the Directorate General on the Status of Women. However, it was not possible to equate gender equality with a single institution. WNGOs demanded that an institution solely devoted to women – a separate “ministry for women” - be created. Even though this has been on their agenda for a long time, it has yet to become a reality. While there are ministries that deal with women's issues, their efforts are inadequate to meet prevailing needs. In any case, good governance is achieved through public institutions involved in handling public affairs and managing

public resources. There remains the need for this to occur in the area of meeting women's needs, too.

5.2.1. The Directorate General on the Status of Women.

Before the establishment of this directorate, women's groups and academicians had been discussing for many years the absence of a state mechanism dealing with women's rights. In the Council of Europe, Turkey was the only state that did not have such an institution. N.A. Unat maintained,

“Gender equality is not the matter of volunteer associations nor foundations. It is not the subject of people organizing street protests. They can only be supportive and create public awareness. [Gender equality] is the responsibility of the state... [achieving it] should be an obligation of state bureaucracy. This could be a ‘Ministry of Women's Rights’ established under bureaucratic units in ministerial undersecretaries ...” Bora, A. and Günel, A. (2016, p. 132).

Minister İmren Aykut came away from the World Women Conference in Nairobi impressed and decided there was a need for an agency dealing with women's issues. In addition, since Turkey is a signatory to a number of international agreements and prepares reports for UN Commissions, it should have bureaucrats to work with their international counterparts. National mechanisms must have a center of knowledge and expertise that determine strategies for equality according to Beijing Platform of Action. In light of this need, as soon as she came back, she worked to get the first national mechanism for women established: The Directorate General on the Status of Women (KSSB-Başbakanlık Kadının Statüsü ve Sorunları Başkanlığı. Six months later, in 1990, the KSSGM Kadının Statüsü ve Sorunları Genel Müdürlüğü)

was set up (by-law No. 422) to work under Prime Ministry, personally run by İmren Aykut.

Women's groups were not, however, an integral part of this process; there had been no exchange of ideas. Consequently, a number of problems ensued. Two groups of women sharing opposite ideas on such an institution emerged. One of them supported the idea of a state mechanism while the other rejected it. The group opposing such a mechanism argued that the state should not interfere in issues related to women since it would be contrary to the independence of WNGOs. Minister Aykut (ANAP – right wing party) had taken a positive move in establishing this institution. However, it immediately gave rise to many problems and debates over the “headscarf” and on the ‘national vision’ (*milli görüş*).

The content of the draft of the institution contradicted the empowering of woman's status. One hundred women from different WNGOs protested during a sitting of parliament. They were opposed to the wording of the draft law, which contained the terms ‘monitoring, supervision, and protection.’ The move to create this institution, while made in good faith, was done hastily by Aykut. Türkan Akyol and Birgen Keleş (both women MPs) made comments on the draft in their speeches in parliament similar to those made by WNGOs.

Despite the early conflict, there have been promising developments since the establishment of the directorate; it has begun to be institutionalized. Even though it has limited resources and staff, it has contributed enormously to improvements in policies regarding women in Turkey. For instance, it has created a database, supported women's studies centers at universities, and collaborated with WNGOs. This special

administrative body was restructured by Directive No. 633 and operates under the Ministry of Family and Social Policy.

It can be argued that with the establishment of the Directorate General on the Status of Women, the state acknowledged that a problem existed with respect to women's issues. It also demonstrates that the state was willing to consider making policies that directly concerned women.

Turkish women's rights advocates hold important international positions. So-called *femocrates* (female politician or female bureaucrat) fill the women's policy positions in CEDAW and in GREVIO. We are proud to say that Turkish women like Yakın Ertürk, Selma Acuner, Feride Acar work on these committees. Ş. Tekeli emphasized that almost all women's organizations participate in an efficacious network of information-solidarity with their sisters in the Western countries. CEDAW's president and the UN Special Rapporteur on Violence against Women were Turkish women. This is evidence of the level of integration of the Turkish women's movement with the world women's movement.

The Directorate General General on the Status of Women has duties within the Parliament. These include both standing (expertise) committees and ad hoc inquiry committees. The standing committees are the Committee on Equal Opportunity for Women and Men, established in 2009, and Committee on Human Rights Inquiry, established in 1990.

5.2.2 The Ministry of Women and Family.

The name of this ministry has changed several times since its inception. The Directorate General on the Status of Women works together with the General

Directorate of Family and Community Services, the General Directorate of Child Services, the General Directorate for Disabled and Elderly Services and the General Directorate of Social Assistance within this ministry. This is not a ministry that specializes in women's issues. Moreover, the first minister to be put in charge of it was a man!

In 2011, despite being criticized by WNGOs and 3,000 signatures having been collected, Prime Minister Erdoğan, declared "We are a conservative democratic party. The family is important for us," and replaced the Ministry of Women and Family with the Ministry of Family and Social Policy. This reflects the degree to which the party undervalued women's issues, which it treated more like a question of social service. Emphasis was on the family and women were seen merely as mothers and as caregivers to the elderly, sick and disabled. The struggle waged by the WNGOs was for women to be accepted as individuals rather than as simply mothers and sisters.

While WNGOs were demanding a separate Ministry for Women, after the June 2018 elections, two ministries merged under the new name Ministry of Family, Labor and Social Services (Aile, Çalışma ve Sosyal Hizmetler Bakanlığı). The term "women" is not even mentioned in the name.

5.2.3. Committee on Equality of Opportunity for Women and Men.

The purpose of this commission is to protect women's rights and follow developments in the country and internationally on gender equality and provide information for parliament about these developments. It must provide opinions on draft laws and to regulate work procedures and principles.

The Council of Europe Gender Equality Commission (CDEG) was established to help ensure the mainstreaming of gender equality into all Council of Europe policies and to bridge the gap between commitments made at international level and the reality of women in Europe. The Commission, whose members are appointed by member states, provides advice, guidance and support to other Council of Europe bodies and to member states.

Commission of Gender Equality (KEFEK- Kadın Erkek Fırsat Eşitliği Komisyonu) was set up in 2009 to work in tandem with the CDEG of Council of Europe. An MP expressed the belief that KEFEK had also been instrumental in helping WNGOs gain access to parliament by providing an avenue through which women's voices could be heard by the MPs, thereby enabling them to participate in the policy-making process. Despite the fact that it is a commission, it is somehow a place where women could go and talk, discuss, and express their opinion.

In one of the reports issued by the Commission, an emphasis was placed on increasing women's employment in every field. One of its stated strategic goals was increasing the number of women in higher level decision-making positions. This shows that the members of the commission were not content with the current condition of women and wanted a change (see Appendix I- KEFEK için kanun teklifi).

5.2.4 Women Branches of Political Parties in the Parliament

Women branches of political parties usually are seen as places where women can engage in social activities. They are not generally considered avenues through which women actively participate in politics. This has to change, however, since relatively few women are part of decision-making mechanisms, which is a crucial

problem in Turkey. Women branches can go a long way in helping to put women's problems on the political agenda. By involving more women in political life and increasing women's visibility in political institutions, women's rights will be strengthened. KA-DER is a WNGO specifically established to increase women participation in decision-making and policy-making mechanisms. It has conducted impressive campaigns to do just this. Examples include, "Politics without a Moustache" and "Do you have to be a man to enter parliament?"

A study conducted by KSGM revealed how women branches of political parties expanded the involvement of women in political life and decision-making mechanisms. The members of women's branches were asked to list the activities in which they were the most involved. Answers included neighborhood meetings, home visits, socio-cultural activities, sightseeing, memorials, social assistance activities, fund-raising activities, political party rallies and panels. This shows that these branches mostly engage in secondary activities that have lower political merit. Because of its activities, women branches are more like a social institution than a political one in the party establishment. ("Women's branches positioned as "subsidiaries" in political parties," KSGM research), (1994).

Çakır (2013) describes these branches as places for disseminating the party's ideology to women and tools for soliciting votes at elections. Women branches are not a type of organization that can be clearly unified. İ. Aykut, a member of the consultation council, was a major opponent of women branches. She saw them as symbols of inequality and wanted them to be abolished. In fact, women's branches were banned until 2000. In her opinion, men give women a room in the party, and say stay there. It's like they are being given candy and told to do something on their own just to placate them. She saw them as impediments to working participating in the

political discussions about the country. She thought that women needed to struggle to get into the administration of province and municipality councils.

However, some male MPs believe that it is not as easy for men as it is women to meet with potential voters. It is not possible, for instance, for a man to knock on a door and become the guest of a housewife. This type of thing is especially more difficult in small provinces. Women, on the other hand, have more flexibility in how they interact with and attract women voters. It is much easier for them to establish rapport with other people. This is not the case with men. So there is a need for women at various levels of the political party.

Keleş and Araslı (2001 in Kovanlıkaya) argue that women working in branches could generate ideas and create targets to reach on women issues, which could then be represented in the party. In this way women could also gradually attain executive positions. The importance of women's branches in reflecting women's political points of view is undervalued.

Some countries have tried using quotas to increase women's involvement in political parties. A quota is a way of ensuring that particular groups of people are represented on a proportional basis. In the case of political parties, this means establishing mandatory minimums in the number of women holding administrative positions within political parties. In Scandinavian countries, women's representation grew through the use of quotas.

In Turkey, some political parties do have quota systems. CHP, for example, requires that 33% of its Central Executive Committee members be women. However, quotas do not apply to its delegation and candidate lists. In contrast, DTP applies a 40% gender quota to candidates, delegates, and speakers at each of their meetings.

Kovanlıkaya's (2001) interviews with MPs point out that there are two opposing views on quotas. Some female MPs (e.g., Pişkinsüt) say that quotas hurt the notion of gender equality. When there are quotas, it feels as though women are being given a chance to participate in something only because they have the permission and support of men. She thinks that women should be encouraged in other ways to get involved in politics. I. Saygın, while also opposing quotas, believes that there should be 50% representation of women in decision-making positions, but that quotas are not the answer. Other female MPs, on the other hand, believe that quotas are necessary and are happy to point out that that party has followed DTP's successful example.

O. Araslı, talked about how she had been a member of the youth branch of her political party and then went on to work for the women branches; she said that both were formative steps she took towards becoming an MP. It was in her university years that she had entered politics, first by joining the youth branch, and by establishing a youth branch in her home town of Mersin.

Pişkinsüt stated that she had entered active politics after having received an invitation from the party to be run for Mayor of Aydın. She maintains that a female candidate must not act or think like a male politician and limit her reach, but rather should embrace the entire community. This is a crucial point in feminist politics. Women politicians such as Tansu Çiller and Margaret Thatcher acted like male politicians and not like female ones. They did not engage in feminist politics. Pişkinsüt believes that we need women politicians who are capable of keeping their heads well above water in a male-dominated arena (parliament). She points out that they discovered that this was not easy since women are not sufficiently taken into account even they make resolutions or submit proposals. İmren Aykut wanted to establish a directorate of women's research and Lale Aytaman wanted to set up an

equality commission - both good examples. O. Araslı said that MPs engage in feminist politics and party politics at the same time and can carry the women's point of view into their political party.

Ç. Kovanlıkaya (2001) has stated, "What is important in male-dominated politics is not to take part as a female but to represent women's identity, demands and problems in politics."

Women are being nominated for and serving in public office because of their achievements. These include people like Ayfer Yılmaz (former DYP MP) and Lale Aytaman (former Muğla governor), and Ayseli Göksoy, president of the Türk Kadınlar Birliği for 15 years, during which time she became very well-known in media circles. Also there are a few women such as Gencay Gürün who have been invited to become politically active not because they are interested in politics but because they are famous (she is an actress and was the General Manager of Istanbul Municipality City Theaters).

Aytaman maintained that women need to be in close contact with the chairman of the party in order to remain politically active for a long time. Personal relationships matter. They need to be aligned the view of party leader or the elders of the party. She emphasized the dominance of the male mentality and added that a woman MP must be better educated, better skilled, and more talented than a man to succeed. In her research, Çakır (2013) found that all of the female MPs were university graduates; most of them have PhD degrees and have more skills than male MPs, a situation that is not particularly fair. Despite their qualifications, women politicians are not enthusiastically welcomed in the male-dominated world of Turkish politics.

The limited political representation of women resulting from a male-dominated political structure is an enormous problem. (It seems contradictory for there to be so many women in the women's branches of conservative political parties while there are so few actually women MPs.)

Hülya Gülbahar said that “it was Erdoğan's strategy to form Women Branches of his party to take the place of WNGOs.” AKP established a women branch of the party in all 81 provinces, reaching 4.5 million members in 2018. She said he was underestimating the women's movement and thought that if there were just a few people, they would not have enough capacity to make a change in society. His strategy was misdirected. Women branches of a political party are not an alternative to WNGOs. He realized this too late, but then went on to establish, first, TÜRGEV, organization co-founded by his son (with education as its mission), which was followed by KADEM, an organization co-founded by his daughter (with women as its mission). He said that they would be organized in every province and all work together. Erdoğan wanted to establish his own GONGOs, which he could use as leverage vis-à-vis existing NGOs. These GONGOS, following his political decisions, would be his voice in civil society. These organizations mostly want to emphasize conservative family values.

Erdoğan attended the ‘International Women at Work’ Congress, which was organized by The Women's Group of AKP in 2008. His attendance was to show his ‘support’ for working women. He tried to demonstrate that he was in favor of women in politics by attending the ‘I am on the Political Platform, too’ contest. This contest was organized in 2009 by the Women's Group of the AKP. Its purpose was to provide effective presentation techniques, speech and dictation training to women candidates.

In 2010, the President emphasized women's roles as mothers, wives and caretakers. By doing this he declared that he did not believe in the equality of men and women. “You cannot give equal status to women and men. It is against their *fitrah* (God-given nature/disposition).” (*Kadın erkek eşit olamaz, fitrata terstir*). The government started to use the phrase ‘equality of opportunities’ instead of equality. The government underlined the position of women at home, and stereotypes started to become salient; attributing chores such as cooking, dish washing, taking care of children and cleaning to domestic work. By bringing traditional practices to the agenda, the government started to define women and men through their gender roles.

Other state officials share the president’s views. For instance, Health Minister Mehmet Müezzinoğlu stated, "Mothers should not take on another career beyond that of being a mother" when he visited a hospital for the first baby born in 2015. However, when the number of children rises, the working women population decreases.

At the launch of the “three children” policy, Fatma Şahin, the former Minister for Family, said, “In Turkey as the population begins to age, the conservative understanding of having at least three children is not an understanding of man, but a scientific approach to build a high quality young population” BİA Haber Merkezi, (Aralık 2011).

President Erdoğan repeatedly emphasized his desire for women to have three or five children, saying, "In this country, people have been betrayed by birth control for years.” BİA Haber Merkezi, (Mayıs 2014). “In his speeches, Erdoğan has equated abortion with murder and vowed to pass a law to ban abortion. Women's rights activists' mobilization prevented him from legislating a ban. In practice, however,

under pressure and surveillance from the Ministry of Health, many state hospitals no longer perform abortions” Altıok, Ö. and Somersan, B. (2015).

Government officials are encouraging families to have more children. But the inevitable increased demand on women’s time and energy to engage in domestic labor will result in their having less time to devote to professional pursuits. The government is also encouraging women to work part-time. But part-time work is also an obstacle to the executive positioning of women. This ends up creating a vicious circle: more children, less work, less career, less participation in the public sphere, less participation in politics, less movement towards democracy!

According to the treaties has Turkey signed, Turkey is obliged to pursue policies which strengthen equality between women and men. However, the government is not fulfilling its obligations; it is imperative that the government avoid determining gender roles.

The Human Rights Watch 2017 Report states that following its July review of Turkey, the UN Committee on the Elimination of Discrimination against Women (CEDAW Committee) made many recommendations to the government to address gender inequality and remove obstacles for women and girls to access education, employment, justice, and reproductive health. It noted particular obstacles for Kurdish women and women and girl refugees and asylum seekers. The committee called on authorities to ensure full access in state hospitals to legal abortion services that many currently do not offer. It also noted concerns about changes to the ministry responsible for women, and the increasing emphasis on women’s role in the family rather than women’s rights and gender equality.

Despite the Turkish government's ratification of the Council of Europe Convention on Violence against Women and Domestic Violence (Istanbul Convention), violence against women remains a serious concern, including deaths due to domestic violence and so-called "honor" killings.

The theory of unintended consequences has long existed. Dating back to at least Adam Smith, it was popularized in the 20th century by the sociologist Robert K. Merton. According to his theory, "often unanticipated consequences or unforeseen consequences are outcomes not intended by a purposeful action. In some cases, the law of unintended consequences could create a perverse effect contrary to what was originally intended and ultimately making the problem worse" Merton, R. (1936).

Turkey's signing of the Istanbul Convention is a good illustration of this theory. The obligations of the treaty have left the conservative government in a predicament. While Turkey was the first country to sign the agreement, the government's view since 2011 has changed in a contradictory direction. Consequently, laws necessary to implement the treaty have not been sufficiently forthcoming. As part of international conventions, Turkey promised to end violence and discrimination against women; these conventions also oblige the country to pursue policies to strengthen equality between women and men.

The government has prepared a national action plan (2016-2020) to combat violence against women. This action plan has five main aims: 1) bringing about legislative change, 2) creating awareness and transforming mentalities, 3) providing preventive and preventative services and strengthening the support for victims of violence, 4) improving regulations and the provision of health services, and 5) achieving institutional cooperation and policy. However, one MP said that none of

these action plans has been implemented. There have been previous plans, in 2007-2010 and 2012-2015, but there has always been a problem at the implementation stage.

Under the Ministry of Family and Social Policy, Violence Prevention and Monitoring Centers were established (these are obligatory in terms of international agreements). These centers are supposed to be in every province but, again, the project is not operational. There is regular news from all 81 provinces of women being murdered, but there are still many provinces where these centers do not yet exist. WNGOs are calling for the government to open more of them.

5.3. The Women's movement and the New Legal Status of Women

I contacted WNGOs that had developed expertise in their respective fields to assess the positive and negative experiences they had encountered in their relations with public institutions. I wanted to determine the influence of civil society on parliamentary institutions. I also talked to MPs who had served in the 21st and 22nd sessions of parliament (1999-2007). Even when I could not speak directly to party leaders or ministers, I examined their statements reported in the press.

WNGOs are instrumental in inculcating a notion of gender equality in society and in getting necessary legislative decisions made. As chapter four emphasized, WNGOs have been very instrumental in shaping the current law (civil and penal) on women's empowerment and gender equality. I interviewed some MPs and asked them how they took part in this process. It was surprising to find out that while some were

very interested and full of knowledge, there were others that were not aware of women rights and the amendments made.

The scope of this thesis does not allow for a comprehensive analysis of this period in terms of law. I have just given brief information. I must, therefore, concentrate here on a few main points based on WNGOs which, in my analysis, have played an important role in the changing of these laws.

According to the Freedom House Index, Freedom in the World Scores (1 = most free and 7 = least free), Turkey is not free. It has a freedom rating of 5.5. It has a political rights score of 5 and a civil liberty score of 6. Its aggregate score is 32 (0 = least free, 100 = most free).

According to Freedom House,

“Today, it is democracy that finds itself battered and weakened. For the 12th consecutive year, according to Freedom in the World, countries that suffered democratic setbacks outnumbered those that registered gains. States that a decade ago seemed like promising success stories—Turkey and Hungary, for example—are sliding into authoritarian rule” Freedom House website (n.d.).

Women’s issues have been problematic in Turkish domestic politics for decades. However, with the rule of AKP since 2002, they have become seemingly more intractable. Problems are rampant on the education front. The educational system has repeatedly been overhauled. Currently, it is based on a 4+4+4 formula, which means four years each of primary, middle and secondary school. After the first four years, children are allowed to attend same-sex schools. Girls in particular tend to be enrolled in such schools, which usually mean religious schools. Another

problem concerning girls is early marriage, which is a tradition in many parts of Turkey. In rural areas especially, girls get married very young (child brides). Getting married at the age of 14-15 creates a serious obstacle to girls participating in the public sphere. It dramatically reduces the likelihood that they will continue their education. Without adequate education, women cannot rise up the ladder in the workplace and attain administrative positions. Despite a gradual feminization of the work force, girls are increasingly dropping out of school at the age of 14, especially with the current 4+4+4 educational system in place.

According to the Global Gender Gap Report of the World Economic Forum, Turkey ranked 131st out of 144 countries in 2017. Turkey comes right after Kuwait and Qatar and before Mauritania! “The political will for establishing gender equality and women’s empowerment in Turkey is very weak. Many high-level state officials make public statements that reinforce gender stereotypes and traditional gender roles (i.e., women as mothers, homemakers and caretakers) and force women into the private sphere rather than having a gender equality perspective mainstreamed into all of Turkey’s development work” Shadow CSO Report, (July 2016).

The segregation of the public sphere and the private sphere is very important in women studies. J. Habermas introduced the term ‘public sphere’ in 1962 by giving examples from French cafés. He defines the public sphere as a concept used to point to the field of common social activity in which thoughts; discourses and actions are produced and developed. He refers to an area accessible to all citizens, a common place where citizens come together and communicate, talk, and discuss.

Essentially, the distinction between the public and private spheres is important to understanding gender equality. The traditional sense of separate areas is that of

keeping the world of public and domestic apart and making the private space identical to women and public area identified as the male area. Based on these invisible rules, institutional and ideological limitations have restricted women's participation in the broader society.

The private sphere, which includes what goes on in the family (i.e., domestic affairs”), has been ignored by law for a long time in Turkey. After a global rise in the awareness of domestic violence, it became subject to political discussion, to which WNGOS were a party. They struggled to make family law more meaningful in terms of women’s rights and protecting them against domestic violence.

The history of general women’s rights in Turkey as they related to need for amendments in the Civil and Penal Codes were discussed in sections 4.2.1 and 4.2.2 of this thesis. Section 5.3.1 focuses on what women gained through the new Civil Code of 2001 while Section 5.3.2 stresses that they achieved with the new Penal Code of 2004.

5.3.1 Gains obtained within the field of women’s rights by the Civil Code of 2001.

The new laws cover a wide range of issues concerning women, including, for example, domestic violence, women’s political participation, abortion and a woman’s right to economic independence. Despite the successful change in law on behalf of women, tensions and contradictions still exist between official laws and customary practices. Within this context, the mission of WNGOs’ to link local, national and international action for social change is crucial.

Article 41 of the Turkish Constitution was amended in 2001. While the old Article stated that the man was the head of the household, the amended article states:

“The family is the foundation of the Turkish society and is based on equality between spouses.” This was a positive step in the struggle to acquire additional women’s rights.

Experts characterize the new Civil Law as the greatest constitutional transformation since the early days of the republic. The Turkish Civil Code, adopted in 1926 and valid until the end of 2001, was changed as a result of 50 years of continuous effort on the part of WNGOs. There had been discrimination against women, especially in the "Family Law" section. The new Civil Code, which introduces a new approach to family and women's role in it, defines the institution as a partnership based on equality between women and men. The concepts of "wife" and "husband" have been changed to the concept of "spouses." Other changes in the Civil Code include:

- Age of marriage was set as 17 for both men and women.
- The acquired property during the marriage shall be distributed equally (marriages concluded after 2002)
- Spouses have equal rights in choosing the family abode.
- Wives are not obliged to get their husband’s permission to work.
- Women’s child custody rights
- Married woman may use her surname with the husband’s surname.
- The concept of ‘illegitimate children,’ which was used for children born out of wedlock, has been abolished; the custody of children born outside marriage belongs to their mothers.

The changes made in this section of the Civil Code pertaining to the family eliminated the dominant position of men in the marriage union and gave spouses the same rights with respect to equality, representation and sharing. Thirty out of the thirty-five proposals made in their draft (that of the Women's Platform for the Turkish Civil Code) were accepted. This reflects the significant role WNGOs have had getting changes made to the Civil Code. WNGOs and women lawyers contributed significantly to the changes in law. They used the slogans such as: 'Democracy in the family, Democracy in the society,' 'Equal Rights Equal Participation' and 'Civil Country Civil Law' (İKKB). Bulletins of selected WNGOs show that they demanded a change. They wrote several letters to MP, asked for appointments, went to the parliament day and night, and insisted making their positions known to MPs from any party and political persuasion.

C. Arın (personal communication, June, 6, 2018) explained to me that 30 couples initiated divorce proceedings to attract the attention of the public and legislators. These couples had said: "We are happy couples; however, we want to get divorced because there is discrimination in law. If we are not equal, we want to be separated." Of course, this was an unusual act and the judges were surprised, remarking that while they agreed that what they were claiming was right, it was unprecedented. This drew a lot of attention in the media, the public and the government.

