

**T.C. KOCAELI UNIVERSITY
INSTITUTE OF SOCIAL SCIENCES
DEPARTMENT OF POLITICAL SCIENCE**

**THE WITHDRAWAL OF TURKEY FROM THE ISTANBUL
CONVENTION: WOMEN'S RIGHTS, PUBLIC OPINION AND
THE ABILITY OF THE GOVERNMENT TO FIGHT VIOLENCE
AGAINST WOMEN**

(MASTER'S THESIS)

Marryam SHAH

KOCAELI 2022

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ABSTRACT

Violence against Women has been an ongoing problem around the world, and Turkey has been no exception either. Many women become a victim violence as this problem is deep rooted in the societal structure. As a result of these concerns, The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, or as it is generally referred to as the Istanbul Convention was brought about. It is an agreement of the Council of Europe to fight against gender-based violence, especially against women. It was adopted at the 121st session of Ministers in Istanbul. It was approved at the 121st Ministerial Session in Istanbul. Turkey was also the first country to ratify the Convention in March 2012, making it a visible emblem of the movement to push gender-based violence from the private to the public realm. However, Turkey opted to withdraw from the Istanbul Convention in March 2021, citing that it is invasive in terms of gender formation in the nation, demeaning, and incompatible with the traditional values on which Turkish society is founded. It also claims that the Convention has not resulted in any meaningful improvements, and that the government has appropriate national measures in place to prevent gender-based violence and protect women. The reaction of the Turkish masses to the decision of this withdrawal was a mixed one. This research study therefore aims at analyzing the reaction of the Turkish people, and to do so it conducts surveys to gather and obtain results. At the same time it studies the existing secondary data regarding how Turkey has been tackling the issue of VAW over the years. In doing so it studies the past patterns in accordance with the Historicist Theory and also takes an in-depth look into the understanding of the Turkish Penal and Criminal code to critically analyze Turkey's capability tackle the problem of violence against women. After extensively studying laws, policies and theories, the study suggests a roadmap for improvement in the absence of the Istanbul Convention.

Key Words: Istanbul Convention, Violence against Women, Public policy, Legislation, Patriarchy, Feminist Movements, Gender Mainstreaming

ÖZET

Kadına yönelik şiddet tüm dünyada süregelen bir sorundur ve Türkiye de bir istisna değildir. Bu sorun toplumsal yapıda derinlere indiği için pek çok kadın şiddet mağduru oluyor. Bu endişelerin bir sonucu olarak, Kadına Yönelik Şiddet ve Aile İçi Şiddetin Önlenmesi ve Bunlarla Mücadeleye İlişkin Avrupa Konseyi Sözleşmesi ya da genel olarak İstanbul Sözleşmesi olarak adlandırılmıştır. Avrupa Konseyi'nin özellikle kadınlara yönelik toplumsal cinsiyete dayalı şiddetle mücadele anlayışasıdır. Bakanlar Kurulu'nun İstanbul'daki 121. oturumunda kabul edildi. İstanbul'daki 121. Bakanlar Toplantısı'nda onaylandı. Türkiye aynı zamanda Sözleşmeyi Mart 2012'de onaylayan ilk ülke oldu ve onu toplumsal cinsiyete dayalı şiddeti özel alandan kamusal alana taşıma hareketinin görünür bir amblemi haline getirdi. Ancak Türkiye, ulusta cinsiyet oluşumu açısından istilacı, alçaltıcı ve Türk toplumunun üzerine kurulduğu geleneksel değerlerle bağdaşmaz olduğunu öne sürerek Mart 2021'de İstanbul Sözleşmesi'nden çekilmeyi tercih etti. Ayrıca Sözleşme'nin anlamlı bir iyileştirme sağlamadığını ve hükümetin toplumsal cinsiyete dayalı şiddeti önlemek ve kadınları korumak için uygun ulusal önlemlere sahip olduğunu iddia ediyor. Bu geri çekilme kararına Türk kitlelerinin tepkisi karışık oldu. Bu araştırma çalışması bu nedenle Türk halkının tepkisini analiz etmeyi amaçlamaktadır ve bunu yapmak için sonuç toplamak ve elde etmek için anketler yapmaktadır. Aynı zamanda, Türkiye'nin yıllardır kadına yönelik şiddet konusunu nasıl ele aldığına ilişkin mevcut ikincil verileri de inceler. Bunu yaparken, Tarihselci Teoriye uygun olarak geçmiş kalıpları inceler ve ayrıca Türkiye'nin kadına yönelik şiddet sorunuyla mücadele etme kabiliyetini eleştirel olarak analiz etmek için Türk Ceza ve Ceza Kanunu anlayışını derinlemesine inceler. Kanunları, politikaları ve teorileri kapsamlı bir şekilde inceledikten sonra, çalışma, İstanbul Sözleşmesi'nin yokluğunda iyileştirme için bir yol haritası önermektedir.