Achieving change was not easy. Over the years, there has also been opposition in the parliament. The former Minister of Justice, Oltan Sungurlu (ANAP-right wing party) argued that westernization was fine but that Turks cannot lose their traditions; he felt that the matter was not about equality but rather the happiness of the family. Another MP from a conservative party said the current law already was too much in

women's favor. The 75 WNGO representatives attending the session in March 1993 responded by standing up and leaving the parliament. It was hard for the members of the commission, since they also had to conform to expectations from Turkish society in general. The members of the sub commission and the commission had to keep in mind the realities of the culture. They hesitated because they were concerned about the public reaction. Şenal Saruhan (an MP) said that there were a number of delicate issues such as honor killings and virginity tests that were points of the resistance within the commission. They caused a lot of turmoil during the process under the AKP. There was a lot of pressure on the government from the media, WNGOs and also the international arena. During this period, the EU was preparing the development report on Turkey, through which the EU would decide whether to start the dialogue with Turkey for ascension to the EU. Eraslan O., one of the members of the sub commission, stated that "it was unfortunate that the government was not prepared to listen to them but listened instead to the representatives of the EU." This is another example of transverse pressure politics. People within the AKP possess certain moral principles that are derived from their roots. The founding members, in particular, have mostly a conservative view on women rights. However, since they want Turkey to enter the EU, they realize that the need to comply with certain EU expectations. "It was in the name of democratization and 'catching up with the West' that the amendment was passed, and it was in the name of respecting religion - once again a dictate of democratic deliberation, not necessarily rejecting the contents of the amendment- that the opposition was voiced" Arat, Y. (2001, pp. 236-237).

5.3.2 Gains obtained within the field of women's rights by the Penal Code of 2004

Violence against women has been researched by scholars within the field of Women's Studies, who have been instrumental in highlighting its many facets, both qualitative and quantitative. WNGOs, too, as has been consistently pointed out in this thesis, have played a major role in raising public awareness of this devastating issue by following up cases, delivering statements in front of the courts and organizing protests that attract the attention of the press and the government. Moreover, the support of various other segments of society also must not be underestimated. For instance, women from rural areas and different ethnic backgrounds and levels of education, including the illiterate, have all contributed to the shaping of the agenda. Different WNGOs and parts of society collaborated for the common good. H. Gülbahar (personal communication, May, 18, 2018), one of the WNGO representatives said, “Whenever there is collaboration, our struggle is successful.” State policy must be in sync with the women's movement to be successful. The party in power and the policy of the state must be moving in the same direction with the demands. The ruling party in Turkey has become increasingly more conservative in tone regarding issues related to women.

The Opuz Case, a case of domestic violence, was taken to European Court of Human Rights. Opuz complained about Turkey due to the fact that the state was unable to protect her from her husband, who had killed her mother in 2002. He also had attempted to kill her, and she had been subject to various beatings and knife attacks. However, each time, the court released the husband, imposing only fines, due to inadequate evidence. The European Court of Human Rights reached the conclusion that the Turkish government had been unable to protect the woman, who had been

subject to violence even though she had applied to the prosecutor. The European Court of Human Rights said that Turkey had violated Article 3 (related to abuse and torture), Article 14 (related to discrimination and the inability to protect her) and Article 2 (related to the right to life) of the European Human Rights Convention. Turkey is the first country to be condemned for domestic violence in Europe.

Violence, in general, and domestic violence, in particular, has been on the agenda in Turkish society for quite some time. The new Turkish Penal Code was adopted by the TBMM on September 26th 2004 as a result of an enormous effort made by the women's movement between 2002 and 2004. The new law contains more than 30 significant changes related to guaranteeing gender equality and the legal protection of the physical and sexual rights of women and children. The new Turkish Penal Code, the aim of which is stated in the first article as "protecting the rights and freedoms of the people," enlarged the definition of sexual crimes and provides for harsher punishments.

The new penal code:

- Contains measures to prevent criminal acts in honor killings
- Removed patriarchal and discriminatory expressions/terminologies such as decency, custom, rape, honor, and morality.
- Defined rape as any vaginal, anal and oral penetration with an organ or object to the body of the victim.
- Abolished the suspension of punishment of a rapist in the event he marries the rape victim.

- Defines sexual harassment at work as a crime,
- Replaced the term “honor killings” with “killings in the name of custom” and included such killings under aggravated homicide.
- Changed the penalties and punishment for adultery for women and men.

The Women’s Platform for the Turkish Penal Code planned a massive march on September 14th 2004, the day the draft was brought to parliament. The march was organized by Amargi with the Platform to Prevent Violence against Women.

Transportation was provided for women from all parts of Turkey, including Adana, Batman, Çanakkale, Diyarbakır, İzmir and Istanbul, to come to Ankara. The slogan was: ‘Our Bodies and Our Sexualities belong to us.’

5.3.3 Changes after the Reforms 2004-2018.

The reformation of both laws is seen as a victory. However, major debates ensued after 2004. There has been a failure to implement the changes made to these laws. Moreover, the government has undertaken new strategies. While this section could be the subject of another thesis, I would like to shed a light on what has happened since the gains that were made and pave the way for the reader to further investigate the topic.

“Feminists in Turkey have been quite successful in pressuring the state, negotiating with it, and achieving desired outcomes throughout the 1990s and 2000s. However, in an environment of creeping authoritarianism, where it is hard for independent media and civil society to survive, feminists face obstacles in counteracting the government’s attempts that co-opt the field of civil society and open up a space for its conservative gender discourse”. Diner, Ç. (2018).

We are experiencing regression in women's equality and an attempt to impose conservative family values in 2018. It is disquieting to see that the newly adopted laws have not gone beyond *de jure* status to achieve *de facto* change. Women can only achieve equality and be protected if laws are effectively implemented.

C. Arın (personal communication, June 6, 2018) bemoans the way in which recent lawmaking was undertaken, arguing that the lawmaking procedure has been undermined. She is highly critical of the omnibus bill, where the thickness of a shoe peg and the car tire is thrown into the same bag with child rape.

A parliamentary commission was established in 2016 by the AKP to study the causes of the high divorce rates in Turkey. Mediation by religious scholars in divorce cases and changes to the penal code that would decriminalize the practice of couples living in a religious marriage without a civil one registered with the state was promoted. Other proposals such as allowing for rapists to avoid criminal penalty if they married the rape victims were withdrawn after widespread protests. We witnessed a lot of rejection both from national and international WNGOs.

It was argued that the government was disregarding important aspects of the Turkish Civil Code. Minimum marriage age and the necessity of conducting an official marriage, for instance, were seen as guarantees of women's rights. Without them, women would be in an unequal position in the family and be deprived of other legal rights. WNGOs heatedly protested the way the laws were being implemented and resumed a struggle they thought they had already won! WNGOs demanded and called upon the government to take *de facto* action, the aim being to not only make amendments to the law (*de jure*) but ensure that they are applied in everyday life. The rights provided by the law must be given teeth.

The İKKB orchestrated a widespread campaign called “I lay claim to my civil law” (*Medeni Kanunuma Sahip Çıkıyorum*) in 2015. Collecting nearly 1.5 billion signatures, members carried the documents in baskets and posted them to the parliament from a central post office. A press release emphasizing “Legal marriage is the assurance of women” was held in front of that post office, which drew a lot of attention from society. Nevertheless, government authorities paid no attention at all.

The Civil Code, while generally changed for the better in 2001, now, in 2017, allows muftis to perform official marriage ceremonies, thereby bringing religion back into the civilian institution. This is a real menace. Another concern of WNGOs is “child brides.” It is estimated that a third of all marriages in Turkey involve girls under the age of 18. The Turkish legal system sets the minimum marriage age at 17, with some exceptions for girls aged 16. The İKKB says that 232,000 of such marriages have been conducted in the past four years. Women once again rose up against this backward effort. Women launched social media campaigns and street actions against the bill. Under the law there is a clause: “The declaration of the birth of children born out of a hospital is made by verbal declaration to the population directorates.” The Izmir Woman Platform (İzmir Kadın Platformu) said that this is a way of covering up sexual abuse and child marriages. There is an ongoing effort to impose religious values on society.

The law allowing mufti to perform marriages was passed by parliament and President Erdoğan, despite protests by civil society activists and opposition lawmakers, declared that the bill would be passed: “Whether you want it or not, this law will pass through the parliament.” This patriarchal mentality has grown since AKP came to power, despite the CEDAW (Art. 5), which states that prejudices and patriarchal mentality need to be changed.

Selina Doğan, an opposition MP, who pointed out that women campaigning against the law in front of parliament had been pepper sprayed, said “From the way this draft law was prepared without the participation of sides who will be affected, such as muftis or women’s groups, it is a sign of an enforcement of an idea... One man (Erdoğan) has the power and plans to [impose] a political Islamist regime [on Turkey].” Efforts to change long-established family legal principles in Turkey have emerged as a lightning rod in the battle between Islamists and secularists.

“Women’s rights are going to decline,” said Nazan Moroğlu, an expert on gender law and a lecturer at MEF University. “Everything that has been pushed on to women in this land has been done in the name of religion” *The Guardian*, (14 Nov 2017).

Ç. Diner (2018) said that there are numerous examples of AKP leaders talking about the need for women to bear more children, encouraging marriage at a young age, emphasizing the necessity to restrict abortion, commenting on the inappropriate sexual relations between youth, and calling upon women to behave and dress modestly. She maintains that this kind of talk is not engaged in only by party leaders but also by leaders of religious sects, university professors who are predominantly from the faculty of theology, and civil society leaders.

In 2009, Minister Mehmet Şimşek made an unfortunate statement in which he maintained that the increase in unemployment rate was due to women joining the labor force: "Do you know why the unemployment rate is rising? Because more jobs are being sought in times of crisis, especially among women; the labor force participation rate is increasing."

Minister of Health Mehmet Müezzinoğlu argued (in 2015) that “the best career [for women] is motherhood.” Minister of Forestry and Water Affairs Veysel Eroğlu (in 2009) answered a woman who was demanding work by saying “Isn’t there enough work in the house?”

“Despite the low status and profile of women in Turkish public space and their essential role as mothers and wives in society, AKP leaders have been trying to reemphasize and re-inscribe the image of the Turkish woman as a wife and mother, one who is more than willing to fulfill her domestic responsibilities through self-sacrifice without regard to her individuality. This is observed by many scholars over the past 10 years.” Coşar, S. (2011, pps: 555-73).

6- CONCLUSION

This thesis is in large part based on interviews conducted with a range of stakeholders in the issue of women's rights and the efforts made to change laws that undergird those rights. In the course of analyzing them, I provide interpretations of what is said and show how argument is substantiated. I learned a great deal from these face-to-face interviews. I received all the answers to my questions, even if sometimes surprising.

It became apparent that not all MPs are interested in women's issues. Many do not consider it a priority, even though significant change is occurring in society and law. It is fascinating to see how unconcerned and disconnected they are. Often, it is not that they believe the women's movement is irrelevant; they just do not care. They prioritize their professional interests and problems. On the other hand, most of the female MPs were concerned with women-related issues and got involved in them, regardless of their backgrounds and party affiliation. However, they are as a whole relatively few in numbers, so their impact is felt less.

Nonetheless, some female MPs became involved in women's issues after not finding any other issue with which they could readily work. For example, I interviewed an MP who was a chemist. She said that she had dreamed of doing something in parliament related to her profession. But when her party insisted on that she work on women's issues, she became involved unintendedly. It ended up becoming her priority during her tenure in office.

While it is fair to expect all women MPs, who are not experts or interested in the subject, to deal with women's rights and issues related to women, every MP

should deal with protecting human rights in general and attempting to provide the conditions in which they can be achieved, in particular. All of the persons I interviewed agreed that support should be provided to women candidates who have a feminist point of view and are experienced in civil society. We need greater numbers of women MPs and ministers in order to stabilize gender equality. Similarly, the Ministry of Women, which was abolished in 2011, needs to be brought back.

This struggle should have been embraced by all MPs. All are responsible for their vote and the future of the society as the citizens chose them to be their voices. If there are women on the streets protesting, suffering at home, demanding for change, they cannot be indifferent to the issue. They need to be concerned and involved in one way or another. It does not matter what your profession was before you became an MP, the position you hold demands that you pay attention to the needs of society.

Some of the persons I interviewed said that they had not realized how widespread the problem of violence was before WNGOs raised the issue. They were not previously aware because they had not experienced it within the family. It can be concluded that the social structure of the family plays a key role in defining gender roles. The root of the problem is to change entrenched patriarchal behavior, norms and traditions.

WNGOs in Turkey made a positive contribution to highlighting women's problems with the help of public opinion and the full support of the media. This thesis analyzed the legal advances made in the 2000s as a result of the struggle of the WNGOs, which put forward policies to protect women's rights. Their activism involved lobbying at the parliament, conducting protest marches, collecting signatures, issuing press releases, and preparing reports and radio programs.

My examination of WNGOs and the legislative workings of the parliament, which include both civil society actors and legislative decision-makers, have been highly revealing. The interviews I conducted as the basis for my work supported what I had anticipated. WNGO demands to end violence, to protect women's rights, and to achieve equality found fertile ground in parliament, which lead to a change in law/legislation. This shows that the vigorous presence and activism of NGOs and their lobbying and advocacy efforts enrich pluralist democracies.

There was a democratic atmosphere in the years the new laws were adopted. Feminists in Turkey have been successful in advocacy and pressuring the state, in result achieved desired outcomes throughout the 1990s and 2000s. This thesis contributes to the promotion of gender equality by raising consciousness and sensitivity to the issues and to evaluate the WNGOs' solidarity and cooperation played in fostering democracy in Turkey. It serves to project the common interests of these organizations. It also emphasizes their shared struggle and campaigns, which succeeded in establishing links to international treaties.

The global women's movement, in conjunction with CEDAW, had a decisive impact on shaping women's rights movement. The CEDAW agreement (said to be a women's constitution/bill of women's rights) was signed by Turkey in 1985. It has been a call for action, providing a set of standards by which women's rights are to be evaluated. It has also functioned to monitor the effectiveness of measures taken by local authorities and civil society, helping both to actively be involved in working out solutions that will ensure the attainment of women's rights. WNGOs called upon the Turkish government to fulfill its obligations. Essentially this meant ending discrimination and ensuring equality in the country. A perusal of the shadow reports

of the Turkish government and NGOs reveal that not much has been achieved apart from the legal reforms (amendments in the civil and penal codes).

The political actions taken by the Turkish government to meet EU member candidate requirements at the beginning of the 2000s also expedited the legislation process. Meanwhile, EU process was not an automatic imposition. Internal and external issues were confronted. EU's democratic society idea coincides with the demands of women's movements in Turkey. These changes included a wide range of laws related to both human rights in general and women's rights in particular.

Women encounter similar problems all over the world, not just in Turkey. This is particularly the case with the UN's Sustainable Development Goals no. 4 (Education) and no.5 (Gender Equality). Education and Gender Equality are interdependent factors that are crucial to the sustainable future of the world. Without both, sustainability is not possible. This is why governments and civil society organizations must work even harder to ensure that they are provided.

I see civilian participation as a necessity in the contemporary world. The individual must contribute to the development of the community in which she or he lives and be an active citizen. Volunteering can be done both as an individual and as a group; the individual must leave to future generations a world that is safe, democratic, and contemporary and strive to maintain the integrity of the universe- protecting the environment, humans, peace, equality and justice. In the age of communication, civil society has to manage the network of functional relationships. We need to pass the legacy to future generations so that our struggle can continue until equality is reached.

Although there has been an improvement in women's rights on paper at both the national and international levels, this progress is very poorly reflected in women's

lives at the local level. Citizens' trust in institutions is declining due to the misapplications of law. To be able to overcome these obstacles, education about gender must be provided to students, traditional prejudices and a patriarchal minds and attitudes must be changed. This is not a matter of religion, tradition and customary practices aimed at controlling women. There needs to be a change in mindset so that a woman is as an individual with an independent life. Stereotypes about the role of women both in the family and in corporate/business/political life, a prejudice based on the supremacy of men, must be changed.

Women's lives are still in danger and continue to be shaped by a range of customary and religious practices that contradict existing laws, such as early and forced marriages, honor crimes, and polygamous marriages. In order to protect and develop the hard-won rights women have achieved thus far, and to preserve secularism, WNGOs must continue to wage their battle. The efforts to make legal changes have been undertaken by secular constituents of society at the time. However, for a while, the *Islamist feminists* joined the women's movement. A campaign was held on 29 July 2017 to raise the voice of women who had been subjected to violence on the grounds that they were dressing inappropriately, in shorts or mini-skirts.(see Appendix N) Their slogan was: “Şortuma da Başörtüme de Karışma” (Don't interfere with the way I dress; either my scarf or my shorts). As there appears to be a joint struggle now, what will happen in the future?

It is quite clear that the reforms and advances made on the legal front in Turkey have not been adequate to prevent gender discrimination or to eliminate violations of women's human rights. After the reforms in the 2000s, we experienced many setbacks. The patriarchal mentality of the government is growing. What will happen next regarding women's rights and democracy?

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- Amargi Dergi

APPENDIX A

KADIN STK TEMSİLCİLERİNE SORULAN SORULAR:

- 1) Derneğiniz hakkında biraz bilgi verir misiniz? Derneğinizi nasıl tanımlarsınız? Derneğinizi feminist olarak adlandırır mısınız? Misyonu nedir? Üyeleriniz kimlerden oluşuyor?
- 2) Şubeniz var mı? Kadın STK'lar Türkiye'de nerelere kadar uzandı, Anadolu'da nasıl? Örgüt olarak topluma nasıl nüfuz etmişler? Bunlar göstermelik mi, gerçek uzantılar mı?
- 3) Kadın politikaları ile ilgili nasıl çalışmalar yaptınız/yapıyorsunuz? (Workshop, protesto, imza kampanyası vb.)
- 4) Derneğiniz, kadınları ilgilendiren yasaların hazırlanması süreçlerinde politika yapıcılar üzerinde bir etki oluşturabilecek faaliyetlerde bulundu mu? (Evet, ise ne gibi faaliyetler?)
- 5) 2001 Medeni Kanununun değişikliğe uğraması fikir olarak ilk nasıl çıktı, kim/ler talep etti?
- 6) Medeni Kanun konusunda mecliste somut bir etkiniz oldu mu? Kimleri, nasıl etkilediniz?
- 7) TBMM'ye yönelik fax, telefon imza kampanyalarını önemli buluyor musunuz? Ne derece dikkate alınıyor?
- 8) 2004 Ceza Kanunu değişikliğe uğraması fikir olarak ilk nasıl çıktı, kim/ler talep etti?

- 9) Ceza Kanun konusunda mecliste somut bir etkiniz oldu mu? Kimleri, nasıl etkilediniz?
- 10) TCK reformunda kadın erkek eşitliğinin sağlanması amacıyla geniş çaplı bir ulusal kampanya başlatıldı. Türkiye'nin her yerinden örgütlerin katılımı ile oluşan TCK Kadın Platformu, iki yıl boyunca ulusal ve yerel düzeyde savunuculuk ve lobicilik faaliyetlerini sürdürdü. Bu kampanyalar niçin başlatıldı? Kim başlattı? Bunda ne kadar başarılı oldular?
- 11) Derneğiniz kanun değişikliği süreçlerinde diğer kadın dernekleri ile işbirliği yaptı mı? Birlikte nasıl çalıştınız, hangi ortamlarda, ne sıklıkta? Hedefler, alınan kararlar nelerdi?
- 12) Kadın politikalarının belirlenmesi süreçlerinde, devlet kurumları tarafından derneğinizden yardım talebi, fikir beyanı, çalıştay katılımı gibi işbirliği talepleri oldu mu? (Lütfen açıklayınız)
- 13) Derneğinizin kamu kurumlarıyla iletişim ve iş birliği kurmada karşılaştığı zorluklar var mıdır? Varsa nelerdir?
- 14) Medeni kanun ve Ceza kanunu sizce toplumda nasıl karşılandı? Toplumda yansımaları ne oldu?
- 15) Medyadan destek aldınız mı?
- 16) Türkiye'nin yapmış olduğu ya da taahhüt ettiği uluslararası sözleşmeleri, anlaşmaları bu süreçte etkili buluyor musunuz? (BM anlaşması CEDAW gibi ya da AB adaylık süreci gibi) Bunlar amaç mı araç mı teşkil ettiler? Bunlar olmasa yasa çıkar mıydı?

PARLAMENTERLERE SORULAN SORULAR:

Soruları şu sırayla cevaplamanızı rica ediyorum: Kendi fikriniz, partinizin fikri, genel olarak ülke ve dünya görüşünüzü belirtebilirsiniz.

- 1) Kadın STK'lar hakkında ne düşünüyorsunuz? Aklınıza gelen ilk 5 kadın STK sayar mısınız?
- 2) Milletvekili seçilmeden önce herhangi bir STK'da görev aldınız mı? Üyeliğinizin sürdüğü STK var mı?
- 3) Kadın derneklerinin kadın politikaları ile ilgili tutum ve görüşleri hakkında bilginiz var mı? Bunları doğru buluyor musunuz?
- 4) 2001 Medeni kanun ve 2004 Ceza kanunu fikir olarak ilk nasıl çıktı, kim/ler talep etti? Laik düşünceye sahip kişiler mi bu işi üstlendi?
- 5) Savunuculuk ve lobicilik yasamada etkili mi? - Evet -Hayır
- 6) TBMM'ye yönelik fax, telefon imza kampanyalarını önemli buluyor musunuz? Bunlar ne derece dikkate alınıyor?
- 7) Sizce kadın STK'ları yasayı değiştirirken etkili oldu mu? (2001 Medeni Kanun ve 2004 Ceza Kanunu)
- 8) Türkiye'de kadınların taleplerini kapsayan kadın politikalarının üretilmesinde parlamenter olarak rolünüz oldu mu?
- 9) 2001 Medeni Kanun ve 2004 Ceza Kanunu hakkında karar alırken siz nelerden etkilendiniz?

10) Oy kullanırken, yasayı çıkartırken, kadın STK'lerden etkilendim. 1 ile 10 arası cevap verin lütfen. Hangilerinden etkilendiniz?

11) Kendi partiniz, kadın hakları hakkında çıkan yasalarda aynı fikre sahip olmadığınızda, sizin tepki vermenizi engelledi mi?

12) Oylama yapılırken üzerinizde partinizin baskısını hissettiniz mi?

13) Sizin görüşünüze göre yasalarda değişiklik ne için yapılıyor?

- Uluslararası taahhütleri yerine getirmek için
- Global dünyaya uyum sağlamak için
- Toplumun ihtiyacı olduğu için
- Diğer; lütfen belirtiniz

14) Kadın hareketinin 2002-2004 yılları arasında yürüttüğü TCK Kampanyası olmasaydı, Ceza Kanunu değişirmiydi?

15) Türkiye'nin yapmış olduğu ya da taahhüt ettiği uluslararası sözleşmeleri, anlaşmaları bu süreçte etkili buluyor musunuz? (BM anlaşması CEDAW gibi ya da AB adaylık süreci gibi) Bunlar amaç mı araç mı teşkil ettiler? Bunlar olmasa yasalar çıkar mıydı?

16) Kadının Statüsü Genel Müdürlüğü'neden kuruldu? Başka ülkelerde örneği var mı?

17) KEFEK nedir? Buna neden ihtiyaç duyuldu?

18) 3 yıllık yapılan Ulusal Eylem Planları ne kadar etkili? Uygulaması, çözümleri nelerdir?

APPENDIX B

Article 1 of the UN Charter

The Purposes of the United Nations are:

To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and

To be a centre for harmonizing the actions of nations in the attainment of these common ends.

APPENDIX C

TC Anayasasında II. Cumhuriyetin nitelikleri

MADDE 2- Türkiye Cumhuriyeti, toplumun huzuru, millî dayanışma ve adalet anlayışı içinde, insan haklarına saygılı, Atatürk milliyetçiliğine bağlı, başlangıçta belirtilen temel ilkelere dayanan, demokratik, lâik ve sosyal bir hukuk Devletidir.

V. Devletin temel amaç ve görevleri

MADDE 5- Devletin temel amaç ve görevleri, Türk milletinin bağımsızlığını ve bütünlüğünü, ülkenin bölünmezliğini, Cumhuriyeti ve demokrasiyi korumak, kişilerin ve toplumun refah, huzur ve mutluluğunu sağlamak; kişinin temel hak ve hürriyetlerini, sosyal hukuk devleti ve adalet ilkeleriyle bağdaşmayacak surette sınırlayan siyasal, ekonomik ve sosyal engelleri kaldırmaya, insanın maddî ve manevî varlığının gelişmesi için gerekli şartları hazırlamaya çalışmaktır. X. Kanun önünde eşitlik

MADDE 10- Herkes, dil, ırk, renk, cinsiyet, siyasî düşünce, felsefî inanç, din, mezhep ve benzeri sebeplerle ayırım gözetilmeksizin kanun önünde eşittir.

(Ek fıkra: 7/5/2004-5170/1 md.) Kadınlar ve erkekler eşit haklara sahiptir. Devlet, bu eşitliğin yaşama geçmesini sağlamakla yükümlüdür. (Ek cümle: 12/9/2010-5982/1 md.) Bu maksatla alınacak tedbirler eşitlik ilkesine aykırı olarak yorumlanamaz.

(Ek fıkra: 12/9/2010-5982/1 md.) Çocuklar, yaşlılar, özürllüler, harp ve vazife şehitlerinin dul ve yetimleri ile malul ve gaziler için alınacak tedbirler eşitlik ilkesine aykırı sayılmaz. Hiçbir kişiye, aileye, zümreye veya sınıfa imtiyaz tanınamaz. Devlet organları ve idare makamları bütün işlemlerinde kanun önünde eşitlik ilkesine uygun olarak hareket etmek zorundadırlar. tbmm.gov.tr anayasa

APPENDIX D

WORLD CONFERENCES ON WOMEN

1975 Mexico City

The first UN World Conference on Women coincided with the International Women's Year and served to remind the international community that discrimination against women continued to be a persistent problem in much of the world.

The following goals were established:

- Full gender equality and the elimination of gender discrimination;
- The integration and full participation of women in development;
- An increased contribution by women in the strengthening of world peace.

A World Plan of Action was adopted at the Mexico City Conference. This document offered guidelines for governments and the international community to follow over the next ten years to accomplish the three key objectives set by the General Assembly. The Plan of Action set minimum targets, to be met by 1980, that focused on securing equal access for women to resources including education, employment opportunities, political participation, health services, housing, nutrition and family planning.

Whereas women were previously perceived as passive recipients of support and assistance, they were now viewed as full and equal partners with men, with equal rights to resources and opportunities. A similar transformation took place in the approach to development, with a shift from an earlier conception that development served to advance women, to a new consensus that development was not possible without the full participation of women.

1980 Copenhagen

At the second UN World Conference on Women, it was determined that there was a discrepancy between universal legal rights and women's ability to exercise these rights.

The barriers were:

- Lack of sufficient involvement of men in improving women's role in society;
- Insufficient political will;
- Lack of recognition of the value of women's contributions to society;
- Lack of attention to the particular needs of women in planning;
- Shortage of women in decision-making positions;
- Insufficient services such as co-operatives, day-care centers and credit facilities to support the role of women in national life;
- Overall lack of necessary financial resources;
- Lack of awareness among women about the opportunities available to them.

1985 Nairobi

The Third UN World Conference on Women sought to assess the achievements of the United Nations Decade for Women.

Although the Women's Movement had now become an international force unified under the banner of the "Decade for Women: Equality, Development and Peace", delegates were confronted with shocking reports. Data gathered by the United Nations revealed that improvements in the status of women and efforts to reduce

discrimination had benefited only a small minority of women. Improvements in the situation of women in the developing world had been marginal at best.

The Nairobi Forward-Looking Strategies (NFLS) to the Year 2000 was a blueprint for improving the condition of women through the end of the century. It broke new ground as it declared all issues to be women's issues. Women's participation in decision making and the handling of all human affairs was recognized not only as their legitimate right but as a social and political necessity that would have to be incorporated in all institutions of society.

The NFLS established the following categories as measures for achieving equality at national levels:

- Constitutional and legal steps;
- Equality in social participation;
- Equality in political participation and decision-making.

It was now recognized that women's equality, far from being an isolated issue, encompassed every sphere of human activity. Therefore, a women's perspective, including active involvement in all issues, not only women's issues, was essential if the goals and objectives of the Decade for Women were to be attained.

1995 Beijing

A fundamental transformation took place at the Beijing Fourth World Conference on Women. This was the recognition, based on the Vienna Conference on Human Rights, that women's rights are human rights. There must be a shift of focus from "women"

to the concept of “gender”, recognizing that the entire structure of society and all relations between men and women within it had to be re-evaluated.

The Beijing Conference unanimously adopted the Beijing Declaration and Beijing Platform for Action (BPfA) which was, in essence, an agenda for women’s empowerment. These action points stand as milestones for the advancement of women in the twenty-first century. The BPfA specified twelve critical areas of concern, the solutions to which were considered to be necessary to women’s advancement:

- Women and poverty;
- Education and training of women;
- Women and health;
- Violence against women;
- Women in armed conflict;
- Women and the economy;
- Women in power and decision-making;
- Institutional mechanisms for the advancement of women;
- Human rights of women;
- Women and the media;
- Women and the environment;
- The girl child.

2000 Beijing plus Five (B+5)

The Twenty-third Special Session of the General Assembly (23rd SSGA) produced an outcome document which listed the achievements in the advancement of women during the previous five years. It identified obstacles and current challenges to the process and strengthened the BPfA by focusing action and addressing new issues.

2005 Beijing plus Ten (B+10)

CSW 49 was a celebratory review of the implementation of the BPfA and the outcome document of the 23rd SSGA. It also looked at the current challenges and forward-looking strategies since the SSGA.

2010 Beijing plus Fifteen (B+15)

CSW 54 presented a fifteen-year review of the implementation of the Beijing Declaration and BPfA and the outcomes of the 23rd SSGA. Emphasis was placed on the sharing of experiences and good practices, with a view to overcoming remaining obstacles and new challenges, including those related to the Millennium Development Goals (MDGs). On 2

March 2010 the CSW adopted a Declaration reaffirming the BPfA and the outcomes of the 23rd SSGA, calling for their full and effective implementation, and emphasizing that such implementation is essential to the achievement of the MDGs.

2015 Beijing plus Twenty (B+20)

In 2014, a twenty-year review of the progress made in implementing the Beijing Declaration and BPfA will be held at the regional and national levels. These reviews

will feed into the global review that will take place in 2015 at CSW 59.

(www.ngocsw.org)



APPENDIX E

BEIJING DECLARATION

1. We, the Governments participating in the Fourth World Conference on Women,
2. Gathered here in Beijing in September 1995, the year of the fiftieth anniversary of the founding of the United Nations,
3. Determined to advance the goals of equality, development and peace for all women everywhere in the interest of all humanity,
4. Acknowledging the voices of all women everywhere and taking note of the diversity of women and their roles and circumstances, honouring the women who paved the way and inspired by the hope present in the world's youth,
5. Recognize that the status of women has advanced in some important respects in the past decade but that progress has been uneven, inequalities between women and men have persisted and major obstacles remain, with serious consequences for the well-being of all people,
6. Also recognize that this situation is exacerbated by the increasing poverty that is affecting the lives of the majority of the world's people, in particular women and children, with origins in both the national and international domains,
7. Dedicate ourselves unreservedly to addressing these constraints and obstacles and thus enhancing further the advancement and empowerment of women all over the world, and agree that this requires urgent action in the spirit of determination, hope, cooperation and

7. Dedicate ourselves unreservedly to addressing these constraints and obstacles and thus enhancing further the advancement and empowerment of women all over the world, and agree that this requires urgent action in the spirit of determination, hope, cooperation and solidarity, now and to carry us forward into the next century. We reaffirm our commitment to:

8. The equal rights and inherent human dignity of women and men and other purposes and principles enshrined in the Charter of the United Nations, to the Universal Declaration of Human Rights and other international human rights instruments, in particular the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, as well as the Declaration on the Elimination of Violence against Women and the Declaration on the Right to Development;

9. Ensure the full implementation of the human rights of women and of the girl child as an inalienable, integral and indivisible part of all human rights and fundamental freedoms;

10. Build on consensus and progress made at previous United Nations conferences and summits - on women in Nairobi in 1985, on children in New York in 1990, on environment and development in Rio de Janeiro in 1992, on human rights in Vienna in 1993, on population and development in Cairo in 1994 and on social development in Copenhagen in 1995 with the objective of achieving equality, development and peace;

11. Achieve the full and effective implementation of the Nairobi Forwardlooking Strategies for the Advancement of Women;

12. The empowerment and advancement of women, including the right to freedom of thought, conscience, religion and belief, thus contributing to the moral, ethical, spiritual and intellectual needs of women and men, individually or in community with others and thereby guaranteeing them the possibility of realizing their full potential in society and shaping their lives in accordance with their own aspirations. We are convinced that:

13. Women's empowerment and their full participation on the basis of equality in all spheres of society, including participation in the decision-making process and access to power, are fundamental for the achievement of equality, development and peace;

14. Women's rights are human rights;

15. Equal rights, opportunities and access to resources, equal sharing of responsibilities for the family by men and women, and a harmonious partnership between them are critical to their well-being and that of their families as well as to the consolidation of democracy;

16. Eradication of poverty based on sustained economic growth, social development, environmental protection and social justice requires the involvement of women in economic and social development, equal opportunities and the full and equal participation of women and men as agents and beneficiaries of people-centred sustainable development;

17. The explicit recognition and reaffirmation of the right of all women to control all aspects of their health, in particular their own fertility, is basic to their empowerment;

18. Local, national, regional and global peace is attainable and is inextricably linked with the advancement of women, who are a fundamental force for leadership, conflict resolution and the promotion of lasting peace at all levels;

19. It is essential to design, implement and monitor, with the full participation of women, effective, efficient and mutually reinforcing gender-sensitive policies and programmes, including development policies and programmes, at all levels that will foster the empowerment and advancement of women;

20. The participation and contribution of all actors of civil society, particularly women's groups and networks and other non-governmental organizations and community-based organizations, with full respect for their autonomy, in cooperation with Governments, are important to the effective implementation and follow-up of the Platform for Action;

21. The implementation of the Platform for Action requires commitment from Governments and the international community. By making national and international commitments for action, including those made at the Conference, Governments and the international community recognize the need to take priority action for the empowerment and advancement of women. -We are determined to:

22. Intensify efforts and actions to achieve the goals of the Nairobi Forwardlooking Strategies for the Advancement of Women by the end of this century;

23. Ensure the full enjoyment by women and the girl child of all human rights and fundamental freedoms and take effective action against violations of these rights and freedoms;

24. Take all necessary measures to eliminate all forms of discrimination against women and the girl child and remove all obstacles to gender equality and the advancement and empowerment of women;
25. Encourage men to participate fully in all actions towards equality;
26. Promote women's economic independence, including employment, and eradicate the persistent and increasing burden of poverty on women by addressing the structural causes of poverty through changes in economic structures, ensuring equal access for all women, including those in rural areas, as vital development agents, to productive resources, opportunities and public services;
27. Promote people-centred sustainable development, including sustained economic growth, through the provision of basic education, life-long education, literacy and training, and primary health care for girls and women;
28. Take positive steps to ensure peace for the advancement of women and, recognizing the leading role that women have played in the peace movement, work actively towards general and complete disarmament under strict and effective international control, and support negotiations on the conclusion, without delay, of a universal and multilaterally and effectively verifiable comprehensive nuclear-test-ban treaty which contributes to nuclear disarmament and the prevention of the proliferation of nuclear weapons in all its aspects;
29. Prevent and eliminate all forms of violence against women and girls;
30. Ensure equal access to and equal treatment of women and men in education and health care and enhance women's sexual and reproductive health as well as education;
31. Promote and protect all human rights of women and girls;

32. Intensify efforts to ensure equal enjoyment of all human rights and fundamental freedoms for all women and girls who face multiple barriers to their empowerment and advancement because of such factors as their race, age, language, ethnicity, culture, religion, or disability, or because they are indigenous people;

33. Ensure respect for international law, including humanitarian law, in order to protect women and girls in particular;

34. Develop the fullest potential of girls and women of all ages, ensure their full and equal participation in building a better world for all and enhance their role in the development process.

We are determined to:

35. Ensure women's equal access to economic resources, including land, credit, science and technology, vocational training, information, communication and markets, as a means to further the advancement and empowerment of women and girls, including through the enhancement of their capacities to enjoy the benefits of equal access to these resources, inter alia, by means of international cooperation;

36. Ensure the success of the Platform for Action, which will require a strong commitment on the part of Governments, international organizations and institutions at all levels. We are deeply convinced that economic development, social development and environmental protection are interdependent and mutually reinforcing components of sustainable development, which is the framework for our efforts to achieve a higher quality of life for all people. Equitable social development that recognizes empowering the poor, particularly women living in poverty, to utilize environmental resources sustainably is a necessary foundation for sustainable

development. We also recognize that broad-based and sustained economic growth in the context of sustainable development is necessary to sustain social development and social justice. The success of the Platform for Action will also require adequate mobilization of resources at the national and international levels as well as new and additional resources to the developing countries from all available funding mechanisms, including multilateral, bilateral and private sources for the advancement of women; financial resources to strengthen the capacity of national, subregional, regional and international institutions; a commitment to equal rights, equal responsibilities and equal opportunities and to the equal participation of women and men in all national, regional and international bodies and policy-making processes; and the establishment or strengthening of mechanisms at all levels for accountability to the world's women;

37. Ensure also the success of the Platform for Action in countries with economies in transition, which will require continued international cooperation and assistance;

38. We hereby adopt and commit ourselves as Governments to implement the following Platform for Action, ensuring that a gender perspective is reflected in all our policies and programmes. We urge the United Nations system, regional and international financial institutions, other relevant regional and international institutions and all women and men, as well as non-governmental organizations, with full respect for their autonomy, and all sectors of civil society, in cooperation with Governments, to fully commit themselves and contribute to the implementation of this Platform for Action.

APPENDIX F

CONVENTION ON ELIMINATION OF ALL KINDS OF DISCRIMINATION AGAINST WOMEN - CEDAW

INTRODUCTION

On 18 December 1979, the Convention on the Elimination of All Forms of Discrimination against Women was adopted by the United Nations General Assembly. It entered into force as an international treaty on 3 September 1981 after the twentieth country had ratified it. By the tenth anniversary of the Convention in 1989, almost one hundred nations have agreed to be bound by its provisions.

The Convention was the culmination of more than thirty years of work by the United Nations Commission on the Status of Women, a body established in 1946 to monitor the situation of women and to promote women's rights. The Commission's work has been instrumental in bringing to light all the areas in which women are denied equality with men. These efforts for the advancement of women have resulted in several declarations and conventions, of which the Convention on the Elimination of All Forms of Discrimination against Women is the central and most comprehensive document.

Among the international human rights treaties, the Convention takes an important place in bringing the female half of humanity into the focus of human rights concerns. The spirit of the Convention is rooted in the goals of the United Nations: to reaffirm faith in fundamental human rights, in the dignity, and worth of the human person, in the equal rights of men and women. The present document spells out the meaning of equality and how it can be achieved. In so doing, the Convention establishes not only an international bill of rights for women, but also an agenda for action by countries to guarantee the enjoyment of those rights.

In its preamble, the Convention explicitly acknowledges that "extensive discrimination against women continues to exist", and emphasizes that such discrimination "violates the principles of equality of rights and respect for human dignity". As defined in article 1, discrimination is understood as "any distinction, exclusion or restriction made on the basis of sex...in the political, economic, social, cultural, civil or any other field". The Convention gives positive affirmation to the principle of equality

by requiring States parties to take "all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men"(article 3).

The agenda for equality is specified in fourteen subsequent articles. In its approach, the Convention covers three dimensions of the situation of women. Civil rights and the legal status of women are dealt with in great detail. In addition, and unlike other human rights treaties, the Convention is also concerned with the dimension of human reproduction as well as with the impact of cultural factors on gender relations.

The legal status of women receives the broadest attention. Concern over the basic rights of political participation has not diminished since the adoption of the Convention on the Political Rights of Women in 1952. Its provisions, therefore, are restated in article 7 of the present document, whereby women are guaranteed the rights to vote, to hold public office and to exercise public functions. This includes equal rights for women to represent their countries at the international level (article 8). The Convention on the Nationality of Married Women - adopted in 1957 - is integrated under article 9 providing for the statehood of women, irrespective of their marital status. The Convention, thereby, draws attention to the fact that often women's legal status has been linked to marriage, making them dependent on their husband's nationality rather than individuals in their own right. Articles 10, 11 and 13, respectively, affirm women's rights to non-discrimination in education, employment and economic and social activities. These demands are given special emphasis with regard to the situation of rural women, whose particular struggles and vital economic contributions, as noted in article 14, warrant more attention in policy planning. Article 15 asserts the full equality of women in civil and business matters, demanding that all instruments directed at restricting women's legal capacity "shall be deemed null and void". Finally, in article 16, the Convention returns to the issue of marriage and family relations, asserting the equal rights and obligations of women and men with regard to choice of spouse, parenthood, personal rights and command over property.

Aside from civil rights issues, the Convention also devotes major attention to a most vital concern of women, namely their reproductive rights. The preamble sets the tone by stating that "the role of women in procreation should not be a basis for discrimination". The link between discrimination and women's reproductive role is a matter of recurrent concern in the Convention. For example, it advocates, in

article 5, "a proper understanding of maternity as a social function", demanding fully shared responsibility for child-rearing by both sexes. Accordingly, provisions for maternity protection and child-care are proclaimed as essential rights and are incorporated into all areas of the Convention, whether dealing with employment, family law, health care or education. Society's obligation extends to offering social services, especially child-care facilities, that allow individuals to combine family responsibilities with work and participation in public life. Special measures for maternity protection are recommended and "shall not be considered discriminatory". (article 4). "The Convention also affirms women's right to reproductive choice. Notably, it is the only human rights treaty to mention family planning. States parties are obliged to include advice on family planning in the education process (article 10.h) and to develop family codes that guarantee women's rights "to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights" (article 16.e).

The third general thrust of the Convention aims at enlarging our understanding of the concept of human rights, as it gives formal recognition to the influence of culture and tradition on restricting women's enjoyment of their fundamental rights. These forces take shape in stereotypes, customs and norms which give rise to the multitude of legal, political and economic constraints on the advancement of women. Noting this interrelationship, the preamble of the Convention stresses "that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality of men and women". States parties are therefore obliged to work towards the modification of social and cultural patterns of individual conduct in order to eliminate "prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women" (article 5). And Article 10.c. mandates the revision of textbooks, school programmes and teaching methods with a view to eliminating stereotyped concepts in the field of education. Finally, cultural patterns which define the public realm as a man's world and the domestic sphere as women's domain are strongly targeted in all of the Convention's provisions that affirm the equal responsibilities of both sexes in family life and their equal rights with regard to education and employment. Altogether, the Convention provides a comprehensive framework for challenging the various forces that have created and sustained discrimination based upon sex.

The implementation of the Convention is monitored by the Committee on the Elimination of Discrimination against Women (CEDAW). The Committee's mandate and the administration of the treaty are defined in the Articles 17 to 30 of the Convention. The Committee is composed of 23 experts nominated by their Governments and elected by the States parties as individuals "of high moral standing and competence in the field covered by the Convention".

At least every four years, the States parties are expected to submit a national report to the Committee, indicating the measures they have adopted to give effect to the provisions of the Convention. During its annual session, the Committee members discuss these reports with the Government representatives and explore with them areas for further action by the specific country. The Committee also makes general recommendations to the States parties on matters concerning the elimination of discrimination against women.

The full text of the Convention is set out herein

CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

The States Parties to the present Convention,

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

Concerned, however, that despite these various instruments extensive discrimination against women continues to exist,

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

Emphasizing that the eradication of apartheid, all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

Affirming that the strengthening of international peace and security, the relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament, in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries and the realization of the right of peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following:

PART I

Article I

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

Article 5

States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

PART II

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

PART III

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
- (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
- (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;
- (d) The same opportunities to benefit from scholarships and other study grants;
- (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
- (f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;
- (g) The same Opportunities to participate actively in sports and physical education;
- (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:
 - (a) The right to work as an inalienable right of all human beings;
 - (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
 - (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph I of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to family benefits;
- (b) The right to bank loans, mortgages and other forms of financial credit;
- (c) The right to participate in recreational activities, sports and all aspects of cultural life.

Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

- (a) To participate in the elaboration and implementation of development planning at all levels;
- (b) To have access to adequate health care facilities, including information, counselling and services in family planning;
- (c) To benefit directly from social security programmes;
- (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
- (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;
- (f) To participate in all community activities;
- (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

PART IV

Article 15

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
 - (a) The same right to enter into marriage;
 - (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
 - (c) The same rights and responsibilities during marriage and at its dissolution;
 - (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
 - (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
 - (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

PART V

Article 17

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.

7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.

9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

Article 18

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:

(a) Within one year after the entry into force for the State concerned;

(b) Thereafter at least every four years and further whenever the Committee so requests.

2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

Article 19

1. The Committee shall adopt its own rules of procedure.

2. The Committee shall elect its officers for a term of two years.

Article 20

1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.
2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. (amendment, status of ratification)

Article 21

1. The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.
2. The Secretary-General of the United Nations shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

Article 22

The specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

PART VI

Article 23

Nothing in the present Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained:

- (a) In the legislation of a State Party; or
- (b) In any other international convention, treaty or agreement in force for that State.

Article 24

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.

Article 25

1. The present Convention shall be open for signature by all States.
2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.
3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 26

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.
2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article 27

1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Article 28

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

Article 29

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.

3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 30

The present Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed the present Convention.

APPENDIX G

MOR İĞNE KAMPANYA BİLDİRİSİ

"Kadınlar, Sokakta, lokantada, vapurda, otobüste, işyerinde, tanıdığınız, tanımadığınız, hoşlandığınız, hoşlanmadığınız bir takım erkekler tarafından ellenmekten, omuzlanmaktan, çimdiklenmekten, dokunulmaktan bıktınız mı? Baygın ya da saldırgan bakışlarla süzülme, sözle taciz edilmek, istemediğiniz şeylere zorlanmak, canınıza tak mı dedi? Bıyık burup, size yanaşanlara tepkinizi göstermek için hiç uygun bir araç aramadınız mı? Artık vapurdan inerken ya da binerken itilip kakılmaya dur demek istiyor musunuz? İşte sarkıntılığa karşı süper bir koruyucu: karşınızda göz süzen peşinizden gelen, bizi aşağılayan laflar geveleyen, bıyık burarak yalanan, bacaklarınızı süzen, elleyen, koklayan, bakan, saldıran tüm erkeklere karşı küçücük taşınması kolay ama etkili bir silah. Şimdi size harika bir ürün tanıtmak istiyorum. Elimde gördüğünüz bu mor iğne paslanmaz çelikten olup, nikel-krom alaşımlı olup, 7 cm uzunluğundadır. Üzerinde bulunan mor kurdele tüm giysilerinizle kullanabileceğiniz bir aksesuar görünümündedir. Bu şık aksesuarın aynı zamanda size sarkıntılık edenlere karşı savunmanızda bir araç olduğunu şimdi size göstereceğiz. Hareket şu.. Hiç acımadan batırın, korkmanıza gerek yok, tetanos yapmaz. Bu iğne mor iğne kampanyasının bir ürünüdür. Kampanya grubumuz kadınlardan meydana gelmiş olup, elle sözle, gözle yapılan sarkıntılığa karşı etkin ve kalıcı önlemler geliştirmeyi amaçlamaktadır." (bianet.org)

APPENDIX H

İstanbul Kadın Kuruluşları Birliği

Kuruluşu: 17 Şubat 1995

Nazan Moroğlu-İKKB Koordinatörü

İKKB ÜYELERİ:

Kadın Araştırmaları Derneği;

İstanbul Barosu Kadın Hakları Merkezi;

Türk Üniversiteli Kadınlar Derneği;

Türkiye Soroptimist Kulüpleri Federasyonu;

Boğaziçi Soroptimist Kulübü;

Notre Dame De Sion'lular Derneği;

Kadın Haklarını Koruma Derneği;

Cumhuriyet Kadınları Derneği İstanbul Şb;

Çağdaş Anneler Derneği;

Kadıköy Kent Konseyi Kadın Meclisi;

Bakırköy Kent Konseyi Kadın Meclisi;

Türk Amerikan Üniversiteliler Derneği;

Türkiye Yardım Sevenler Derneği İstanbul Şb.;

Uluslararası Kadınlar Dayanışma Der. İstanbul Şb.;

Florence Nightingale Hemş. Yüksek Okulu Mezunlar Derneği;

VATEV;

İstanbul Dayanışma Platformu;

KADER Kadıköy;

ÇGSG- Çocuk Gelinlere Son Grubu;

VP Öncü Kadın;

CHP Kadın Kolları.



APPENDIX I

10429 KADIN ERKEK FIRSAT EŞİTLİĞİ KOMİSYONU KANUNU

Kanun Numarası : 5840

Kabul Tarihi : 25/2/2009

Yayımlandığı R.Gazete : Tarih: 24/3/2009 Sayı : 27179

Yayımlandığı Düstur : Tertip : 5 Cilt : 48 Sayfa:

Amaç

MADDE 1 – (1) Bu Kanunun amacı, kadın haklarının korunması ve geliştirilmesi, kadın erkek eşitliğinin

sağlanmasına yönelik olarak ülkemizde ve uluslararası alandaki gelişmeleri izlemek, bu gelişmeler konusunda Türkiye

Büyük Millet Meclisini bilgilendirmek, kendisine esas veya tali olarak havale edilen işleri görüşmek, istenildiğinde Türkiye

Büyük Millet Meclisine sunulan kanun tasarısı ve teklifleriyle kanun hükmünde kararnameler hakkında ihtisas komisyonlarına

görüş sunmak üzere Türkiye Büyük Millet Meclisinde Kadın Erkek Fırsat Eşitliği Komisyonunun kuruluş, görev, yetki,

çalışma usul ve esaslarını düzenlemektir.