Anahtar Kelimeler: İstanbul Sözleşmesi, Kadına Yönelik Şiddet, Kamu Politikası, Mevzuat, Ataerkillik, Feminist Hareketler, Toplumsal Cinsiyetin Anaakımlaştırılması



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INTRODUCTION

This research study is concerned with the issue of Violence against Women and how the Turkish government has played a role in curbing it by utilizing the Turkish legal system. It also sheds light on the road towards the Istanbul Convention that came as a result of numerous civil rights movements and feminist efforts. However, the main focus of the study is to look at the scenario after the withdrawal from the Istanbul Convention and how capable the government and local bodies are to handle the issue of gender-based violence in the absence of such a treaty. The perception of the local masses has been recorded and evaluated for the purpose of this study. This makes the study both primary and secondary in nature as well as qualitative and quantitative. The first chapter of the study goes back in history to record the movements and problems leading up to the signing of Istanbul Convention and later on Turkey's withdrawal from it. The second chapter focuses on building a strong theoretical framework that helps explain and comprehend the social and political phenomena under observation. The last chapter of the study displays the data collected under different variables and later evaluates and discusses the obtained results in detail to answer the query under study.

CHAPTER 1

1. VIOLENCE AGAINST WOMEN AND THE ROAD TOWARDS ISTANBUL CONVENTION

1.1. BACK-GROUND

Violence is a human behavior that is exhibited in different situations of life and it is very likely that every person has either been a victim or perpetrator of such an action. According to UN's World Health Organization, "Violence is the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, which either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation" (World Health Organization, 2013).

Domestic violence, according to Belkin and Goodman (1980), is defined as a family member being subjected to physical abuse by another family member. Violence is usually found inside the home context and targeting women, according to a World Health Organization report from 2002.

One of the most common human rights violations in the world is violence against women and girls. Any act by partners, family, or communities that harms a woman's physical, psychological, or sexual well-being is considered violence against women (Krug, Mercy, Dahlberg, & Zwi, 2002). It is prevalent regardless of any social, economic, or national considerations. Globally speaking, one out of every three women in their life will be subjected to physical or sexual abuse. Violence against women adversely affects the health, dignity, security, and autonomy of its victims, but it continues to be ignored and not talked about. Sexual and reproductive health implications for victims of violence include enforced and unplanned

pregnancies, unsafe abortions, traumatic fistula, sexually transmitted infections such as HIV, and even death.

States have conducted surveys to track the rate of violence against women only to find serious concerns. Physical violence has been experienced by a quarter of all women surveyed while one tenth have survived sexual assault at least once in their life. Sexual and domestic violence by the hands of former partners is suffered by women according to the information gathered and 12-15 percent have stayed in a relationship involving domestic abuse. There is a strong correlation between women who have suffered from domestic violence and their children. Childhood trauma is also common among children who witnessed domestic violence against their mothers. Unlike the overwhelming evidence for violence against women, there is not a lot for violence against elderly and men. (Krug, Mercy, Dahlberg, & Zwi, 2002)

Violence against women is a global societal issue that's becoming worse. According to recent figures, 35% of women globally have suffered intimate relationship abuse or non-partner sexual violence at some point in their lives. An intimate partner is responsible for up to 38% of all female homicides worldwide (Violence against Women, 2013).

1.2. TYPES OF VIOLENCE AGAINST WOMEN

1.2.1. Domestic Violence

Domestic violence is the most prevalent kind of violence. Women's violence is a global issue that affects all cultures, regardless of their level of education, development, or geographic neighborhood. Domestic violence is prevalent and dangerous, but since it is a veiled issue, it is not generally acknowledged (Guler et al., 2005).

Domestic violence is abuse by a person against their partner to gain control over them by exercising constant abuse over them. Domestic violence may include one or a combination of physical, sexual, emotional, psychological, financial,

technological, social, and spiritual abuse. Violence between partners involves ‘one off’ incidents or acts that ‘goes both ways’ and this makes it different from domestic violence. Domestic violence is primarily exercised by men over women, although, men also experience it.