Komisyonun kuruluşu

MADDE 2 – (1) Üye sayısı Danışma Kurulunun teklifi üzerine Genel Kurulca belirlenecek Kadın Erkek Fırsat

Eşitliği Komisyonunda; siyasi parti grupları ile bağımsızlar Meclisteki sayılarının -boş üyelikler hariç- üye tam sayısına

nispet edilmesi ile bulunacak yüzde oranına uygun olarak temsil edilirler.

(2) Kadın Erkek Fırsat Eşitliği Komisyonu üyeleri belirlenirken kadın milletvekilleri ile insan hakları konusunda

uzman milletvekillerine öncelik tanınır.

(3) Kadın Erkek Fırsat Eşitliği Komisyonu üyelikleri için, bir yasama döneminde iki seçim yapılır. Her iki devre

için seçilenlerin görev süresi iki yıldır.

(4) Kadın Erkek Fırsat Eşitliği Komisyonu siyasi parti gruplarının yüzde oranlarına göre bir başkan, iki

başkanvekili, bir sözcü ve bir katip seçer. Bu seçim, üye tamsayısının salt çoğunluğuyla toplanan Komisyonun, toplantıya

katılanlarının salt çoğunluğunun gizli oyuyla yapılır.

Komisyonun görevleri

MADDE 3 – (1) Kadın Erkek Fırsat Eşitliği Komisyonunun görevleri şunlardır:

a) Kendisine esas veya tali olarak havale edilen işleri görüşmek, Başkanlığın talebi üzerine ya da istenildiğinde

Türkiye Büyük Millet Meclisi Başkanlığına sunulan kanun tasarısı ve teklifleri ile kanun hükmünde kararnamelerin kadın

erkek eşitliği konusunda T.C. Anayasasına, uluslararası gelişmelere ve yükümlülöklere uygunluğunu inceleyerek ihtisas

komisyonlarına görüş sunmak.

10430

b) Her yasama yılının sonunda Türkiye’deki kadın erkek eşitliğinin sağlanmasına yönelik gelişmelere ve

Komisyonun o yılki faaliyetlerine ilişkin bir değerlendirme raporu hazırlamak ve bunu Türkiye Büyük Millet Meclisine

sunmak.

c) Kadın hakları ile kadın erkek eşitliğini sağlamaya yönelik olarak diğer ülkelerdeki ve uluslararası kuruluşlardaki

gelişmeleri takip etmek, gerektiğinde yurt dışında incelemelerde bulunmak ve bu gelişmeler konusunda Türkiye Büyük

Millet Meclisini bilgilendirmek.

ç) Kadın erkek eşitliği konusunda Türkiye Büyük Millet Meclisinin çalışmalarına ilişkin gerekli bilgi ve

dokümanları temin etmek.

d) Türkiye Cumhuriyetinin taraf olduğu uluslararası anlaşmaların kadın erkek eşitliği ve kadın hakları konusundaki

hükümleri ile T.C. Anayasası ve diğer ulusal mevzuat arasında uyum sağlamak için yapılması gereken değişiklikleri ve

düzenlemeleri belirlemek.

e) Türkiye Büyük Millet Meclisi Başkanlığınca havale edilen kadın erkek eşitliğinin ihlaline ve toplumsal cinsiyete

dayalı ayrımcılığa dair iddialar ile ilgili başvuruları incelemek ve gerekli gördüğü hallerde ilgili mercilere iletmek.

f) Kadın erkek eşitliği konusunda kamuyu bilgilendirici etkinlikler yapmak.

Komisyonun yetkileri

MADDE 4 – (1) Komisyon görevleri ile ilgili olarak genel yönetim kapsamındaki kamu idareleri ile gerçek ve

tüzel kişilerden kanunlarda öngörülen usullere uyarak bilgi istemek ve ilgililerini çağırarak bilgi almak yetkisine sahiptir.

(2) Komisyon görev alanıyla ilgili faaliyet gösteren kamu kurum ve kuruluşları, üniversiteler, sivil toplum örgütleri

ile kamu kurumu niteliğindeki meslek kuruluşlarının çalışmalarından yararlanabilir.

(3) Komisyon gerekli gördüğünde uygun bulacağı uzmanların bilgisine başvurabilir, Ankara dışında da çalışabilir.

Komisyonun çalışma usul ve esasları

MADDE 5 – (1) Kadın Erkek Fırsat Eşitliği Komisyonu üye tam sayısının en az üçte biri ile toplanır ve toplantıya

katılanların salt çoğunluğu ile karar verir; ancak karar yeter sayısı hiçbir şekilde üye tam sayısının dörtte birinin bir

fazlasından az olamaz.

(2) Komisyon yıllık faaliyet ve değerlendirme raporunu Türkiye Büyük Millet Meclisi Başkanlığına sunar. Bu

rapor, Danışma Kurulunun görüş ve önerisi ile Genel Kurul gündemine alınabilir ve üzerinde görüşme açılabilir.

(3) Komisyon raporu, Başbakanlık ve ilgili bakanlıklara Başkanlıkça gönderilir.

(4) Komisyon Türkiye Büyük Millet Meclisi Başkanlığınca kendisine havale olunan başvurularla ilgili, başvuru

sahibine, yapılan işlem ve başvurunun sonucu hakkında havale tarihinden itibaren en geç üç ay içinde bilgi verir.

(5) Komisyon çalışmaları ile ilgili olarak, yurt içi ve yurt dışı görevlendirmelere ait giderler, Komisyon kararı ve

Türkiye Büyük Millet Meclisi Başkanının onayı ile 6245 sayılı Harcırah Kanunu hükümlerine göre Türkiye Büyük Millet

Meclisi bütçesinden karşılanır.

Uygulanacak İçtüzük

MADDE 6 – (1) Kadın Erkek Fırsat Eşitliği Komisyonunun çalışmalarında, bu Kanunda düzenleme olmayan

hallerde Türkiye Büyük Millet Meclisi İçtüzüğü hükümleri uygulanır. 10431

(2) Türkiye Büyük Millet Meclisi Başkanının, Türkiye Büyük Millet Meclisi İçtüzüğü gereğince komisyonlar

üzerinde haiz olduğu denetleme yetkisi bu Komisyon için de geçerlidir.

GEÇİCİ MADDE 1 – (1) Siyasi parti grupları Kadın Erkek Fırsat Eşitliği Komisyonu üyeliklerine yapılacak ilk

seçimler için adaylarını Kanunun yayımını izleyen bir hafta içinde Türkiye Büyük Millet Meclisi Başkanlığına bildirirler. Bu

üyeler Türkiye Büyük Millet Meclisinin 23 üncü döneminin sonuna kadar görev yaparlar.

Yürürlük

MADDE 7 – (1) Bu Kanun yayımı tarihinde yürürlüğe girer.

Yürütme

MADDE 8 – (1) Bu Kanun hükümlerini Türkiye Büyük Millet Meclisi Başkanı ve Bakanlar Kurulu yürütür.

APPENDIX J

6284 NO’LU KANUN - AİLENİN KORUNMASI VE KADINA KARŞI ŞİDDETİN ÖNLENMESİNE DAİR KANUN

20 Mart 2012 SALI Resmî Gazete Sayı : 28239

AİLENİN KORUNMASI VE KADINA KARŞI ŞİDDETİN

ÖNLENMESİNE DAİR KANUN

Kanun No. 6284

Kabul Tarihi: 8/3/2012

BİRİNCİ BÖLÜM

Amaç, Kapsam, Temel İlkeler ve Tanımlar

Amaç, kapsam ve temel ilkeler

MADDE 1 – (1) Bu Kanunun amacı; şiddete uğrayan veya şiddete uğrama tehlikesi bulunan kadınların, çocukların, aile bireylerinin ve tek taraflı ısrarlı takip mağduru olan kişilerin korunması ve bu kişilere yönelik şiddetin önlenmesi amacıyla alınacak tedbirlere ilişkin usul ve esasları düzenlemektir.

(2) Bu Kanunun uygulanmasında ve gereken hizmetlerin sunulmasında aşağıdaki temel ilkelere uyulur:

- a) Türkiye Cumhuriyeti Anayasası ile Türkiye’nin taraf olduğu uluslararası sözleşmeler, özellikle Kadınlara Yönelik Şiddet ve Aile İçi Şiddetin Önlenmesi ve Bunlarla Mücadeleye İlişkin Avrupa Konseyi Sözleşmesi ve yürürlükteki diğer kanuni düzenlemeler esas alınır.
- b) Şiddet mağdurlarına verilecek destek ve hizmetlerin sunulmasında temel insan haklarına dayalı, kadın erkek eşitliğine duyarlı, sosyal devlet ilkesine uygun, adil, etkili ve süratli bir usul izlenir.

c) Şiddet mağduru ve şiddet uygulayan için alınan tedbir kararları insan onuruna yaraşır bir şekilde yerine getirilir.

ç) Bu Kanun kapsamında kadınlara yönelik cinsiyete dayalı şiddeti önleyen ve kadınları cinsiyete dayalı şiddetten koruyan özel tedbirler ayrımcılık olarak yorumlanamaz.

Tanımlar

MADDE 2 – (1) Bu Kanunda yer alan;

a) Bakanlık: Aile ve Sosyal Politikalar Bakanlığını,

b) Ev içi şiddet: Şiddet mağduru ve şiddet uygulayanla aynı haneyi paylaşmasa da aile veya hanede ya da aile mensubu sayılan diğer kişiler arasında meydana gelen her türlü fiziksel, cinsel, psikolojik ve ekonomik şiddeti,

c) Hâkim: Aile mahkemesi hâkimini,

ç) Kadına yönelik şiddet: Kadınlara, yalnızca kadın oldukları için uygulanan veya kadınları etkileyen cinsiyete dayalı bir ayrımcılık ile kadının insan hakları ihlaline yol açan ve bu Kanunda şiddet olarak tanımlanan her türlü tutum ve davranışı,

d) Şiddet: Kişinin, fiziksel, cinsel, psikolojik veya ekonomik açıdan zarar görmesiyle veya acı çekmesiyle sonuçlanan veya sonuçlanması muhtemel hareketleri, buna yönelik tehdit ve baskıyı ya da özgürlüğün keyfi engellenmesini de içeren, toplumsal, kamusal veya özel alanda meydana gelen fiziksel, cinsel, psikolojik, sözlü veya ekonomik her türlü tutum ve davranışı,

e) Şiddet mağduru: Bu Kanunda şiddet olarak tanımlanan tutum ve davranışlara doğrudan ya da dolaylı olarak maruz kalan veya kalma tehlikesi bulunan kişiyi ve şiddetten etkilenen veya etkilenme tehlikesi bulunan kişileri,

f) Şiddet önleme ve izleme merkezleri: Şiddetin önlenmesi ile koruyucu ve önleyici tedbirlerin etkin olarak uygulanmasına yönelik destek ve izleme hizmetlerinin verildiği, çalışmalarını yedi gün yirmidört saat esası ile yürüten merkezleri,

g) Şiddet uygulayan: Bu Kanunda şiddet olarak tanımlanan tutum ve davranışları uygulayan veya uygulama tehlikesi bulunan kişileri,

ğ) Tedbir kararı: Bu Kanun kapsamında, şiddet mağdurları ve şiddet uygulayanlar hakkında hâkim, kolluk görevlileri ve mülkî amirler tarafından, istem üzerine veya resen verilecek tedbir kararlarını, ifade eder.

İKİNCİ BÖLÜM

Koruyucu ve Önleyici Tedbirlere İlişkin Hükümler

Mülkî amir tarafından verilecek koruyucu tedbir kararları

MADDE 3 – (1) Bu Kanun kapsamında korunan kişilerle ilgili olarak aşağıdaki tedbirlerden birine, birkaçına veya uygun görülecek benzer tedbirlere mülkî amir tarafından karar verilebilir:

- a) Kendisine ve gerekiyorsa beraberindeki çocuklara, bulunduğu yerde veya başka bir yerde uygun barınma yeri sağlanması.
- b) Diğer kanunlar kapsamında yapılacak yardımlar saklı kalmak üzere, geçici maddi yardım yapılması.
- c) Psikolojik, meslekî, hukukî ve sosyal bakımdan rehberlik ve danışmanlık hizmeti verilmesi.
- ç) Hayatî tehlikesinin bulunması hâlinde, ilgilinin talebi üzerine veya resen geçici koruma altına alınması.
- d) Gerekli olması hâlinde, korunan kişinin çocukları varsa çalışma yaşamına katılımını desteklemek üzere dört ay, kişinin çalışması hâlinde ise iki aylık süre ile sınırlı olmak kaydıyla, on altı yaşından büyükler için her yıl belirlenen aylık net asgari ücret tutarının yarısını geçmemek ve belgelendirilmek kaydıyla Bakanlık bütçesinin ilgili tertibinden karşılanmak suretiyle kreş imkânının sağlanması.

(2) Gecikmesinde sakınca bulunan hâllerde birinci fıkranın (a) ve (ç) bentlerinde yer alan tedbirler, ilgili kolluk amirlerince de alınabilir. Kolluk amiri evrakı en geç kararın alındığı tarihi takip eden ilk işgünü içinde mülkî amirin onayına sunar. Mülkî amir tarafından kırksekiz saat içinde onaylanmayan tedbirler kendiliğinden kalkar.

Hâkim tarafından verilecek koruyucu tedbir kararları

MADDE 4 – (1) Bu Kanun kapsamında korunan kişilerle ilgili olarak aşağıdaki koruyucu tedbirlerden birine, birkaçına veya uygun görülecek benzer tedbirlere hâkim tarafından karar verilebilir:

- a) İşyerinin değiştirilmesi.
- b) Kişinin evli olması hâlinde müşterek yerleşim yerinden ayrı yerleşim yeri belirlenmesi.
- c) 22/11/2001 tarihli ve 4721 sayılı Türk Medenî Kanunundaki şartların varlığı hâlinde ve korunan kişinin talebi üzerine tapu kütüğüne aile konutu şerhi konulması.
- ç) Korunan kişi bakımından hayatî tehlikenin bulunması ve bu tehlikenin önlenmesi için diğer tedbirlerin yeterli olmayacağının anlaşılması hâlinde ve ilgilinin aydınlatılmış rızasına dayalı olarak 27/12/2007 tarihli ve 5726 sayılı Tanık Koruma Kanunu hükümlerine göre kimlik ve ilgili diğer bilgi ve belgelerinin değiştirilmesi.

Hâkim tarafından verilecek önleyici tedbir kararları

MADDE 5 – (1) Şiddet uygulayanlarla ilgili olarak aşağıdaki önleyici tedbirlerden birine, birkaçına veya uygun görülecek benzer tedbirlere hâkim tarafından karar verilebilir:

- a) Şiddet mağduruna yönelik olarak şiddet tehdidi, hakaret, aşağılama veya küçük düşürmeyi içeren söz ve davranışlarda bulunmaması.
- b) Müşterek konuttan veya bulunduğu yerden derhâl uzaklaştırılması ve müşterek konutun korunan kişiye tahsis edilmesi.
- c) Korunan kişilere, bu kişilerin bulundukları konuta, okula ve işyerine yaklaşmaması.
- ç) Çocuklarla ilgili daha önce verilmiş bir kişisel ilişki kurma kararı varsa, kişisel ilişkinin refakatçi eşliğinde yapılması, kişisel ilişkinin sınırlanması ya da tümüyle kaldırılması.
- d) Gerekli görülmesi hâlinde korunan kişinin, şiddete uğramamış olsa bile yakınlarına, tanıklarına ve kişisel ilişki kurulmasına ilişkin hâller saklı kalmak üzere çocuklarına yaklaşmaması.
- e) Korunan kişinin şahsi eşyalarına ve ev eşyalarına zarar vermemesi.
- f) Korunan kişiyi iletişim araçlarıyla veya sair surette rahatsız etmemesi.
- g) Bulundurulması veya taşınmasına kanunen izin verilen silahları kolluğa teslim etmesi.

ğ) Silah taşınması zorunlu olan bir kamu görevi ifa etse bile bu görevi nedeniyle zimmetinde bulunan silahı kurumuna teslim etmesi.

h) Korunan kişilerin bulundukları yerlerde alkol ya da uyuşturucu veya uyarıcı madde kullanmaması ya da bu maddelerin etkisinde iken korunan kişilere ve bunların bulundukları yerlere yaklaşmaması, bağımlılığının olması hâlinde, hastaneye yatmak dâhil, muayene ve tedavisinin sağlanması.

ı) Bir sağlık kuruluşuna muayene veya tedavi için başvurması ve tedavisinin sağlanması.

(2) Gecikmesinde sakınca bulunan hâllerde birinci fıkranın (a), (b), (c) ve (d) bentlerinde yer alan tedbirler, ilgili kolluk amirlerince de alınabilir. Kolluk amiri evrakı en geç kararın alındığı tarihi takip eden ilk işgünü içinde hâkimin onayına sunar. Hâkim tarafından yirmidört saat içinde onaylanmayan tedbirler kendiliğinden kalkar.

(3) Bu Kanunda belirtilen tedbirlerle birlikte hâkim, 3/7/2005 tarihli ve 5395 sayılı Çocuk Koruma Kanununda yer alan koruyucu ve destekleyici tedbirler ile 4721 sayılı Kanun hükümlerine göre velayet, kayyım, nafaka ve kişisel ilişki kurulması hususlarında karar vermeye yetkilidir.

(4) Şiddet uygulayan, aynı zamanda ailenin geçimini sağlayan yahut katkıda bulunan kişi ise 4721 sayılı Kanun hükümlerine göre nafakaya hükmedilmemiş olması kaydıyla hâkim, şiddet mağdurunun yaşam düzeyini göz önünde bulundurarak talep edilmese dahi tedbir nafakasına hükmedebilir.

Suçlara ilişkin saklı tutulan hükümler

MADDE 6 – (1) Kişinin silah bulundurması, uyuşturucu veya uyarıcı madde kullanmasının suç oluşturması dolayısıyla ya da fiilin başka bir suç oluşturması nedeniyle;

a) Soruşturma ve kovuşturma evresinde koruma tedbirlerine veya denetimli serbestlik tedbirlerine,

b) Mahkûmiyet hâlinde ceza veya güvenlik tedbirlerinin infazına ve bu çerçevede uygulanabilecek olan denetimli serbestlik tedbirlerine,

ilişkin kanun hükümleri saklıdır.

İhbar

MADDE 7 – (1) Şiddet veya şiddet uygulanma tehlikesinin varlığı hâlinde herkes bu durumu resmi makam veya mercilere ihbar edebilir. İhbarı alan kamu görevlileri bu Kanun kapsamındaki görevlerini gecikmeksizin yerine getirmek ve uygulanması gereken diğer tedbirlere ilişkin olarak yetkilileri haberdar etmekle yükümlüdür.

Tedbir kararının verilmesi, tebliği ve gizlilik

MADDE 8 – (1) Tedbir kararı, ilgilinin talebi, Bakanlık veya kolluk görevlileri ya da Cumhuriyet savcısının başvurusu üzerine verilir. Tedbir kararları en çabuk ve en kolay ulaşılabilecek yer hâkiminden, mülkî amirden ya da kolluk biriminden talep edilebilir.

(2) Tedbir kararı ilk defasında en çok altı ay için verilebilir. Ancak şiddet veya şiddet uygulanma tehlikesinin devam edeceğinin anlaşıldığı hâllerde, resen, korunan kişinin ya da Bakanlık veya kolluk görevlilerinin talebi üzerine tedbirlerin süresinin veya şeklinin değiştirilmesine, bu tedbirlerin kaldırılmasına veya aynen devam etmesine karar verilebilir.

(3) Koruyucu tedbir kararı verilebilmesi için, şiddetin uygulandığı hususunda delil veya belge aranmaz. Önleyici tedbir kararı, geciktirilmeksizin verilir. Bu kararın verilmesi, bu Kanunun amacını gerçekleştirmeyi tehlikeye sokabilecek şekilde geciktirilemez.

(4) Tedbir kararı, korunan kişiye ve şiddet uygulayana tefhim veya tebliğ edilir. Tedbir talebinin reddine ilişkin karar ise sadece korunan kişiye tebliğ edilir. Gecikmesinde sakınca bulunan hâllerde ilgili kolluk birimi tarafından verilen tedbir kararı şiddet uygulayana bir tutanakla derhâl tebliğ edilir.

(5) Tedbir kararının tefhim ve tebliğ işlemlerinde, tedbir kararına aykırılık hâlinde şiddet uygulayan hakkında zorlama hapsinin uygulanacağı ihtar yapılır.

(6) Gerekli bulunması hâlinde, tedbir kararı ile birlikte talep üzerine veya resen, korunan kişi ve diğer aile bireylerinin kimlik bilgileri veya kimliğini ortaya çıkarabilecek bilgileri ve adresleri ile korumanın etkinliği bakımından önem taşıyan diğer bilgileri, tüm resmi kayıtlarda gizli tutulur. Yapılacak tebligatlara ilişkin ayrı bir adres tespit edilir. Bu bilgileri hukuka aykırı olarak başkasına veren, ifşa eden veya açıklayan kişi hakkında 26/9/2004 tarihli ve 5237 sayılı Türk Ceza Kanununun ilgili hükümleri uygulanır.

(7) Talep hâlinde ilgililere kişisel eşya ve belgelerinin kolluk marifetiyle teslimi sağlanır.

İtiraz

MADDE 9 – (1) Bu Kanun hükümlerine göre verilen kararlara karşı tefhim veya tebliğ tarihinden itibaren iki hafta içinde ilgililer tarafından aile mahkemesine itiraz edilebilir.

(2) Hâkim tarafından verilen tedbir kararlarına itiraz üzerine dosya, o yerde aile mahkemesinin birden fazla dairesinin bulunması hâlinde, numara olarak kendisini izleyen daireye, son numaralı daire için birinci daireye, o yerde aile mahkemesinin tek dairesi bulunması hâlinde asliye hukuk mahkemesine, aile mahkemesi hâkimi ile asliye hukuk mahkemesi hâkiminin aynı hâkim olması hâlinde ise en yakın asliye hukuk mahkemesine gecikmeksizin gönderilir.

(3) İtiraz mercii kararını bir hafta içinde verir. İtiraz üzerine verilen kararlar kesindir.

Tedbir kararlarının bildirimi ve uygulanması

MADDE 10 – (1) Bu Kanun hükümlerine göre alınan tedbir kararları, Bakanlığın ilgili il ve ilçe müdürlükleri ile verilen kararın niteliğine göre Cumhuriyet başsavcılığına veya kolluğa en seri vasıtalarla bildirilir.

(2) Bu Kanun kapsamında ilgili mercilere yapılan başvurular ile bu başvuruların kabul ya da reddine ilişkin kararlar, başvuru yapılan merci tarafından Bakanlığın ilgili il ve ilçe müdürlüklerine derhâl bildirilir.

(3) Korunan kişinin geçici koruma altına alınmasına ilişkin koruyucu tedbir kararı ile şiddet uygulayan hakkında verilen önleyici tedbir kararlarının yerine getirilmesinden, hakkında koruyucu veya önleyici tedbir kararı verilen kişilerin yerleşim yeri veya bulunduğu ya da tedbirin uygulanacağı yer kolluk birimi görevli ve yetkilidir.

(4) Tedbir kararının, kolluk amirince verilip uygulandığı veya korunan kişinin kollukta bulunduğu hâllerde, kolluk birimleri tarafından kişi, Bakanlığın ilgili il veya ilçe müdürlüklerine ivedilikle ulaştırılır; bunun mümkün olmaması hâlinde giderleri Bakanlık bütçesinin ilgili tertibinden karşılanmak üzere kendisine ve beraberindekilere geçici olarak barınma imkânı sağlanır.

(5) Tedbir kararının ilgililere tefhim veya tebliğ edilmemesi, kararın uygulanmasına engel teşkil etmez.

(6) Hakkında barınma yeri sağlanmasına karar verilen kişiler, Bakanlığa ait veya Bakanlığın gözetim ve denetimi altında bulunan yerlere yerleştirilir. Barınma yerlerinin yetersiz kaldığı hâllerde korunan kişiler; mülki amirin, acele hâllerde kolluğun veya Bakanlığın talebi üzerine kamu kurum ve kuruluşlarına ait sosyal tesis, yurt veya benzeri yerlerde geçici olarak barındırılabilir.

(7) İşyerinin değiştirilmesi yönündeki tedbir kararı, kişinin tabi olduğu ilgili mevzuat hükümlerine göre yetkili merci veya kişi tarafından yerine getirilir.

Kolluk görevleri

MADDE 11 – (1) Kolluk görevleri, kolluğun merkez ve taşra teşkilâtında bu Kanunda belirtilen hizmetlerle ilgili olarak, çocuk ve kadının insan hakları ile kadın erkek eşitliği konusunda eğitim almış ve ilgili kolluk birimlerince belirlenmiş olan yeteri kadar personel tarafından yerine getirilir.

Teknik yöntemlerle takip

MADDE 12 – (1) Bu Kanun hükümlerine göre verilen tedbir kararlarının uygulanmasında hâkim kararı ile teknik araç ve yöntemler kullanılabilir. Ancak, bu suretle, kişilerin ses ve görüntüleri dinlenemez, izlenemez ve kayda alınamaz.

(2) Teknik araç ve yöntemlerle takibe ilişkin usul ve esaslar yönetmelikle düzenlenir.

Tedbir kararlarına aykırılık

MADDE 13 – (1) Bu Kanun hükümlerine göre hakkında tedbir kararı verilen şiddet uygulayan, bu kararın gereklerine aykırı hareket etmesi hâlinde, fiili bir suç oluştursa bile ihlal edilen tedbirin niteliğine ve aykırılığın ağırlığına göre hâkim kararıyla üç günden on güne kadar zorlama hapsine tabi tutulur.

(2) Tedbir kararının gereklerine aykırılığın her tekrarında, ihlal edilen tedbirin niteliğine ve aykırılığın ağırlığına göre zorlama hapsinin süresi onbeş günden otuz güne kadardır. Ancak zorlama hapsinin toplam süresi altı ayı geçemez.

(3) Zorlama hapsine ilişkin kararlar, Cumhuriyet başsavcılığınca yerine getirilir. Bu kararlar Bakanlığın ilgili il ve ilçe müdürlüklerine bildirilir.

ÜÇÜNCÜ BÖLÜM

Merkezlerin Kurulması, Destek Hizmetleri ve

Kurumlararası Koordinasyon

Şiddet önleme ve izleme merkezlerinin kurulması

MADDE 14 – (1) Bakanlık, gerekli uzman personelin görev yaptığı ve tercihen kadın personelin istihdam edildiği, şiddetin önlenmesi ile koruyucu ve önleyici tedbirlerin etkin olarak uygulanmasına yönelik destek ve izleme hizmetlerinin verildiği, çalışmalarını yedi gün yirmidört saat esasına göre yürüten, çalışma usul ve esasları yönetmelikle belirlenen, şiddet önleme ve izleme merkezlerini kurar.

(2) Kurulan merkezlerde şiddetin önlenmesi ile koruyucu ve önleyici tedbirlerin etkin olarak uygulanmasına yönelik izleme çalışmaları yapılır ve destek hizmetleri verilir.

Destek hizmetleri

MADDE 15 – (1) Bu Kanun kapsamında şiddetin önlenmesi ve verilen tedbir kararlarının etkin olarak uygulanmasının izlenmesi bakımından şiddet önleme ve izleme merkezleri tarafından verilecek destek hizmetleri şunlardır:

- a) Koruyucu ve önleyici tedbir kararları ile zorlama hapsinin verilmesine ve uygulanmasına ilişkin veri toplayarak bilgi bankası oluşturmak, tedbir kararlarının sicilini tutmak.
- b) Korunan kişiye verilen barınma, geçici maddi yardım, sağlık, adli yardım hizmetleri ve diğer hizmetleri koordine etmek.
- c) Gerekli hâllerde tedbir kararlarının alınmasına ve uygulanmasına yönelik başvurularda bulunmak.
- ç) Bu Kanun kapsamındaki şiddetin sonlandırılmasına yönelik bireysel ve toplumsal ölçekte programlar hazırlamak ve uygulamak.
- d) Bakanlık bünyesinde kurulan çağrı merkezinin bu Kanunun amacına uygun olarak yaygınlaştırılması ve yapılan müracaatların izlenmesini sağlamak.
- e) Bu Kanun kapsamındaki şiddetin sonlandırılması için çalışan ilgili sivil toplum kuruluşlarıyla işbirliği yapmak.

(2) Korunan kişilerle ilgili olarak şiddet önleme ve izleme merkezleri tarafından verilecek destek hizmetleri şunlardır:

- a) Kişiyi hakları, destek alabilecekleri kurumlar, iş bulma ve benzeri konularda rehberlik etmek ve meslek edindirme kurslarına katılmasına yönelik faaliyetlerde bulunmak.
- b) Verilen tedbir kararıyla ulaşılmak istenen amacın gerçekleşmesine yönelik önerilerde bulunmak ve yardımlar yapmak.
- c) Tedbir kararlarının uygulanmasının sonuçlarını ve kişiler üzerindeki etkilerini izlemek.
- ç) Psiko-sosyal ve ekonomik sorunların çözümünde yardım ve danışmanlık yapmak.
- d) Hâkimin isteği üzerine; kişinin geçmişi, ailesi, çevresi, eğitimi, kişisel, sosyal, ekonomik ve psikolojik durumu hakkında ayrıntılı sosyal araştırma raporu hazırlayıp sunmak.
- e) İlgili merci tarafından istenilmesi hâlinde, tedbirlerin uygulanmasının sonuçları ve ilgililer üzerindeki etkilerine dair rapor hazırlamak.
- f) 29/5/1986 tarihli ve 3294 sayılı Sosyal Yardımlaşma ve Dayanışmayı Teşvik Kanunu hükümleri uyarınca maddi destek sağlanması konusunda gerekli rehberliği yapmak.

(3) Şiddet uygulayanla ilgili olarak şiddet önleme ve izleme merkezleri tarafından verilecek destek hizmetleri şunlardır:

- a) Hâkimin isteği üzerine; kişinin geçmişi, ailesi, çevresi, eğitimi, kişisel, sosyal, ekonomik ve psikolojik durumu ile diğer kişiler ve toplum açısından taşıdığı risk hakkında ayrıntılı sosyal araştırma raporu hazırlayıp sunmak.
 - b) İlgili makam veya merci tarafından istenilmesi hâlinde, tedbirlerin uygulanmasının sonuçları ve ilgililer üzerindeki etkilerine dair rapor hazırlamak.
 - c) Teşvik edici, aydınlatıcı ve yol gösterici mahiyette olmak üzere kişinin;
- 1) Öfke kontrolü, stresle başa çıkma, şiddeti önlemeye yönelik farkındalık sağlayarak tutum ve davranış değiştirmeyi hedefleyen eğitim ve rehabilitasyon programlarına katılmasına,

2) Alkol, uyuşturucu, uçucu veya uyarıcı madde bağımlılığının ya da ruhsal bozukluğunun olması hâlinde, bir sağlık kuruluşunda muayene veya tedavi olmasına,

3) Meslek edindirme kurslarına katılmasına,

yönelik faaliyetlerde bulunmak.

(4) Şiddet mağduru ile şiddet uygulayana yönelik hizmetler, zorunlu hâller dışında farklı birimlerde sunulur.

Kurumlararası koordinasyon ve eğitim

MADDE 16 – (1) Bu Kanun hükümlerinin yerine getirilmesinde kurumlararası koordinasyon Bakanlık tarafından gerçekleştirilir.

(2) Kamu kurum ve kuruluşları ile diğer gerçek ve tüzel kişiler, bu Kanunun uygulanmasıyla ilgili olarak kendi görev alanına giren konularda işbirliği ve yardımda bulunmak ve alınan tedbir kararlarını ivedilikle yerine getirmekle yükümlüdür. Gerçek ve tüzel kişiler, bu Kanun kapsamında Bakanlık çalışmalarını desteklemek ve ortak çalışmalar yapmak üzere teşvik edilir.

(3) Türkiye Radyo ve Televizyon Kurumu ile ulusal, bölgesel ve yerel yayın yapan özel televizyon kuruluşları ve radyolar, ayda en az doksan dakika kadınların çalışma yaşamına katılımı, özellikle kadın ve çocukla ilgili olmak üzere şiddetle mücadele mekanizmaları ve benzeri politikalar konusunda Bakanlık tarafından hazırlanan ya da hazırlattırılan bilgilendirme materyallerini yayınlamak zorundadır. Bu yayınlar, asgari otuz dakikası 17.00-22.00 saatleri arasında olmak üzere 08.00-22.00 saatleri arasında yapılır ve yayınların kopyaları her ay düzenli olarak Radyo ve Televizyon Üst Kuruluna teslim edilir. Bu saatler dışında yapılan yayınlar aylık doksan dakikalık süreye dâhil edilmez. Bu süreler Radyo ve Televizyon Üst Kurulu tarafından denetlenir. Televizyon kuruluşları ve radyolarda yayınlanacak bilgilendirme materyalleri, Bakanlık birimleri tarafından üniversiteler, ilgili meslek kuruluşları ve sivil toplum kuruluşlarının da görüşleri alınarak hazırlanır.

(4) Bu Kanunda öngörülen görevlerin yerine getirilmesi sırasında kamu kurum ve kuruluşlarının personeli Bakanlık görevlilerine yardımcı olurlar.

(5) Tüm kamu kurum ve kuruluşları ile kamu kurumu niteliğindeki meslek kuruluşları, personel ve üyelerinin bu Kanunun etkin bir biçimde uygulanması amacıyla Bakanlığın hazırlayıp koordine edeceği, kadının insan hakları ile kadın erkek eşitliği konusunda eğitim programlarına katılmasını sağlar.

(6) İlköğretim ve ortaöğretim müfredatına, kadının insan hakları ve kadın erkek eşitliği konusunda eğitime yönelik dersler konulur.

DÖRDÜNCÜ BÖLÜM

Mali Hükümler

Geçici maddi yardım yapılması

MADDE 17 – (1) Bu Kanun hükümlerine göre geçici maddi yardım yapılmasına karar verilmesi hâlinde, onaltı yaşından büyükler için her yıl belirlenen aylık net asgari ücret tutarının otuzda birine kadar günlük ödeme yapılır. Korunan kişinin birden fazla olması hâlinde, ilave her bir kişi için bu tutarın yüzde yirmisi oranında ayrıca ödeme yapılır. Ancak, ödenecek tutar hiçbir şekilde belirlenen günlük ödeme tutarının bir buçuk katını geçemez. Korunan kişilere barınma yeri sağlanması hâlinde bu fıkra da belirlenen tutarlar yüzde elli oranında azaltılarak uygulanır.

(2) Bu ödemeler, Bakanlık bütçesine, geçici maddi yardımlar için konulan ödenekten karşılanır. Yapılan ödemeler, şiddet uygulayandan tebliğ tarihinden itibaren bir ay içinde tahsil edilir. Bu şekilde tahsil edilemeyenler 21/7/1953 tarihli ve 6183 sayılı Amme Alacaklarının Tahsil Usulü Hakkında Kanun hükümlerine göre ilgili vergi dairesi tarafından takip ve tahsil edilir.

(3) Korunan kişinin gerçeğe aykırı beyanda bulunduğu tespit hâlinde yapılan yardımlar, bu kişiden 6183 sayılı Kanun hükümlerine göre tahsil edilir.

Nafaka

MADDE 18 – (1) Bu Kanun hükümlerine göre nafakaya karar verilmesi hâlinde, kararın bir örneği, resen nafaka alacaklısının veya borçlusunun yerleşim yeri icra müdürlüğüne gönderilir.

(2) Nafaka ödemekle yükümlü kılınan kişinin Sosyal Güvenlik Kurumu ile bağlantısı olması durumunda, korunan kişinin başvurusu aranmaksızın nafaka, ilgilinin aylık, maaş ya da ücretinden icra

müdürlüğü tarafından tahsil edilir. İcra müdürlüklerinin nafakanın tahsili işlemlerine ilişkin posta giderleri Cumhuriyet başsavcılığının suçüstü ödeneğinden karşılanır.

Sağlık giderleri

MADDE 19 – (1) Bu Kanun hükümlerine göre hakkında koruyucu tedbir kararı verilen kişilerden genel sağlık sigortalısı olmayan ve genel sağlık sigortalısının bakmakla yükümlü olduğu kişi kapsamına da girmeyen veya genel sağlık sigortası prim borcu sebebiyle fiilen genel sağlık sigortasından yararlanamayan ya da diğer mevzuat hükümleri gereğince tedavi yardımından yararlanma hakkı bulunmayanlar; bu hâllerin devamı süresince, 31/5/2006 tarihli ve 5510 sayılı Sosyal Sigortalar ve Genel Sağlık Sigortası Kanununun 60 ıncı maddesinin birinci fıkrasının (c) bendinin (1) numaralı alt bendi kapsamında, gelir testine tabi tutulmaksızın genel sağlık sigortalısı sayılır.

(2) Bu Kanun hükümlerine göre hakkında önleyici tedbir kararı verilen kişinin aynı zamanda rehabilitasyonunun veya tedavi edilmesinin gerekli olduğuna karar verilmesi hâlinde, genel sağlık sigortası kapsamında karşılanmayan rehabilitasyon hizmetlerine yönelik giderler ile rehabilitasyon hizmetleri kapsamında verilmesi gereken diğer sağlık hizmetlerinin giderleri Bakanlık bütçesinin ilgili tertiplerinden karşılanır.

Harçlar ve masraflardan, vergilerden muafiyet ve davaya katılma

MADDE 20 – (1) Bu Kanun kapsamındaki başvurular ile verilen kararların icra ve infazı için yapılan işlemlerden yargılama giderleri, harç, posta gideri ve benzeri hiçbir ad altında masraf alınmaz. Bu Kanunun 17 ncimaddesi uyarınca yapılan ödemeler gelir vergisi ile veraset ve intikal vergisinden, bu ödemeler için düzenlenen kâğıtlar ise damga vergisinden müstesnadır.

(2) Bakanlık, gerekli görmesi hâlinde kadın, çocuk ve aile bireylerine yönelik olarak uygulanan şiddet veya şiddet tehlikesi dolayısıyla açılan idarî, cezaî, hukukî her tür davaya ve çekişmesiz yargıya katılabilir.

BEŞİNCİ BÖLÜM

Çeşitli ve Son Hükümler

Kadrolar

MADDE 21 – (1) Ekli listede yer alan kadrolar ihdas edilerek 13/12/1983 tarihli ve 190 sayılı Genel Kadro ve Usulü Hakkında Kanun Hükmünde Kararnamenin eki (I) sayılı cetvelin Aile ve Sosyal Politikalar Bakanlığına ait bölümüne eklenmiştir.

Yönetmelik

MADDE 22 – (1) Bu Kanunun uygulanmasına ilişkin usul ve esaslar altı ay içinde, Adalet, İçişleri, Maliye, Milli Eğitim ve Sağlık Bakanlıklarının görüşleri alınmak suretiyle Bakanlık tarafından hazırlanan yönetmeliklerle düzenlenir.

Yürürlükten kaldırılan hükümler ve atıflar

MADDE 23 – (1) 14/1/1998 tarihli ve 4320 sayılı Ailenin Korunmasına Dair Kanun yürürlükten kaldırılmıştır.

(2) Mevzuatta 4320 sayılı Kanuna yapılan atıflar bu Kanuna yapılmış sayılır.

(3) Bu Kanunun yürürlüğe girmesinden önce 4320 sayılı Kanun hükümlerine göre verilen kararların uygulanmasına devam olunur.

Şiddet önleme ve izleme merkezlerinin faaliyete geçmesi

GEÇİCİ MADDE 1 – (1) Bu Kanunun 14 üncü maddesinde kurulması öngörülen şiddet önleme ve izleme merkezleri, Kanunun yürürlüğe girdiği tarihten itibaren iki yıl içinde Bakanlık tarafından belirlenecek illerde pilot uygulama yapılmak üzere kurulur. Kuruluşları tamamlanıncaya kadar merkezlerin görevlerinin Bakanlığın hangi birimlerince yürütüleceği Bakanlık tarafından belirlenir.

Yürürlük

MADDE 24 – (1) Bu Kanun yayımı tarihinde yürürlüğe girer.

Yürütme

MADDE 25 – (1) Bu Kanun hükümlerini Bakanlar Kurulu yürütür.

19/3/2012

APPENDIX K

ISTANBUL CONVENTION

Details of Treaty No.210

Council of Europe Convention on preventing and combating violence against women and domestic violence

Title Council of Europe Convention on preventing and combating violence against women and domestic violence

Reference CETS No.210

Opening of the treaty Istanbul, 11/05/2011 - Treaty open for signature by the member States, the non-member States which have participated in its elaboration and by the European Union, and for accession by other non-member States

Entry into Force 01/08/2014 - 10 Ratifications including 8 Member States.

Summary

This new landmark treaty of the Council of Europe opens the path for creating a legal framework at pan-European level to protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence.

The Convention also establishes a specific monitoring mechanism ("GREVIO") in order to ensure effective implementation of its provisions by the Parties.

Council of Europe Convention on preventing and combating violence against women and domestic violence

Istanbul, 11.V.2011

Preamble

The member States of the Council of Europe and the other signatories hereto,

Recalling the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5, 1950) and its Protocols, the European Social Charter (ETS No. 35, 1961, revised in 1996, ETS No. 163), the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197, 2005) and the Council of

Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201, 2007);

Recalling the following recommendations of the Committee of Ministers to member States of the Council of Europe: Recommendation Rec(2002)5 on the protection of women against violence, Recommendation CM/Rec(2007)17 on gender equality standards and mechanisms, Recommendation CM/Rec(2010)10 on the role of women and men in conflict prevention and resolution and in peace building, and other relevant recommendations;

Taking account of the growing body of case law of the European Court of Human Rights which sets important standards in the field of violence against women;

Having regard to the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (“CEDAW”, 1979) and its Optional Protocol (1999) as well as General Recommendation No. 19 of the CEDAW Committee on violence against women, the United Nations Convention on the Rights of the Child (1989) and its Optional Protocols (2000) and the United Nations Convention on the Rights of Persons with Disabilities (2006);

Having regard to the Rome Statute of the International Criminal Court (2002);

Recalling the basic principles of international humanitarian law, and especially the Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War (1949) and the Additional Protocols I and II (1977) thereto;

Condemning all forms of violence against women and domestic violence;

Recognising that the realisation of de jure and de facto equality between women and men is a key element in the prevention of violence against women;

Recognising that violence against women is a manifestation of historically unequal power relations between women and men, which have led to domination over, and discrimination against, women by men and to the prevention of the full advancement of women;

Recognising the structural nature of violence against women as gender-based violence, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men;

Recognising, with grave concern, that women and girls are often exposed to serious forms of violence such as domestic violence, sexual harassment, rape, forced marriage, crimes committed in the name of so-called “honour”

and genital mutilation, which constitute a serious violation of the human rights of women and girls and a major obstacle to the achievement of equality between women and men;

Recognising the ongoing human rights violations during armed conflicts that affect the civilian population, especially women in the form of widespread or systematic rape and sexual violence and the potential for increased gender-based violence both during and after conflicts;

Recognising that women and girls are exposed to a higher risk of gender-based violence than men;

Recognising that domestic violence affects women disproportionately, and that men may also be victims of domestic violence;

Recognising that children are victims of domestic violence, including as witnesses of violence in the family;

Aspiring to create a Europe free from violence against women and domestic violence,

Have agreed as follows:

Chapter I – Purposes, definitions, equality and non-discrimination, general obligations

Article 1 – Purposes of the Convention

1-The purposes of this Convention are to:

-a-protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence;

b-contribute to the elimination of all forms of discrimination against women and promote substantive equality between women and men, including by empowering women;

c-design a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence;

d-promote international co-operation with a view to eliminating violence against women and domestic violence;

e-provide support and assistance to organisations and law enforcement agencies to effectively co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence.

2-In order to ensure effective implementation of its provisions by the Parties, this Convention establishes a specific monitoring mechanism.

Article 2 – Scope of the Convention

1-This Convention shall apply to all forms of violence against women, including domestic violence, which affects women disproportionately.

2-Parties are encouraged to apply this Convention to all victims of domestic violence. Parties shall pay particular attention to women victims of gender-based violence in implementing the provisions of this Convention.

3-This Convention shall apply in times of peace and in situations of armed conflict.

Article 3 – Definitions

For the purpose of this Convention:

a-“violence against women” is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life;

b-“domestic violence” shall mean all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim;

c-“gender” shall mean the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men;

d-“gender-based violence against women” shall mean violence that is directed against a woman because she is a woman or that affects women disproportionately;

e-“victim” shall mean any natural person who is subject to the conduct specified in points a and b;

f-“women” includes girls under the age of 18.

Article 4 – Fundamental rights, equality and non-discrimination

1-Parties shall take the necessary legislative and other measures to promote and protect the right for everyone, particularly women, to live free from violence in both the public and the private sphere.

2-Parties condemn all forms of discrimination against women and take, without delay, the necessary legislative and other measures to prevent it, in particular by:

–embodying in their national constitutions or other appropriate legislation the principle of equality between women and men and ensuring the practical realisation of this principle;

- prohibiting discrimination against women, including through the use of sanctions, where appropriate;
- abolishing laws and practices which discriminate against women.

3-The implementation of the provisions of this Convention by the Parties, in particular measures to protect the rights of victims, shall be secured without discrimination on any ground such as sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, disability, marital status, migrant or refugee status, or other status.

4-Special measures that are necessary to prevent and protect women from gender-based violence shall not be considered discrimination under the terms of this Convention.

Article 5 – State obligations and due diligence

1-Parties shall refrain from engaging in any act of violence against women and ensure that State authorities, officials, agents, institutions and other actors acting on behalf of the State act in conformity with this obligation.

2-Parties shall take the necessary legislative and other measures to exercise due diligence to prevent, investigate, punish and provide reparation for acts of violence covered by the scope of this Convention that are perpetrated by non-State actors.

Article 6 – Gender-sensitive policies

Parties shall undertake to include a gender perspective in the implementation and evaluation of the impact of the provisions of this Convention and to promote and effectively implement policies of equality between women and men and the empowerment of women.

Chapter II – Integrated policies and data collection

Article 7 – Comprehensive and co-ordinated policies

1-Parties shall take the necessary legislative and other measures to adopt and implement State-wide effective, comprehensive and co-ordinated policies encompassing all relevant measures to prevent and combat all forms of violence covered by the scope of this Convention and offer a holistic response to violence against women.

2-Parties shall ensure that policies referred to in paragraph 1 place the rights of the victim at the centre of all measures and are implemented by way of effective co-operation among all relevant agencies, institutions and organisations.

3-Measures taken pursuant to this article shall involve, where appropriate, all relevant actors, such as government agencies, the national, regional and local parliaments and authorities, national human rights institutions and civil society organisations.

Article 8 – Financial resources

Parties shall allocate appropriate financial and human resources for the adequate implementation of integrated policies, measures and programmes to prevent and combat all forms of violence covered by the scope of this Convention, including those carried out by non-governmental organisations and civil society.

Article 9 – Non-governmental organisations and civil society

Parties shall recognise, encourage and support, at all levels, the work of relevant non-governmental organisations and of civil society active in combating violence against women and establish effective co-operation with these organisations.

Article 10 – Co-ordinating body

1-Parties shall designate or establish one or more official bodies responsible for the co-ordination, implementation, monitoring and evaluation of policies and measures to prevent and combat all forms of violence covered by this Convention. These bodies shall co-ordinate the collection of data as referred to in Article 11, analyse and disseminate its results.

2-Parties shall ensure that the bodies designated or established pursuant to this article receive information of a general nature on measures taken pursuant to Chapter VIII.

3-Parties shall ensure that the bodies designated or established pursuant to this article shall have the capacity to communicate directly and foster relations with their counterparts in other Parties.

Article 11 – Data collection and research

1-For the purpose of the implementation of this Convention, Parties shall undertake to:

a-collect disaggregated relevant statistical data at regular intervals on cases of all forms of violence covered by the scope of this Convention;

b-support research in the field of all forms of violence covered by the scope of this Convention in order to study its root causes and effects, incidences and conviction rates, as well as the efficacy of measures taken to implement this Convention.

2-Parties shall endeavour to conduct population-based surveys at regular intervals to assess the prevalence of and trends in all forms of violence covered by the scope of this Convention.

3-Parties shall provide the group of experts, as referred to in Article 66 of this Convention, with the information collected pursuant to this article in order to stimulate international co-operation and enable international benchmarking.

4-Parties shall ensure that the information collected pursuant to this article is available to the public.

Chapter III – Prevention

Article 12 – General obligations

1-Parties shall take the necessary measures to promote changes in the social and cultural patterns of behaviour of women and men with a view to eradicating prejudices, customs, traditions and all other practices which are based on the idea of the inferiority of women or on stereotyped roles for women and men.

2-Parties shall take the necessary legislative and other measures to prevent all forms of violence covered by the scope of this Convention by any natural or legal person.

3-Any measures taken pursuant to this chapter shall take into account and address the specific needs of persons made vulnerable by particular circumstances and shall place the human rights of all victims at their centre.

4-Parties shall take the necessary measures to encourage all members of society, especially men and boys, to contribute actively to preventing all forms of violence covered by the scope of this Convention.

5-Parties shall ensure that culture, custom, religion, tradition or so-called “honour” shall not be considered as justification for any acts of violence covered by the scope of this Convention.

6-Parties shall take the necessary measures to promote programmes and activities for the empowerment of women.

Article 13 – Awareness-raising

1-Parties shall promote or conduct, on a regular basis and at all levels, awareness-raising campaigns or programmes, including in co-operation with national human rights institutions and equality bodies, civil society and non-governmental organisations, especially women’s organisations, where appropriate, to increase awareness and understanding among the general public of the different manifestations of all forms of violence covered by the scope of this Convention, their consequences on children and the need to prevent such violence.

2-Parties shall ensure the wide dissemination among the general public of information on measures available to prevent acts of violence covered by the scope of this Convention.

Article 14 – Education

1-Parties shall take, where appropriate, the necessary steps to include teaching material on issues such as equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, gender-based violence against women and the right to personal integrity, adapted to the evolving capacity of learners, in formal curricula and at all levels of education.

2-Parties shall take the necessary steps to promote the principles referred to in paragraph 1 in informal educational facilities, as well as in sports, cultural and leisure facilities and the media.

Article 15 – Training of professionals

1-Parties shall provide or strengthen appropriate training for the relevant professionals dealing with victims or perpetrators of all acts of violence covered by the scope of this Convention, on the prevention and detection of such violence, equality between women and men, the needs and rights of victims, as well as on how to prevent secondary victimisation.

2-Parties shall encourage that the training referred to in paragraph 1 includes training on co-ordinated multi-agency co-operation to allow for a comprehensive and appropriate handling of referrals in cases of violence covered by the scope of this Convention.

Article 16 – Preventive intervention and treatment programmes

1-Parties shall take the necessary legislative or other measures to set up or support programmes aimed at teaching perpetrators of domestic violence to adopt non-violent behaviour in interpersonal relationships with a view to preventing further violence and changing violent behavioural patterns.

2-Parties shall take the necessary legislative or other measures to set up or support treatment programmes aimed at preventing perpetrators, in particular sex offenders, from re-offending.

3-In taking the measures referred to in paragraphs 1 and 2, Parties shall ensure that the safety of, support for and the human rights of victims are of primary concern and that, where appropriate, these programmes are set up and implemented in close co-ordination with specialist support services for victims.

Article 17 – Participation of the private sector and the media

1-Parties shall encourage the private sector, the information and communication technology sector and the media, with due respect for freedom of expression and their independence, to participate in the elaboration and implementation of policies and to set guidelines and self-regulatory standards to prevent violence against women and to enhance respect for their dignity.

2-Parties shall develop and promote, in co-operation with private sector actors, skills among children, parents and educators on how to deal with the information and communications environment that provides access to degrading content of a sexual or violent nature which might be harmful.

Chapter IV – Protection and support

Article 18 – General obligations

1-Parties shall take the necessary legislative or other measures to protect all victims from any further acts of violence.

2-Parties shall take the necessary legislative or other measures, in accordance with internal law, to ensure that there are appropriate mechanisms to provide for effective co-operation between all relevant state agencies, including the judiciary, public prosecutors, law enforcement agencies, local and regional authorities as well as non-governmental organisations and other relevant organisations and entities, in protecting and supporting victims and witnesses of all forms of violence covered by the scope of this Convention, including by referring to general and specialist support services as detailed in Articles 20 and 22 of this Convention.

3-Parties shall ensure that measures taken pursuant to this chapter shall:

- be based on a gendered understanding of violence against women and domestic violence and shall focus on the human rights and safety of the victim;
- be based on an integrated approach which takes into account the relationship between victims, perpetrators, children and their wider social environment;
- aim at avoiding secondary victimisation;
- aim at the empowerment and economic independence of women victims of violence;
- allow, where appropriate, for a range of protection and support services to be located on the same premises;
- address the specific needs of vulnerable persons, including child victims, and be made available to them.

4-The provision of services shall not depend on the victim's willingness to press charges or testify against any perpetrator.

5-Parties shall take the appropriate measures to provide consular and other protection and support to their nationals and other victims entitled to such protection in accordance with their obligations under international law.

Article 19 – Information

Parties shall take the necessary legislative or other measures to ensure that victims receive adequate and timely information on available support services and legal measures in a language they understand.

Article 20 – General support services

1-Parties shall take the necessary legislative or other measures to ensure that victims have access to services facilitating their recovery from violence. These measures should include, when necessary, services such as legal and psychological counselling, financial assistance, housing, education, training and assistance in finding employment.

2-Parties shall take the necessary legislative or other measures to ensure that victims have access to health care and social services and that services are adequately resourced and professionals are trained to assist victims and refer them to the appropriate services.

Article 21 – Assistance in individual/collective complaints

Parties shall ensure that victims have information on and access to applicable regional and international individual/collective complaints mechanisms. Parties shall promote the provision of sensitive and knowledgeable assistance to victims in presenting any such complaints.

Article 22 – Specialist support services

1-Parties shall take the necessary legislative or other measures to provide or arrange for, in an adequate geographical distribution, immediate, short- and long-term specialist support services to any victim subjected to any of the acts of violence covered by the scope of this Convention.

2-Parties shall provide or arrange for specialist women's support services to all women victims of violence and their children.

Article 23 – Shelters

Parties shall take the necessary legislative or other measures to provide for the setting-up of appropriate, easily accessible shelters in sufficient numbers to provide safe accommodation for and to reach out pro-actively to victims, especially women and their children.

Article 24 – Telephone helplines

Parties shall take the necessary legislative or other measures to set up state-wide round-the-clock (24/7) telephone helplines free of charge to provide advice to callers, confidentially or with due regard for their anonymity, in relation to all forms of violence covered by the scope of this Convention.

Article 25 – Support for victims of sexual violence

Parties shall take the necessary legislative or other measures to provide for the setting up of appropriate, easily accessible rape crisis or sexual violence referral centres for victims in sufficient numbers to provide for medical and forensic examination, trauma support and counselling for victims.

Article 26 – Protection and support for child witnesses

1-Parties shall take the necessary legislative or other measures to ensure that in the provision of protection and support services to victims, due account is taken of the rights and needs of child witnesses of all forms of violence covered by the scope of this Convention.

2-Measures taken pursuant to this article shall include age-appropriate psychosocial counselling for child witnesses of all forms of violence covered by the scope of this Convention and shall give due regard to the best interests of the child.

Article 27 – Reporting

Parties shall take the necessary measures to encourage any person witness to the commission of acts of violence covered by the scope of this Convention or who has reasonable grounds to believe that such an act may be committed, or that further acts of violence are to be expected, to report this to the competent organisations or authorities.

Article 28 – Reporting by professionals

Parties shall take the necessary measures to ensure that the confidentiality rules imposed by internal law on certain professionals do not constitute an obstacle to the possibility, under appropriate conditions, of their reporting to the competent organisations or authorities if they have reasonable grounds to believe that a serious act of violence

covered by the scope of this Convention, has been committed and further serious acts of violence are to be expected.

Chapter V – Substantive law

Article 29 – Civil lawsuits and remedies

1-Parties shall take the necessary legislative or other measures to provide victims with adequate civil remedies against the perpetrator.

2-Parties shall take the necessary legislative or other measures to provide victims, in accordance with the general principles of international law, with adequate civil remedies against State authorities that have failed in their duty to take the necessary preventive or protective measures within the scope of their powers.

Article 30 – Compensation

1-Parties shall take the necessary legislative or other measures to ensure that victims have the right to claim compensation from perpetrators for any of the offences established in accordance with this Convention.

2-Adequate State compensation shall be awarded to those who have sustained serious bodily injury or impairment of health, to the extent that the damage is not covered by other sources such as the perpetrator, insurance or State-funded health and social provisions. This does not preclude Parties from claiming regress for compensation awarded from the perpetrator, as long as due regard is paid to the victim's safety.

3-Measures taken pursuant to paragraph 2 shall ensure the granting of compensation within a reasonable time.

Article 31 – Custody, visitation rights and safety

1-Parties shall take the necessary legislative or other measures to ensure that, in the determination of custody and visitation rights of children, incidents of violence covered by the scope of this Convention are taken into account.

2-Parties shall take the necessary legislative or other measures to ensure that the exercise of any visitation or custody rights does not jeopardise the rights and safety of the victim or children.

Article 32 – Civil consequences of forced marriages

Parties shall take the necessary legislative or other measures to ensure that marriages concluded under force may be voidable, annulled or dissolved without undue financial or administrative burden placed on the victim.

Article 33 – Psychological violence

Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of seriously impairing a person's psychological integrity through coercion or threats is criminalised.

Article 34 – Stalking

Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of repeatedly engaging in threatening conduct directed at another person, causing her or him to fear for her or his safety, is criminalised.

Article 35 – Physical violence

Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of committing acts of physical violence against another person is criminalised.

Article 36 – Sexual violence, including rape

1-Parties shall take the necessary legislative or other measures to ensure that the following intentional conducts are criminalised:

a-engaging in non-consensual vaginal, anal or oral penetration of a sexual nature of the body of another person with any bodily part or object;

b-engaging in other non-consensual acts of a sexual nature with a person;

c-causing another person to engage in non-consensual acts of a sexual nature with a third person.

2-Consent must be given voluntarily as the result of the person's free will assessed in the context of the surrounding circumstances.

3-Parties shall take the necessary legislative or other measures to ensure that the provisions of paragraph 1 also apply to acts committed against former or current spouses or partners as recognised by internal law.

Article 37 – Forced marriage

1-Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of forcing an adult or a child to enter into a marriage is criminalised.

2-Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of luring an adult or a child to the territory of a Party or State other than the one she or he resides in with the purpose of forcing this adult or child to enter into a marriage is criminalised.

Article 38 – Female genital mutilation

Parties shall take the necessary legislative or other measures to ensure that the following intentional conducts are criminalised:

a-excising, infibulating or performing any other mutilation to the whole or any part of a woman's labia majora, labia minora or clitoris;

b-coercing or procuring a woman to undergo any of the acts listed in point a;

c-inciting, coercing or procuring a girl to undergo any of the acts listed in point a.

Article 39 – Forced abortion and forced sterilisation

Parties shall take the necessary legislative or other measures to ensure that the following intentional conducts are criminalised:

a-performing an abortion on a woman without her prior and informed consent;

b-performing surgery which has the purpose or effect of terminating a woman's capacity to naturally reproduce without her prior and informed consent or understanding of the procedure.

Article 40 – Sexual harassment

Parties shall take the necessary legislative or other measures to ensure that any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment, is subject to criminal or other legal sanction.

Article 41 – Aiding or abetting and attempt

1-Parties shall take the necessary legislative or other measures to establish as an offence, when committed intentionally, aiding or abetting the commission of the offences established in accordance with Articles 33, 34, 35, 36, 37, 38.a and 39 of this Convention.

2-Parties shall take the necessary legislative or other measures to establish as offences, when committed intentionally, attempts to commit the offences established in accordance with Articles 35, 36, 37, 38.a and 39 of this Convention.

Article 42 –Unacceptable justifications for crimes, including crimes committed in the name of so-called “honour”

1-Parties shall take the necessary legislative or other measures to ensure that, in criminal proceedings initiated following the commission of any of the acts of violence covered by the scope of this Convention, culture, custom, religion, tradition or so-called “honour” shall not be regarded as justification for such acts. This covers, in particular, claims that the victim has transgressed cultural, religious, social or traditional norms or customs of appropriate behaviour.

2-Parties shall take the necessary legislative or other measures to ensure that incitement by any person of a child to commit any of the acts referred to in paragraph 1 shall not diminish the criminal liability of that person for the acts committed.

Article 43 – Application of criminal offences

The offences established in accordance with this Convention shall apply irrespective of the nature of the relationship between victim and perpetrator.

Article 44 – Jurisdiction

1-Parties shall take the necessary legislative or other measures to establish jurisdiction over any offence established in accordance with this Convention, when the offence is committed:

a-in their territory; or

b-on board a ship flying their flag; or

c-on board an aircraft registered under their laws; or

d-by one of their nationals; or

e-by a person who has her or his habitual residence in their territory.

2-Parties shall endeavour to take the necessary legislative or other measures to establish jurisdiction over any offence established in accordance with this Convention where the offence is committed against one of their nationals or a person who has her or his habitual residence in their territory.

3-For the prosecution of the offences established in accordance with Articles 36, 37, 38 and 39 of this Convention, Parties shall take the necessary legislative or other measures to ensure that their jurisdiction is not subordinated to the condition that the acts are criminalised in the territory where they were committed.

4-For the prosecution of the offences established in accordance with Articles 36, 37, 38 and 39 of this Convention, Parties shall take the necessary legislative or other measures to ensure that their jurisdiction as regards points d and e of paragraph 1 is not subordinated to the condition that the prosecution can only be initiated following the reporting by the victim of the offence or the laying of information by the State of the place where the offence was committed.

5-Parties shall take the necessary legislative or other measures to establish jurisdiction over the offences established in accordance with this Convention, in cases where an alleged perpetrator is present on their territory and they do not extradite her or him to another Party, solely on the basis of her or his nationality.

6-When more than one Party claims jurisdiction over an alleged offence established in accordance with this Convention, the Parties involved shall, where appropriate, consult each other with a view to determining the most appropriate jurisdiction for prosecution.

7-Without prejudice to the general rules of international law, this Convention does not exclude any criminal jurisdiction exercised by a Party in accordance with its internal law.

Article 45 – Sanctions and measures

1-Parties shall take the necessary legislative or other measures to ensure that the offences established in accordance with this Convention are punishable by effective, proportionate and dissuasive sanctions, taking into account their seriousness. These sanctions shall include, where appropriate, sentences involving the deprivation of liberty which can give rise to extradition.

2-Parties may adopt other measures in relation to perpetrators, such as:

–monitoring or supervision of convicted persons;

–withdrawal of parental rights, if the best interests of the child, which may include the safety of the victim, cannot be guaranteed in any other way.

Article 46 – Aggravating circumstances

Parties shall take the necessary legislative or other measures to ensure that the following circumstances, insofar as they do not already form part of the constituent elements of the offence, may, in conformity with the relevant

provisions of internal law, be taken into consideration as aggravating circumstances in the determination of the sentence in relation to the offences established in accordance with this Convention:

a-the offence was committed against a former or current spouse or partner as recognised by internal law, by a member of the family, a person cohabiting with the victim or a person having abused her or his authority;

b-the offence, or related offences, were committed repeatedly;

c-the offence was committed against a person made vulnerable by particular circumstances;

d-the offence was committed against or in the presence of a child;

e-the offence was committed by two or more people acting together;

f-the offence was preceded or accompanied by extreme levels of violence;

g-the offence was committed with the use or threat of a weapon;

h-the offence resulted in severe physical or psychological harm for the victim;

I-the perpetrator had previously been convicted of offences of a similar nature.

Article 47 – Sentences passed by another Party

Parties shall take the necessary legislative or other measures to provide for the possibility of taking into account final sentences passed by another Party in relation to the offences established in accordance with this Convention when determining the sentence.

Article 48 –Prohibition of mandatory alternative dispute resolution processes or sentencing

1-Parties shall take the necessary legislative or other measures to prohibit mandatory alternative dispute resolution processes, including mediation and conciliation, in relation to all forms of violence covered by the scope of this Convention.

2-Parties shall take the necessary legislative or other measures to ensure that if the payment of a fine is ordered, due account shall be taken of the ability of the perpetrator to assume his or her financial obligations towards the victim.

Chapter VI – Investigation, prosecution, procedural law and protective measures

Article 49 – General obligations

1-Parties shall take the necessary legislative or other measures to ensure that investigations and judicial proceedings in relation to all forms of violence covered by the scope of this Convention are carried out without undue delay while taking into consideration the rights of the victim during all stages of the criminal proceedings.

2-Parties shall take the necessary legislative or other measures, in conformity with the fundamental principles of human rights and having regard to the gendered understanding of violence, to ensure the effective investigation and prosecution of offences established in accordance with this Convention.

Article 50 – Immediate response, prevention and protection

1-Parties shall take the necessary legislative or other measures to ensure that the responsible law enforcement agencies respond to all forms of violence covered by the scope of this Convention promptly and appropriately by offering adequate and immediate protection to victims.

2-Parties shall take the necessary legislative or other measures to ensure that the responsible law enforcement agencies engage promptly and appropriately in the prevention and protection against all forms of violence covered by the scope of this Convention, including the employment of preventive operational measures and the collection of evidence.

Article 51 – Risk assessment and risk management

1-Parties shall take the necessary legislative or other measures to ensure that an assessment of the lethality risk, the seriousness of the situation and the risk of repeated violence is carried out by all relevant authorities in order to manage the risk and if necessary to provide co-ordinated safety and support.

2-Parties shall take the necessary legislative or other measures to ensure that the assessment referred to in paragraph 1 duly takes into account, at all stages of the investigation and application of protective measures, the fact that perpetrators of acts of violence covered by the scope of this Convention possess or have access to firearms.

Article 52 – Emergency barring orders

Parties shall take the necessary legislative or other measures to ensure that the competent authorities are granted the power to order, in situations of immediate danger, a perpetrator of domestic violence to vacate the residence of the victim or person at risk for a sufficient period of time and to prohibit the perpetrator from entering the residence of or contacting the victim or person at risk. Measures taken pursuant to this article shall give priority to the safety of victims or persons at risk.

Article 53 – Restraining or protection orders

1-Parties shall take the necessary legislative or other measures to ensure that appropriate restraining or protection orders are available to victims of all forms of violence covered by the scope of this Convention.

2-Parties shall take the necessary legislative or other measures to ensure that the restraining or protection orders referred to in paragraph 1 are:

- available for immediate protection and without undue financial or administrative burdens placed on the victim;
- issued for a specified period or until modified or discharged;
- where necessary, issued on an ex parte basis which has immediate effect;
- available irrespective of, or in addition to, other legal proceedings;
- allowed to be introduced in subsequent legal proceedings.

3-Parties shall take the necessary legislative or other measures to ensure that breaches of restraining or protection orders issued pursuant to paragraph 1 shall be subject to effective, proportionate and dissuasive criminal or other legal sanctions.

Article 54 – Investigations and evidence

Parties shall take the necessary legislative or other measures to ensure that, in any civil or criminal proceedings, evidence relating to the sexual history and conduct of the victim shall be permitted only when it is relevant and necessary.

Article 55 – Ex parte and ex officio proceedings

1-Parties shall ensure that investigations into or prosecution of offences established in accordance with Articles 35, 36, 37, 38 and 39 of this Convention shall not be wholly dependant upon a report or complaint filed by a victim if the offence was committed in whole or in part on its territory, and that the proceedings may continue even if the victim withdraws her or his statement or complaint.

2-Parties shall take the necessary legislative or other measures to ensure, in accordance with the conditions provided for by their internal law, the possibility for governmental and non-governmental organisations and domestic violence counsellors to assist and/or support victims, at their request, during investigations and judicial proceedings concerning the offences established in accordance with this Convention.

Article 56 – Measures of protection

1-Parties shall take the necessary legislative or other measures to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigations and judicial proceedings, in particular by:

a-providing for their protection, as well as that of their families and witnesses, from intimidation, retaliation and repeat victimisation;

b-ensuring that victims are informed, at least in cases where the victims and the family might be in danger, when the perpetrator escapes or is released temporarily or definitively;

c-informing them, under the conditions provided for by internal law, of their rights and the services at their disposal and the follow-up given to their complaint, the charges, the general progress of the investigation or proceedings, and their role therein, as well as the outcome of their case;

d-enabling victims, in a manner consistent with the procedural rules of internal law, to be heard, to supply evidence and have their views, needs and concerns presented, directly or through an intermediary, and considered;

e-providing victims with appropriate support services so that their rights and interests are duly presented and taken into account;

f-ensuring that measures may be adopted to protect the privacy and the image of the victim;

g-ensuring that contact between victims and perpetrators within court and law enforcement agency premises is avoided where possible;

h-providing victims with independent and competent interpreters when victims are parties to proceedings or when they are supplying evidence;

I-enabling victims to testify, according to the rules provided by their internal law, in the courtroom without being present or at least without the presence of the alleged perpetrator, notably through the use of appropriate communication technologies, where available.

2-A child victim and child witness of violence against women and domestic violence shall be afforded, where appropriate, special protection measures taking into account the best interests of the child.

Article 57 – Legal aid

Parties shall provide for the right to legal assistance and to free legal aid for victims under the conditions provided by their internal law.

Article 58 – Statute of limitation

Parties shall take the necessary legislative and other measures to ensure that the statute of limitation for initiating any legal proceedings with regard to the offences established in accordance with Articles 36, 37, 38 and 39 of this Convention, shall continue for a period of time that is sufficient and commensurate with the gravity of the offence in question, to allow for the efficient initiation of proceedings after the victim has reached the age of majority.

Chapter VII – Migration and asylum

Article 59 – Residence status

1-Parties shall take the necessary legislative or other measures to ensure that victims whose residence status depends on that of the spouse or partner as recognised by internal law, in the event of the dissolution of the marriage or the relationship, are granted in the event of particularly difficult circumstances, upon application, an autonomous residence permit irrespective of the duration of the marriage or the relationship. The conditions relating to the granting and duration of the autonomous residence permit are established by internal law.

2-Parties shall take the necessary legislative or other measures to ensure that victims may obtain the suspension of expulsion proceedings initiated in relation to a residence status dependent on that of the spouse or partner as recognised by internal law to enable them to apply for an autonomous residence permit.

3-Parties shall issue a renewable residence permit to victims in one of the two following situations, or in both:

a-where the competent authority considers that their stay is necessary owing to their personal situation;

b-where the competent authority considers that their stay is necessary for the purpose of their co-operation with the competent authorities in investigation or criminal proceedings.

4-Parties shall take the necessary legislative or other measures to ensure that victims of forced marriage brought into another country for the purpose of the marriage and who, as a result, have lost their residence status in the country where they habitually reside, may regain this status.

Article 60 – Gender-based asylum claims

1-Parties shall take the necessary legislative or other measures to ensure that gender-based violence against women may be recognised as a form of persecution within the meaning of Article 1, A (2), of the 1951 Convention relating to the Status of Refugees and as a form of serious harm giving rise to complementary/subsidiary protection.

2-Parties shall ensure that a gender-sensitive interpretation is given to each of the Convention grounds and that where it is established that the persecution feared is for one or more of these grounds, applicants shall be granted refugee status according to the applicable relevant instruments.

3-Parties shall take the necessary legislative or other measures to develop gender-sensitive reception procedures and support services for asylum-seekers as well as gender guidelines and gender-sensitive asylum procedures, including refugee status determination and application for international protection.

Article 61 – Non-refoulement

1-Parties shall take the necessary legislative or other measures to respect the principle of non-refoulement in accordance with existing obligations under international law.

2-Parties shall take the necessary legislative or other measures to ensure that victims of violence against women who are in need of protection, regardless of their status or residence, shall not be returned under any circumstances to any country where their life would be at risk or where they might be subjected to torture or inhuman or degrading treatment or punishment.

Chapter VIII – International co-operation

Article 62 – General principles

1-Parties shall co-operate with each other, in accordance with the provisions of this Convention, and through the application of relevant international and regional instruments on co-operation in civil and criminal matters, arrangements agreed on the basis of uniform or reciprocal legislation and internal laws, to the widest extent possible, for the purpose of:

a-preventing, combating and prosecuting all forms of violence covered by the scope of this Convention;

b-protecting and providing assistance to victims;

c-investigations or proceedings concerning the offences established in accordance with this Convention;

d-enforcing relevant civil and criminal judgments issued by the judicial authorities of Parties, including protection orders.

2-Parties shall take the necessary legislative or other measures to ensure that victims of an offence established in accordance with this Convention and committed in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their State of residence.

3-If a Party that makes mutual legal assistance in criminal matters, extradition or enforcement of civil or criminal judgments imposed by another Party to this Convention conditional on the existence of a treaty receives a request for such legal co-operation from a Party with which it has not concluded such a treaty, it may consider this Convention to be the legal basis for mutual legal assistance in criminal matters, extradition or enforcement of civil or criminal judgments imposed by the other Party in respect of the offences established in accordance with this Convention.

4-Parties shall endeavour to integrate, where appropriate, the prevention and the fight against violence against women and domestic violence in assistance programmes for development provided for the benefit of third States, including by entering into bilateral and multilateral agreements with third States with a view to facilitating the protection of victims in accordance with Article 18, paragraph

Article 63 – Measures relating to persons at risk

When a Party, on the basis of the information at its disposal, has reasonable grounds to believe that a person is at immediate risk of being subjected to any of the acts of violence referred to in Articles 36, 37, 38 and 39 of this Convention on the territory of another Party, the Party that has the information is encouraged to transmit it without delay to the latter for the purpose of ensuring that appropriate protection measures are taken. Where applicable, this information shall include details on existing protection provisions for the benefit of the person at risk.

Article 64 – Information

1-The requested Party shall promptly inform the requesting Party of the final result of the action taken under this chapter. The requested Party shall also promptly inform the requesting Party of any circumstances which render impossible the carrying out of the action sought or are likely to delay it significantly.

2-A Party may, within the limits of its internal law, without prior request, forward to another Party information obtained within the framework of its own investigations when it considers that the disclosure of such information might assist the receiving Party in preventing criminal offences established in accordance with this Convention or in initiating or carrying out investigations or proceedings concerning such criminal offences or that it might lead to a request for co-operation by that Party under this chapter.

3-A Party receiving any information in accordance with paragraph 2 shall submit such information to its competent authorities in order that proceedings may be taken if they are considered appropriate, or that this information may be taken into account in relevant civil and criminal proceedings.

Article 65 – Data Protection

Personal data shall be stored and used pursuant to the obligations undertaken by the Parties under the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108).

Chapter IX – Monitoring mechanism

Article 66 –Group of experts on action against violence against women and domestic violence

1-The Group of experts on action against violence against women and domestic violence (hereinafter referred to as “GREVIO”) shall monitor the implementation of this Convention by the Parties.

2-GREVIO shall be composed of a minimum of 10 members and a maximum of 15 members, taking into account a gender and geographical balance, as well as multidisciplinary expertise. Its members shall be elected by the Committee of the Parties from among candidates nominated by the Parties for a term of office of four years, renewable once, and chosen from among nationals of the Parties.

3-The initial election of 10 members shall be held within a period of one year following the entry into force of this Convention. The election of five additional members shall be held following the 25th ratification or accession.

4-The election of the members of GREVIO shall be based on the following principles:

a-they shall be chosen according to a transparent procedure from among persons of high moral character, known for their recognised competence in the fields of human rights, gender equality, violence against women and domestic violence, or assistance to and protection of victims, or having demonstrated professional experience in the areas covered by this Convention;

b-no two members of GREVIO may be nationals of the same State;

c-they should represent the main legal systems;

d-they should represent relevant actors and agencies in the field of violence against women and domestic violence;

e-they shall sit in their individual capacity and shall be independent and impartial in the exercise of their functions, and shall be available to carry out their duties in an effective manner.

5-The election procedure of the members of GREVIO shall be determined by the Committee of Ministers of the Council of Europe, after consulting with and obtaining the unanimous consent of the Parties, within a period of six months following the entry into force of this Convention.

6-GREVIO shall adopt its own rules of procedure.

7-Members of GREVIO, and other members of delegations carrying out the country visits as set forth in Article 68, paragraphs 9 and 14, shall enjoy the privileges and immunities established in the appendix to this Convention.

Article 67 – Committee of the Parties

1-The Committee of the Parties shall be composed of the representatives of the Parties to the Convention.

2-The Committee of the Parties shall be convened by the Secretary General of the Council of Europe. Its first meeting shall be held within a period of one year following the entry into force of this Convention in order to elect the members of GREVIO. It shall subsequently meet whenever one third of the Parties, the President of the Committee of the Parties or the Secretary General so requests.

3-The Committee of the Parties shall adopt its own rules of procedure.

Article 68 – Procedure

1-Parties shall submit to the Secretary General of the Council of Europe, based on a questionnaire prepared by GREVIO, a report on legislative and other measures giving effect to the provisions of this Convention, for consideration by GREVIO.

2-GREVIO shall consider the report submitted in accordance with paragraph 1 with the representatives of the Party concerned.

3-Subsequent evaluation procedures shall be divided into rounds, the length of which is determined by GREVIO. At the beginning of each round GREVIO shall select the specific provisions on which the evaluation procedure shall be based and send out a questionnaire.

4-GREVIO shall define the appropriate means to carry out this monitoring procedure. It may in particular adopt a questionnaire for each evaluation round, which shall serve as a basis for the evaluation procedure of the implementation by the Parties. This questionnaire shall be addressed to all Parties. Parties shall respond to this questionnaire, as well as to any other request of information from GREVIO.

5-GREVIO may receive information on the implementation of the Convention from non-governmental organisations and civil society, as well as from national institutions for the protection of human rights.

6-GREVIO shall take due consideration of the existing information available from other regional and international instruments and bodies in areas falling within the scope of this Convention.

7-When adopting a questionnaire for each evaluation round, GREVIO shall take due consideration of the existing data collection and research in the Parties as referred to in Article 11 of this Convention.

8-GREVIO may receive information on the implementation of the Convention from the Council of Europe Commissioner for Human Rights, the Parliamentary Assembly and relevant specialised bodies of the Council of Europe, as well as those established under other international instruments. Complaints presented to these bodies and their outcome will be made available to GREVIO.

9-GREVIO may subsidiarily organise, in co-operation with the national authorities and with the assistance of independent national experts, country visits, if the information gained is insufficient or in cases provided for in paragraph 14. During these visits, GREVIO may be assisted by specialists in specific fields.

10-GREVIO shall prepare a draft report containing its analysis concerning the implementation of the provisions on which the evaluation is based, as well as its suggestions and proposals concerning the way in which the Party concerned may deal with the problems which have been identified. The draft report shall be transmitted for comments to the Party which undergoes the evaluation. Its comments shall be taken into account by GREVIO when adopting its report.

11-On the basis of all the information received and the comments by the Parties, GREVIO shall adopt its report and conclusions concerning the measures taken by the Party concerned to implement the provisions of this Convention. This report and the conclusions shall be sent to the Party concerned and to the Committee of the Parties. The report and conclusions of GREVIO shall be made public as from their adoption, together with eventual comments by the Party concerned.

12-Without prejudice to the procedure of paragraphs 1 to 8, the Committee of the Parties may adopt, on the basis of the report and conclusions of GREVIO, recommendations addressed to this Party (a) concerning the measures to be taken to implement the conclusions of GREVIO, if necessary setting a date for submitting information on their implementation, and (b) aiming at promoting co-operation with that Party for the proper implementation of this Convention.

13-If GREVIO receives reliable information indicating a situation where problems require immediate attention to prevent or limit the scale or number of serious violations of the Convention, it may request the urgent submission of a special report concerning measures taken to prevent a serious, massive or persistent pattern of violence against women.

14-Taking into account the information submitted by the Party concerned, as well as any other reliable information available to it, GREVIO may designate one or more of its members to conduct an inquiry and to report urgently to GREVIO. Where warranted and with the consent of the Party, the inquiry may include a visit to its territory.

15-After examining the findings of the inquiry referred to in paragraph 14, GREVIO shall transmit these findings to the Party concerned and, where appropriate, to the Committee of the Parties and the Committee of Ministers of the Council of Europe together with any comments and recommendations.

Article 69 – General recommendations

GREVIO may adopt, where appropriate, general recommendations on the implementation of this Convention.

Article 70 – Parliamentary involvement in monitoring

1-National parliaments shall be invited to participate in the monitoring of the measures taken for the implementation of this Convention.

2-Parties shall submit the reports of GREVIO to their national parliaments.

3-The Parliamentary Assembly of the Council of Europe shall be invited to regularly take stock of the implementation of this Convention.

Chapter X – Relationship with other international instruments

Article 71 – Relationship with other international instruments

1-This Convention shall not affect obligations arising from other international instruments to which Parties to this Convention are Parties or shall become Parties and which contain provisions on matters governed by this Convention.

2-The Parties to this Convention may conclude bilateral or multilateral agreements with one another on the matters dealt with in this Convention, for purposes of supplementing or strengthening its provisions or facilitating the application of the principles embodied in it.

Chapter XI – Amendments to the Convention

Article 72 – Amendments

1-Any proposal for an amendment to this Convention presented by a Party shall be communicated to the Secretary General of the Council of Europe and forwarded by her or him to the member States of the Council of Europe, any signatory, any Party, the European Union, any State invited to sign this Convention in accordance with the provisions of Article 75, and any State invited to accede to this Convention in accordance with the provisions of Article 76.

2-The Committee of Ministers of the Council of Europe shall consider the proposed amendment and, after having consulted the Parties to this Convention that are not members of the Council of Europe, may adopt the amendment by the majority provided for in Article 20.d of the Statute of the Council of Europe.

3-The text of any amendment adopted by the Committee of Ministers in accordance with paragraph 2 shall be forwarded to the Parties for acceptance.

4-Any amendment adopted in accordance with paragraph 2 shall enter into force on the first day of the month following the expiration of a period of one month after the date on which all Parties have informed the Secretary General of their acceptance.

Chapter XII – Final clauses

Article 73 – Effects of this Convention

The provisions of this Convention shall not prejudice the provisions of internal law and binding international instruments which are already in force or may come into force, under which more favourable rights are or would be accorded to persons in preventing and combating violence against women and domestic violence.

Article 74 – Dispute settlement

1-The Parties to any dispute which may arise concerning the application or interpretation of the provisions of this Convention shall first seek to resolve it by means of negotiation, conciliation, arbitration or by any other methods of peaceful settlement accepted by mutual agreement between them.

2-The Committee of Ministers of the Council of Europe may establish procedures of settlement to be available for use by the Parties in dispute if they should so agree.

Article 75 – Signature and entry into force

1-This Convention shall be open for signature by the member States of the Council of Europe, the non-member States which have participated in its elaboration and the European Union.

2-This Convention is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

3-This Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date on which 10 signatories, including at least eight member States of the Council of Europe, have expressed their consent to be bound by the Convention in accordance with the provisions of paragraph 2.

4-In respect of any State referred to in paragraph 1 or the European Union, which subsequently expresses its consent to be bound by it, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of its instrument of ratification, acceptance or approval.

Article 76 – Accession to the Convention

1-After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may, after consultation of the Parties to this Convention and obtaining their unanimous consent, invite any non-member State of the Council of Europe, which has not participated in the elaboration of the Convention, to accede to this Convention by a decision taken by the majority provided for in Article 20.d of the Statute of the Council of Europe, and by unanimous vote of the representatives of the Parties entitled to sit on the Committee of Ministers.

2-In respect of any acceding State, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article 77 – Territorial application

1-Any State or the European Union may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.

2-Any Party may, at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory specified in the declaration and for whose international relations it is responsible or on whose behalf it is authorised to give undertakings. In respect of such territory, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.

3-Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General of the Council of Europe. The withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.

Article 78 – Reservations

1-No reservation may be made in respect of any provision of this Convention, with the exceptions provided for in paragraphs 2 and 3.

2-Any State or the European Union may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, declare that it reserves the right not to apply or to apply only in specific cases or conditions the provisions laid down in:

–Article 30, paragraph 2;

–Article 44, paragraphs 1.e, 3 and 4;

–Article 55, paragraph 1 in respect of Article 35 regarding minor offences;

–Article 58 in respect of Articles 37, 38 and 39;

–Article 59.

3-Any State or the European Union may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, declare that it reserves the right to provide for non-criminal sanctions, instead of criminal sanctions, for the behaviours referred to in Articles 33 and 34.

4-Any Party may wholly or partly withdraw a reservation by means of a declaration addressed to the Secretary General of the Council of Europe. This declaration shall become effective as from its date of receipt by the Secretary General.

Article 79 – Validity and review of reservations

1-Reservations referred to in Article 78, paragraphs 2 and 3, shall be valid for a period of five years from the day of the entry into force of this Convention in respect of the Party concerned. However, such reservations may be renewed for periods of the same duration.

2-Eighteen months before the date of expiry of the reservation, the Secretariat General of the Council of Europe shall give notice of that expiry to the Party concerned. No later than three months before the expiry, the Party shall notify the Secretary General that it is upholding, amending or withdrawing its reservation. In the absence of a notification by the Party concerned, the Secretariat General shall inform that Party that its reservation is considered to have been extended automatically for a period of six months. Failure by the Party concerned to notify its intention to uphold or modify its reservation before the expiry of that period shall cause the reservation to lapse.

3-If a Party makes a reservation in conformity with Article 78, paragraphs 2 and 3, it shall provide, before its renewal or upon request, an explanation to GREVIO, on the grounds justifying its continuance.

Article 80 – Denunciation

1-Any Party may, at any time, denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.

2-Such denunciation shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of the notification by the Secretary General.

Article 81 – Notification

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, the non-member States which have participated in its elaboration, any signatory, any Party, the European Union, and any State invited to accede to this Convention of:

- a-any signature;
- b-the deposit of any instrument of ratification, acceptance, approval or accession;
- c-any date of entry into force of this Convention in accordance with Articles 75 and 76;
- d-any amendment adopted in accordance with Article 72 and the date on which such an amendment enters into force;
- e-any reservation and withdrawal of reservation made in pursuance of Article 78;
- f-any denunciation made in pursuance of the provisions of Article 80;
- g-any other act, notification or communication relating to this Convention.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at Istanbul, this 11th day of May 2011, in English and in French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, to the non-member States which have participated in the elaboration of this Convention, to the European Union and to any State invited to accede to this Convention.

Source : Treaty Office on <http://conventions.coe.int>

APPENDIX L

BAKIRTEPE EYLEMİ BASIN AÇIKLAMASI

Medeni Yasa'nın "Edinilmiş Mallara Katılım Rejimi"nin değiştirilmesini talep eden basın açıklamasına Medeni Yasa Platformu üyesi 136 kuruluş imza koydu.

Kamuoyuna Ve Milletvekillerine!

* Biz kadınlar, bizim için büyük olumsuzluklar taşıyan "Medeni Yasa"nın, uzun süren mücadelemiz sonucunda, nihayet 2001 yılında, Türkiye Büyük Millet Meclisi'nin gündemine gelmesini başardık. Taleplerimizin tamamının olmasa da, bir kısmının yasa kapsamına alınmasını sağladık.

* Ancak, ağırlıklı olarak erkek milletvekillerinden oluşan Meclis'te yapılan pazarlıklar sonucu, son anda yapılan bir değişiklikle, Yürürlük Yasası'nın 10'uncu maddesi, erkeklerin bugüne kadar evlilikleri boyunca edindikleri servetleri garanti altına alacak şekilde düzenlendi. Kadınların tüm itirazına rağmen yasa, 02.01.2002 tarihinde yürürlüğe girecek şekilde Meclis'te kabul edildi. Yürürlük maddesinde yapılan bu düzenleme ile erkeklerin ellerindeki mallar korundu ve yeni yasal mal rejimi olan "Edinilmiş Mallara Katılım" rejiminin, mevcut evlilikler için, ancak yasanın yürürlük tarihinden sonra sahip olunacak malları kapsaması sağlandı. Yani biz kadınlara şöyle denildi: " Yirmi yıllık, otuz yıllık evliliğiniz boyunca verdiğiniz emeklerin üzerine bir bardak soğuk su için. Sayenizde edinilmiş tapulu malların yüzde 92'si erkeklerindir ve onların kalacaktır." Kısacası bir elle verilen, diğer elle geri alındı.

* Yürürlük yasası'nın 10'uncu maddesi, aile hukukunda yapılmak istenen bütün değişiklikleri yutup yok edecek bir "Kara Delik" tir. Ailedeki eşitsizlik ve güç dengesi

aynen korunmaktadır. Eski yasanın 76 yıllık uygulamasının mağdurları olan milyonlarca kadının mağduriyeti giderilememiştir. Üstüne üstlük sadece kadınlar ve erkekler arasında değil, eski yasaya tabi olan kadınlarla yeni yasaya tabi kadınlar arasında yeni bir Eşitsizlik Ve Ayrımcılık yaratılmıştır. Bu durum Anayasa'nın eşitlik ilkesi ve Türkiye'nin imza attığı uluslararası sözleşmelere de açıkça aykırıdır.

Medeni yasa ile ilgili taleplerimizi daha önce çeşitli kereler basın açıklamaları, imza kampanyaları, Meclis ziyaretleri, mor kurdele eylemleri ile kamuoyuna ve Meclis üyelerine duyurmuştuk. Sesimizin duyulmak istenmemesi üzerine de "Sesimizi şehirlerden duyuramadık, dağlardan duyurmak istiyoruz " diyerek, Dağ Eylemi'mizi gerçekleştirmiştik.

Yürürlük yasasının 10'uncu maddesi ile ilgili talebimizi ise, Denizlerden haykırmak istedik. Özgürlüğün simgesi masmavi Akdeniz'den sesleniyoruz:

Sayın Milletvekilleri,

Bütün kazanımlarımızı yiyip yutan bu Kara Deliği siz oluşturdunuz, düzeltmek sizin göreviniz ve sorumluluğunuzdur. Sizleri göreve davet ediyoruz.

Bütün kadınların gözü Meclis'te, sizin üzerinizdedir!

* Edinilmiş mallara katılım rejimi" olan yasal mal rejimi, mevcut evlilikler için de eşlerin evlenme tarihinden itibaren geçerli olsun!

* Medeni yasa değişikliği hemen şimdi!

* Kadınlar arasında yaratılan eşitsizliğe son!

* Eşit ve özgür bir dünya için kadınlar elele!

APPENDIX M

KA-DER TÜRKİYE KARNESİ 2017

ÖĞRENCİNİN			
ADI SOYADI	TÜRKİYE		
OKULU	KA.DER - KADER KADIN ADAYLARI DESTEKLEME DERNEĞİ		
DERS YILI	2016 -2017		
DERSLER	BAŞARI DURUMU		
	2017 YILI İSTATİSTİĞİ	YIL SONU NOTU YAZIYLA	
TBMM'de Kadın Sayısı	75 (%13,91)	Başarısız	
Büyükşehir Belediye Başkanı Kadın Sayısı	2 (%6,66)	Başarısız	
Belediye Meclis Üyesi Kadın Sayısı	2.198 (%10,7)	Başarısız	
İl Genel Meclis Üyesi Kadın Sayısı	60 (%4,7)	Başarısız	
Bakanlar Kurulu'nda Kadın Sayısı	2 (%7,4)	Başarısız	
Kadın Müsteşar	1 (%4)	Başarısız	
Kadın Vali	2 (%2,4)	Başarısız	
Kadın Kaymakam	16 (%1,67)	Başarısız	
Yüksek Yargı Organı Başkanı Kadın	1 (%14,2)	Başarısız	
Kadın Rektör	16 (%9,09)	Başarısız	
Yönetim Kurulu'nda Kadın Olmayan Şirket Sayısı	168 (%41,5)	Başarısız	
Kadın Muhtarı Olmayan İl	8 (%9,66)	Başarısız	
Siyasi Parti Başkanı Kadın (Ak Parti, CHP, MHP, HDP: Eş başkanlık, İyi Parti)	2 (%40)	Başarısız	
Kadın Milletvekili Olmayan İl	43 (%40)	Başarısız	
YILLIK DERS GÜNÜ	250 (Yıllık çalışma günü üzerinden değerlendirilmiştir.)		
Türkiye Nüfusu	TOPLAM 80.810525	ERKEK 40.535 135	KADIN 40.275 390
Dünya Ekonomi Forumu (WEF) Türkiye'nin Toplumsal Cinsiyet Eşitliği Sıralaması (2017)	145 ülke arasında 131. sırada		
	2016		2017
	Sıralama	Puan	Sıralama Puan
Küresel Cinsiyet Eşitliği puanı	105	0,585	131 0,625
Ekonomiye katılım ve fırsat	106	0,434	128 0,471
Eğitime katılım	92	0,885	101 0,965
Sağlık ve sağ kalım	85	0,969	59 0,977
Siyasi güçlenme	96	0,052	118 0,088
Değerlendirmeye alınan toplam ülke sayısı	115		144

REHBER ÖĞRETMENİN ÖĞRENCİ HAKKINDAKİ YIL SONU GÖRÜŞÜ			
Geçen yıl tasdikname alan öğrenci, halen eşitlikte ilgili dünyadaki gelişme ve yasaları takip etmemekte, erkekler lehindeki ayrımcılığı ve kadınları görmezden gelmeyi sürdürmektedir. Oysaki ülkemizi halen bulunduğu utanç veren seviyelerden çok daha yukarı taşıyabilecek zeka ve beceriye sahiptir.			
NOT DÜZENİ			DAVRANIŞ NOTU
Oran	Not	Derece	YIL SONU
85-100	5	Pekiyi	
70-84	4	İyi	
55-69	3	Orta	
45-54	2	Geçer	
0-44	1	Başarısız	
DAVRANIŞLAR			
Eşitsizliği ve kadına yönelik şiddeti engelleyecek siyasi irade			1
Kadının insan haklarına uygun yasaların çıkarılması			1
Yasalarda eşitlik anlayışı			1
Kadınların eşit yurttaş olarak kabul edilmesi			1
Şiddet dilinden uzak iletişim			1
Demokrasi anlayışını hayata geçirme			1
Her türlü ayrımcılığa karşı durma			1
STK'larla takım çalışma becerisi			1
Toplumdaki farklılıklara duyarlılık			1
Açıklama: Davranış notu (1) Yetersiz, (2) Geliştirilmeli, (3) Orta, (4) İyi, (5) Çok iyiyi ifade eder.			
DAVRANIŞ NOTU			1
SONUÇ: SINIFTA KALDI			
İMZA		 Kader Kadın Adayları Destekleme Derneği	

Not: İstatistiklerin ayrıntılarını www.ka-der.org.tr web sitemizde bulabilirsiniz

Posters related to events



Series of lectures, 1994 - 1995



Beijing Declaration



Series of lectures, 1990 - 1991



Democracy in the family:
Democracy in the society

APPENDIX N

News related to activities of WNGOs'

Medeni Kanun Tasarısı Hazır

İSTİHBARAT SERVİSİ

İSTANBUL - İstanbul Barosu Kadın Hakları Komisyonu ile Türk Hukukçu Kadınlar Derneği'nin ortaklaşa düzenledikleri "Medeni Kanun Tasarısı" paneline katılan Adalet Bakanı Hikmet Sami Türk, "Türk kadını artık erkeğin arkasında değil, yanında yer almalıdır; ilkesiyle hareket ederek, çalışmalarımızı sürdürüyoruz" dedi.

Turkcell Plaza'da dün gerçekleşen panelde konuşan Bakan Türk, "12 Kasım 1999'da TBMM'ye sevk edilen tasarımı muhteva bakımından benimsememize rağmen, dil konusunda bazı çekinceler olduğunu gördük. Bu çekinceleri gidermek için çalışmalarımıza strateji devam ediyoruz" şeklinde konuştu.

İstanbul Barosu Kadın Hakları Komisyonu Başkanı Avukat Nazan Moroğlu, Türk Hukukçu Kadınlar Derneği Başkanı Avukat Aydeniz

■ Adalet Bakanı Hikmet Sami Türk, "Artık kadınlar erkeklerin arkasında değil, yanında olmalıdır. Yeni Medeni Kanun sayesinde; kadınlarımızın hak ettikleri yerde olmalarını istiyoruz." dedi.

Tuskan ve Prof. Dr. Necla Arat da birer konuşma yaptılar. Bazı konuşmacılar Bakan Türk'ün

çalışmalarının arkasında olduklarını ifade ederken, bazıları da karşı çıktı.



İstanbul Barosu Kadın Hakları Komisyonu ile Türk Hukukçu Kadınlar Derneği'nin ortaklaşa düzenledikleri, "Medeni Kanun Tasarısı" panelinde konuşan Adalet Bakanı Hikmet Sami Türk, yeni Medeni Kanun'un muhtevasını açıkladı.

Kadınların Ankara çıkarması



Arife AVCU © ANKARA
TÜRK Medeni Kanunu'nda değişiklik yapılmasını isteyen kadınlar, Türkiye genelinde topladıkları yüz bin imzayla Ankara'ya çıkarma yaptılar. Kadın-erkek eşitliğini sağlamak için çeşitli illerden Ankara'ya gelen kadın kuruluşlarının temsilcileri TBMM Başkanı Hüsamettin Cindoruk ve Adalet Bakanı Seyfi Oktay'ı ziyaret ettiler.

İsviçre'den alınan ve 1926 yılında kabul edilen Türk Medeni Kanunu'nun 67 yıldan beri yenilenmediği için günümüz koşullarına uymadığını belirten, İstanbul

Devamı 16. Sayfada

● Medeni Kanun'da değişiklik isteyen kadınlar, yurt genelinde toplanan yüz bin imzayla Ankara'ya çıkarma yaptılar



İMZA VE TBMM Çeşitli illerden Ankara'ya gelen kadın kuruluşlarının temsilcileri, imzalı isteklerini yetkililere ilettiler (üstte). TBMM Başkanı Hüsamettin Cindoruk'u ziyaret ettiler (yanda) Ve TBMM'de oturuma katıldılar.



Medeni Kanun değişikliği hazır

Çetin, kadınlara destek sözü verdi

Özlen Öztürk - İSTANBUL

TBMM Başkanı Hilmet Çetin, çağdaş, demokratik ve laik Türkiye'nin önemli güvencesi olduğunu belirttiği kadınlara, destek sözü verdi.

İstanbul Kadın Kuruluşları Birliği'nin 'Ürk Yurttaşlar Yasası'nın kabulünün 72. yıldönümü nedeniyle Atatürk Kültür Merkezi'nde düzenlediği 'Bir devrim yasası olarak Türk Yurttaşlar Yasası: Dün, Bugün, Yarın' konulu toplantıya katılan Çetin, konuşmalarla karşılandı.

Çetin Medeni Kanun'daki değişikliğin kapsayan yasa tasarılarının taşıdığı toplantının açılış

konuşmasında, Adalet Bakanlığı'nın şimdiye dek hazırladığı iki yasa tasarığının Meclis'e sevk edildiğini anımsatarak, "Yeni tasarılar için yapılan çalışmanın boşa gitmemesi için, tasarıların TBMM'ye sevk edileceğini umuyorum" dedi. Çetin'e, konuşmasının ardından teşekkür plaketi verildi.

Tasarının Meclis'ten geçememe endişesini dile getiren Prof. Dr. Ahmet Mumcu da, şunları söyledi: "Tasariya hayli eleştiri geleceğine inanıyorum. Meclis'teki 550 kişiden yalnızca 12'si kadın. Erkeklerin hakim olduğu bir toplumda, bu tür değişiklikler büyük tepki görüyor."



İSTANBUL
KADIN KURULUŞLARI BİRLİĞİ



İ.Ü. KADIN SORUNLARI
ARAŞTIRMA VE UYGULAMA MERKEZİ

PANEL

GÜNDEMDE MEDENİ KANUN VAR

Gün : 15 Şubat 1996 Perşembe

Saat : 11.00 - 14.00

Yer : İ.Ü. Fen Fakültesi Konferans Salonu
Vézneçiler



Signature Campaign for amendment of Civil Code, 1993



İSTANBUL'DAKİ KADIN KURULUŞLARINDAN
MEDENİ KANUN DEĞİŞİKLİĞİ İÇİN EYLEM PROGRAMI

Sayın Oktay Ekşi,

Bilindiği gibi 17 ŞUBAT 1926'da kabul edilen Türk Medeni Kanunu, kabul edildiği tarihte çağının toplumsal ve kültürel koşullarında çok ilerici bir nitelik taşımaktaydı.

Ancak, günümüzde bu Kanunun eşler arasındaki ilişkiler açısından İnsan Hakları'na, eşlerin Eğitim haklarından yararlanma ilkesine, Uluslararası Sözleşme'lere ve Anayasa'mıza aykırı hükümlerinin değiştirilmesi artık bir zorunluluk haline gelmiştir. Nitekim Medeni Kanunun aslı olan İsviçre Medeni Kanununda ve bütün Batı Demokrasilerindeki yasalarda eşlerin eğitim haklarından yararlanmalarını sağlayan gerekli değişiklikler yapılmıştır.

Türk Medeni Kanunu'nun Aile Hukuku Kitabı'nın, eşlerin eğitim haklarından yararlanma ilkesi çerçevesinde yeniden ele alınması gerekiyor. Bu

gereklilik, yasal olarak Anayasa'da yer alan "eğitlik ilkesine" ve "cinsler arasındaki eşitlik" yasaklayan maddelere olduğu kadar Devletimizin uygulama konusunda yükümlülük altına girdiği Uluslararası İnsan Hakları Sözleşmelerine ve "Kadınlara Karşı Her Türü Ayrımcılığın Ortadan Kaldırılması Sözleşmesi" ne de dayanmaktadır. Esasen Hükümet programında da adı geçen Sözleşme'nin hayata geçirilmesi ve konulmuş olan çekincelerin kaldırılması konusunda ulusumuza taahhütte bulunulmuş ve bu program, TBMM'ce onaylanmıştır.

Çeşitli kentlerimizdeki Kadın Kuruluşları hazırladığımız Medeni Kanunun Aile Hukuku ile ilgili bazı hükümlerini değiştiren ve kaldıran bir Tasarısı Taslağını yasalaştırma kampanyasını destekleme kararı almışlardır.

Bu taslağın tanıtımı için 8 MART 1993'e kadar devam edecek Eylem Süresince imza toplanan yanı sıra çeşitli etkinlikler yapılacaktır. Sonuçlar 8 MART 1993 DÜNYA KADINLAR GÜNÜ'nde bir toplantı ile kamuoyuna duyurulacaktır.

Merkezimizin hazırlamış olduğu taslak ilgiyle sunulmaktadır. Koordinasyonunu üstlendiğimiz bu kampanyada Medeni Kanun değişikliği konusunda bizi destekliyeceğinize inanarak saygılar sunuyoruz.

N. Arat
Prof. Dr. Necla ARAT

A. Çelikel
Prof. Dr. Aysel ÇELİKEL

Kadın derneklerinden, Çiller'e mektup

Bilindiği gibi Medeni Kanunumuz, İsviçre Medeni kanununa dayanılarak 17 Şubat 1929'da kabul edilmişti. 68 yıldan bu yana yenilenmediği için de komik kararların alınmasına, dolayısıyla da değişen toplumumuza ayak uyduramamaya başladı. Medeni Kanunumuzun en yakın takipçileri kadın dernekleri. İşte, İstanbul Üniversitesi Kadın Sorunları Araştırma ve Uygulama Merkezi Başkanı Prof. Dr. Necla Arat, 27 kadın kuruluşu adına, Başbakan Tansu Çiller'e bir mektup göndererek Medeni Kanunda değişikliklerin bir an önce yapılmasını istedi. Mektubunda, "Ülkemiz kadınları, Medeni Kanun'un günümüz koşullarına uyacak şekilde değiştirilmesinin özlemi içinde" diyen Arat, Başbakan'dan konunun Meclis'e gelmesi için destek istedi. Arat'ı biz de destekliyor; değişiklikleri içeren yeni yasa tasarısının Meclis'in gündemine en kısa zamanda alınmasını diliyoruz.

Prof. Dr. Necla Arat



Türk kadınları Ata'nın huzurunda

ANKARA- İstanbul, Ankara ve İzmir'deki kadın kuruluşları, Medeni Kanun'un kabul edilmesinin 67. yıldönümü nedeniyle Anıtkabir'de buluştular. "Medeni Kanun Değişiklik On Tasansı"na destek sağlamak amacıyla bir araya gelen "Kadın Kuruluşları Koalisyonu", ziyaretlerinde Anıtkabir'e gelenek koyarak Ata'nın huzurunda saygı duruşunda bulundular. İstanbul'dan 26, Ankara'dan 24, İzmir'den 22 örgütü temsil eden ziyaretçi katılan 84 kadın, daha sonra Medeni Kanun'un kabul edilmesinin yıldönümü nedeniyle TBMM Başkanı Hüsamettin Cindoruk, Adalet Bakanı Seyfi

Oktay'la görüştüler. Kadın komisyonu üyeleri, Medeni Kanun'un mal rejimiyle ilgili 15 maddesinin değiştirilmesi konusundaki düşüncelerini Cindoruk'a iletiler. İstanbul'dan 80 bin, Ankara'dan 7 bin ve İzmir'den de 12 bin olmak üzere yaklaşık 100 bin kişinin imzasını da Cindoruk'a teslim ettiler. Hüsamettin Cindoruk, kabul sırasında yaptığı konuşmada, 67 yıl önce kabul edilen Medeni Kanun'un, o günün koşullarında önemli sosyal haklar getirdiğini, bunun bir reform olduğunu kaydederek, "Medeni Kanun'da istediğiniz değişiklik bir anlamda reformu reformla düzeltmek amacını taşıyor"

(18. 2. 1993, Sabah)

72



Women's Day, 8th March 1994



"Use your vote" campaign, 1999



Equal rights - Equal participation - Equal representation



Flowers rally for gender equality, 1997

Women in Taksim

ZEKİ AYIK

Istanbul Turkish Daily News

■ The 73rd anniversary of the Educational Unification Law (Tevhid-i Tedrisat Yasası) was celebrated by the Istanbul Women's Union in front of Atatürk's Statue in Taksim Square on Monday.

The Istanbul Women's Union, which includes 45 associations and political parties' women's commissions, put flowers in front of the statue to support the judicial secular state and contemporary education.

The demonstration was also held as a follow up to the women's march in Ankara called "No to Sharia Law" on February 15.

Around 500 women, who came to the statue in groups, placed flowers around the monument to the founder of the modern Turkish Republic and celebrated the anniversary of the Educational Unification Law with applause and slogans, including: "We follow you, Atatürk, shoulder to shoulder," "No Sharia, No Military Coup, a Democratic Republic," and "Tansa Çiller Resign." They also sang songs of liberation, youth and the famous march composed for the 10th anniversary of the republic's foundation.

Speaking at the celebration, Necla Arat, the head of Istanbul Women's Union, said that the date March 3 marked the acceptance of the revolutionary law and the birth of Atatürk's revolution as well.

She thanked the women who had attended for supporting secular and contemporary education and a democratic Turkey. "Welcome," she called to the women. "You have turned Taksim into a flower garden."

The head of the Istanbul Bar Association, Yücel Şayman, the former head, Turgut Karaman, Labour party leader Doğan Perinçek and several artists also attended.

The acceptance of the Educational Unification Law

The Educational Unification Law, accepted by parliament on March 3, 1924, was followed by the abolition of the Foundations Ministry, the unification of education, and the cancellation of the Khalefat laws, which together formed the basic structure of the secular Turkish Republic.



Women in Taksim Square celebrating the 73rd

These three laws are considered to be an important step towards contemporary. With the abolition of double education, Foundations Ministry Law No. 430, edu. came under the control of the National Education Ministry. The main purpose of the law: close Muslim colleges and make education under the guidance of secular and scientific foundations.

UNESCO
INTERNATIONAL REUNION
CONFERENCE

MEDITERRANEAN
WOMEN
AND
DEMOCRACY

3 - 8 May 1997 Istanbul - Turkey



UNIVERSITY
OF
ISTANBUL
Women's Research and
Education Center
1999



Bahriye Kuvveti Cad. 5, Öğrenci Köprüsü, Yeniköy
İstanbul, TÜRKİYE
Fon 523 54 73

4.3.1997, Daily News

FIRST DECADE IN WOMEN'S STUDIES

TÜRKİYE'DE
KADIN OLMAK



TÜRKİYE'DE
KADIN
OLGUSU



KADIN
GERÇEKLERİ



YADINLANIMIN
KADINLARI



KADIN
VE
CİNELLİK



Kadının
Soyadı



WOMEN'S RESEARCH AND
EDUCATION CENTER OF
UNIVERSITY OF ISTANBUL
AND
WOMEN'S STUDIES
ASSOCIATION (1989-1999)

NAZAN MOROĞLU



İSTANBUL KADIN KURULUŞLARI
BİRLİĞİ

Medeni Kanun Değişikliği İçin Eşitliğin İzinde 10 Yıl



17 Şubat 2001

Dayak kadınların kaderi değil !

Biz kadınlar ne kadar zor koşullarda olsak da, ne kadar acı çeksek de hayatımızı değiştirebiliriz. Dayağa hayır diyebiliriz. Hayır dediğimizde, karşı koyduğumuzda daha güçlü olacağız. Gücümüzü önce kendimize sonra bizi denetim altında tutmak için şiddet uygulayan kocamıza, babamıza, ağbimize gösterelim. Çünkü baskı altında olmak istemiyoruz. Kendi hayatlarımızı yaşamak, geliştirmek istiyoruz.

Dayakla birlikte yaşıyorsanız, aile içindeki şiddet sizi yıldıırıyorsa bizi arayın. Kadın dayanışmasının yeni mekânı Mor Çatı'da birlikte olalım, konuşalım, çözümler düşünelim. Korkularımızdan, gereksiz utanç duygularımızdan kurtulalım. Çünkü dayak kadınların suçu olmadığı gibi kaderi de değil.

Mor Çatı'yı her gün
14:00-18:00 saatleri
arasında
148 60 85'den
arayabilirsiniz.



Bu numarayı saklayın:
148 60 85



İnlar dikkate dinle-
(ANTEP / MİL-HA)

değerlendiren Canan Arın
şunları söyledi:
"Türkiye'de ka-
yak atan erkekler
kültürlü ve yüksek
sahibidirler. Bu e-
şinde yumuşak
güçlükler. Bir
dövüldüklerini
dınların eşleri
ama, erde ca-
ler. Bunu ya-
ma sonunda
kadının de-
dir."

"Dayağa Karşı Kadın Dayanışması" 20. yılında

**BAĞIR
HERKES DUYSLUN!
ERKEK ŞİDDETİ
SON BULSUN!**

Kadınlar kurtuluşumuz
için dayanışmaya!



**20 MAYIS PAZAR MAÇKA
PARKINDA BULUŞUYORUZ
12.00-18.00**

- Aylin Asım,
- Ayben,
- Aysegül,
- Ayşe Tülinçü,
- Dalepa Nena,
- Fulya Özlem,
- Neslihan Ergin,
- Sevgi Vural,
- Leyla Doğan,
- Helin...

Özümz gıdeler kar-
hayırlık o gün
gün, çünkü y-
jan sindirmek
döner de, se-

g ölele duyul-
leyen bir ka-
şu, kaminc-

okla da-
ronum-
ya da-
Gün-
e ya-

Önce ya-
ramı aldığımız
k için gıdeler. İzle-

dyırlığı, çatışmacı bir ideoloji ve

, bu üknen tüm politikaların bu düzeni

...ile, onun parçası bile, yitirce aile içi şiddet
...kurşet gazetesi bile duydu bu



İstanbul'daki yürüyüşte, Anayasa Mahkemesi'nin, fahişeye tecavüzde ceza indirimini onaylaması protesto edildi.

'Yeter, söz kadının' yürüyüşü

İSTANBUL'da dün "Bütün kadınlar 438'e karşı" adı altında erkeklerle kapalı bir yürüyüş yapıldı. Zeynep Kamil Hastanesi önünde başlayıp, Bağlarbaşı'nda sona eren yürüyüş, "Bedenimiz Bizimdir Cinsel Tacize Hayır Kampanyası Tertip Komitesi" tarafından düzenlendi. Söz konusu yürüyüş, Anayasa Mahkemesi'nin fahişeye tecavüz halinde üçte iki oranında indirim öngören Türk Ceza Yasası'nın 438. maddesini onaylamasına karşı gerçekleştirildi.

Zeynep Kamil Hastanesi önünde, saat 14.00'te toplanan kadınların çantaları ve üzerleri kadın polisler tarafından aranarak yürüyüşe katılmalarına izin verildi. Ellerinde "Yeter, söz kadının", "Eve katılmak istemiyoruz", "Bedenimiz bizindir, cinsel tacize son" yazılı pankartlar taşıyan kadınlar Bağlarbaşı'na doğru yürüyüşe geçtiler.

"Kadınlar vardır. Kadınlar her yerde" diye şarkı söyleyen yüzlerce kadının, "İffetli iffetsiz ayrı-

mina son", "Hukuk izin verdi, vurun kahpeye" şeklinde slogan atarak yürümeleri, yol kenarında toplanan çok sayıda vatandaş tarafından ilgiyle izlendi. Polis kordonu altında yapılan yürüyüş sırasında evlerinin balkonunda, penceresinde bulunan bazı kadınların sevgi gösterilerinde bulundukları görüldü.

Çok değişik yaş gruplarından kadınların katıldığı yürüyüşe, iki çocuğu ile gelen 29 yaşındaki mu-

hendis Bingül Çatık, "Bana da tecavüz edilmesini istemiyorum" diye konuşurken, iki çocuk, bir tozun sahibi Solmaz Kurtuluş adlı evhanımı, "438. maddede tecavüz davetiyedir" dedi. Yürüyüşün sonunda Bağlarbaşı'nda toplanan kadınlar, erkeklerin iffetli kadın, iffetsiz kadın ayrımı yapılarak yetiştirildiklerini, babaların ve kocaların kadınlar üzerindeki baskını dile getiren konuşmalar yaptıktan sonra, saat 16.30 sıralarında dağıldılar.

Güneş, Şubat 1990

Kadınların isyanı!

■ İstanbul Bağlarbaşı'nda dün yürüyüş ve miting düzenleyen 2 bin kadar kadın "Vesikalı kadınlara tecavüz suçunun cezasını indiren mahkeme kararını" protesto etti. Çoğunluğu çocukları ve genç kızları ile gösteriye katılan kadınlar son derece öfkeliydi. Protestocular "Tecavüz" olayında erkekleri suçladılar.

■ Gösterici kadınlar mitingde yaptıkları konuşmalarda "Kadınların iffetli ve iffetsiz diye ayrılmasına karşıyız. Kadın kıymetli salınamaz. Tecavüzün asıl suçlusu erkekler. Vücudumuzu mal gibi gören erkekler yüzünden fahişe durumuna düşürüldük..." dediler



"Hepimiz fahişeyiz"

Yürüyüşe katılanların çoğu "Hepimiz fahişeyiz, kıymetli vesikalı kıymetli" yazılı bir kağıdı mantılarına sarmıştı. Ellerindeki pankartlarda ise erkek hordamlığını eleştiren sözler dikilmiştik.

Ben erkeğim, döverim!

Mor Çatı Vakfı'nın araştırmasına göre kadınlar, ortalama 30 yaşında dayakla tanışıyor. Tipik bir dayakçı koca, orta sınıftan geliyor ve döverken 'alet' kullanıyor

PERVİN KAPLAN

İSTANBUL - Mor Çatı Kadın Sığınma Vakfı, kendilerinden "yardım" isteyen bin civarında kadının yaşadıklarını "Ev-

deki Terör" adıyla kitaplaştırdı. Vakfa gelen başvurular incelendiğinde, kadınların ortalama 30 yaşında "koca dayagıyla" tanıştığı anlaşıyor. İnceleme, erkeklerin döv-

meye bir gün durup dururken başlamadığını gösteriyor. Şiddet içeren ilk davranış, flört, sözlülük ya da nişanlılık ile evliliğin ilk günlerinde ortaya çıkıyor. Kadınlar,

bu ilk şiddet davranışının, "çok sevgi'den kaynaklandığına ve yinelenmeyeceğine inanıyor. Daha sonra ilişkinin yanı sıra şiddetin de sürmesinin en büyük nedeni ise eşin her şiddet eyleminden sonra "değişeceğim" sözünü vermesi.

Çekici gibi metal aletle dövülüyor. Erkek dayak atmaya karar verdiği zaman bahane bulmakta da zorlanmıyor. Yemeğin sıcak ya da soğuk olması, ev

şiddet uygulayan bu erkekler ısız ya da eğitimli değil. Mühendis, doktor, mali müşavir, yazar, sanatçı, döviz bürosu sahibi, işletmeci, polis, bekle, zabıta, gibi her meslek grubundan ve her kesimden erkek kadına şiddet uygulayabiliyor.

Başvurulardan, her dört kadından birinin evlendiği ya da ailelerince evlenmeye zorlandığı için eğitime son verdiği, yedide birinin gecekonduda oturduğu, beşte birinin sosyal güvenceye ve gayrimenkul sahibi olmadığı anlaşıyor.



Yaratıcı erkekler

Alet kullanarak kadını döven erkeklerin tercihlerinin başında sopa ve demir geliyor. Dayak yiyen her 10 kadından biri sopa, değnek, odun, oklava gibi tahta bir aletle, her 10 kadından biri demir boru, çubuk, zincir, soba maşası,

işleri, evdeki yaşılların balmı, çocuklar, para istemek, cinsellik, kıskançlık, makyaj, kıyık kıyafet, bunların tümü kadına dayak atmak için yeterli nedenler.

Radikal, Kasım 1996



Erkek kadını neden döver?

Editör Zihniyeoğlu, kadınlara konuşarak edindikleri deneyim çerçevesinde erkeklerin kadını neden dövdüğünü şöyle açıkladı:

"Toplumda erkeklerin üstünlük tanınıyor. Aile reisliği, son söz hakkı erkeklerde. Erkek bu yüzden kadını denetim altına almaya çalışıyor. Kontrol istediğini fiziksel şiddetle deniştiriyor. Kadının ıtrazı, hoşnutsizlik olarak yorumlanıyor ve yeni bir şiddet doğuyor. Kadın, erkeğin verdiği sözlerle güvenip değişeceğini zannetse de dayak ömür boyu devam ediyor."

Dayağa karşı kitap

Mor Çatı Kadın Vakfı'nın hazırladığı ve mayıs ayında piyasaya çıkacak olan kitapta dayak yiyen kadınların öyküleri ve dayağa karşı neler yapması gerektiği anlatılıyor



Mehtap ÇOÇULU

KADINLAR, aile içi şiddetten, özellikle koca dayagından korunmanın yollarını kitaptan öğrenecek. Mor Çatı Vakfı'nın hazırladığı ve

mayıs ayında piyasaya çıkacak kitap, kadınların şiddetten korunmaları ve dayak yedikten sonra yapabilecekleri konusunda rehber olacak.

Özellikle eşten kaynaklanan dayagın konusundaki kitapta, 18 kadının psikolog ve hukukçunun görüşleri yer alıyor. Kitabın fiyatı, her kesimden kadının yararlanması için düşük tutulacak. Kitabın editörü Yaprak Zihniyeoğlu, Mor Çatı Vakfı'na dört yılda başvuran 775 kadının maruz kaldığı şiddetin öyküsünü anlatıklarını belirtti



Yaprak ZİHNİYEĞÜ

25 kadının birlikte yazdığı kolektif bölümde, şiddetin tanımı ve uygulaması tasvir ediliyor. Kitabın üçüncü bölümünde psikologlar şiddet konusundaki deneyimlerini dile getiriyor. Dördüncü bölümde, hukukçular dayakla ilgili şu yasal tavsiyelerde bulunuyor. Bu bölümde şu önerilere yer veriliyor:

- Şiddetle ilk karşılaşan kesimdeki doktor, polis ve öğretmenler bu konuda eğitilmeli.
- Okullarda eğitim programı konulmalı.
- Karakollarda aile içi şiddet birimleri oluşturulmalı.
- Şiddete uğrayan her kadına evden ayrılır ayrılmaz işsizlik sigortası bağlanmalı.
- Sığınaklar çoğaltılmalı.
- Yeni bir hayat kurmak isteyenlere güvenli ortamda yaşayabilecekleri kadın pansiyonları kurulmalı.

Milliyet, Ocak 1996

Mor Çatı Kadın Sığınma Vakfı, yayınlarıyla yol gösteriyor

'Dayak kadının kaderi değil'

İSTANBUL (ANKA) - Mor Çatı Kadın Sığınma Vakfı, yayınlarıyla, koca ve akrabalarından dayak yiyen kadınlara yol gösteriyor. 'Bağır Herkes Duysun' adlı yayında, dayak yiyen kadınlara ilk olarak utanmayıp dayak yemenin kişisel bir sorun olmadığını bilmeleri ve en yakın karakola başvurmaları öneriliyor. Mor Çatı Kadın Sığınma Vakfı yayını 'Bağır Herkes Duysun' adlı derginin derlediği bilgilere göre Türkiye'de her kesimden ve her gelir grubundan kadınlar kocalarından ve yakın akrabalarından dayak yiyor. Kadınlara dayak atan kocaların öne sürdükleri nedenler arasında görevini yapmaması, şirretliği, itaatsizliği başta geliyor. Yine kocalar, dayağa gerekçe olarak iş yaşamlarındaki başarısızlık ve sorunlarla, sinirlilik, kıskançlık ve uyuşmazlıkları dayak nedeni olarak gösteriyorlar. 'Bağır Herkes Duysun' adlı kitapta, dayak yiyen kadınların öncelikle utanmamaları, dayak yemenin kişisel bir sorun olmadığını, asıl suçun dayak atanda olduğunu bilmeleri gerektiği belirtiliyor. Yayın organında, kadının dayak yediğinde alması gereken acil önlemler olarak ise şunlar sıralanıyor: "Hemen karakola gidin. Eğer olaya tanık varsa, onların ad ve adreslerini bildirin. Karakolda tutanak tutturun. Dikkat edin söyledikleriniz aynen tutanağa geçsin. Çevrenizdeki kadınlarla dayanışma içinde olun. Unutmayın ki dayak, kadının kaderi değildir."

1996



Bakırtepe Mountain Protest 29 April, 2001



Al Yazma Monument-ANTALYA 07 March, 2012



“Medeni Kanunuma Sahip Çıkıyorum” 12 December, 2014



“Kıyafetime Karışma!” 29 July, 2017



Women's March in Beyoğlu, İstiklal Street

8 March, 2018