- According to estimates, one in four women and one in thirteen men have suffered from violence by the hands of a partner since the age of fifteen.
- As a consequence of violence, women are more likely to live in fear.

Statistics also reveal that there are more chances for women than men to be killed by a partner. In the period between 2010 – 2014, 121 women in Australia were killed by male partners (current or former) while in the same period 28 men were killed by female partners. (Krug, Mercy, Dahlberg, & Zwi, 2002)

Domestic violence is a big issue in a lot of cultures both in the developed and the developing world. Domestic violence, according to our sociocultural training, is an issue that no one wants to intervene and address. It's like wielding a two-edged blade. It's tough to decide whether to hide or expose the problem since no one knows which is the best strategy to handle it or what the alternative outcomes will be.

Domestic violence becomes a vicious spiral, and you have no idea why it occurs: either because women fear and do not pursue their rights, or because males become enraged when women protest against the abuse.

Robert Audi agrees that violence may include "highly vigorous psychological abuse of, or the sharp, caustic psychological attack upon, a person or animal..." in addition to physical assault. In contrast to physical damage, psychological harm is typically considerably more difficult to identify; physical injury is more obviously noticeable and measurable than psychological harm, which varies from person to person. Furthermore, authorities agree on physical injury criteria more frequently than they do on psychological harm criteria.

People who use violence against their partners and those who are at danger of being abused have all had past violent experiences. According to Altinay and Arat (2007), the most crucial factor influencing a woman's likelihood of being a victim of domestic violence is her own mother being abused by her own father. These women are at danger twice as much as other women. In summary, witnessing violence as a youngster influences the likelihood of men employing violence against their spouses and women being assaulted. This conclusion by Altinay and Arat (2007), dubbed the "violence cycle" in the international literature, is consistent with research conducted in other countries by Tjaden & Thoennes (2000), UNICEF (2000), and Heise & Garcia-Moreno (2002).

Addiction to alcohol and drugs is another cause of domestic violence. People are more likely to be violent against others when they are addicted to alcohol or drugs. The majority of these individuals suffer from personality disorders and mental disease (Aksoy et al., 1999).

Domestic violence is influenced by factors connected to environmental stress. Economic hardship, occupational stress, unemployment, social isolation, and living in large families are all examples of these factors. Probably one of the best known causes of marital violence is financial strain. If a household is experiencing financial difficulties, the members, particularly the men, will be under duress. As is customary, this will result in family members being depressed and violent. Living in large families, particularly with mother in law, is another issue that has been mentioned in past research (Aksoy et al., 1999).

Women who live with their mother-in-law were compared to women who live in nuclear families by Vahip and Doganavsargil (2006). Domestic violence is more likely among women who live with their mother-in-law than among women who live in nuclear families, according to the study. Ministry of the Prime Minister According to the Turkish Institution of Family Research (1998), when families develop, violence increases, particularly when conflicts arise between bride and mother-in-law, which leads to conflict between spouses. It is less likely to witness domestic violence in equality marriages whereas male dominant ones are more prone to it.

This indicates that prevalence of domestic violence seems to be more widespread and accepted in male-dominated cultures and communities.

Domestic violence can also be a result of a scenario where women have more wage or money than their husbands. Women who make more money are at least twice as likely to be physically abused. According to Aksoy et al (1999), 3 out of 10 women in this circumstance face physical assault. The condition in which physical violence is exhibited at its lowest degree is when both couples earn equally.

Women being isolated, especially from their surrounding environment, and domestic violence have a tight association, according to studies conducted in various nations. Physical and social isolation are frequently linked to physical aggression (UNICEF 2000; Johnson 1998). In Turkey, women who marry without their families' permission are often left alone and unable to support themselves. As a result, women are more likely to reveal domestic abuse in this circumstance. To understand violence and its prevalence in Turkey, an extensive and detailed survey was conducted in the Ağrı Province which has been used to generalize or represent the conditions prevalent throughout Turkey. Some data may differ in different provinces but this survey draws the mean picture of women's issues in Turkey when it comes to violence of any kind.

In Table 1 below are the reasons of domestic violence cited by women of Ağrı Province in the official police reports.

Table 1. Incidents of domestic violence reported in Ağrı province

Perceived Reasons	Frequency	Percentage (%)
No reason	15	24.2
After discussion	4	6.45
Alcohol	4	6.45
Neuropathy	2	3.22
Terror	1	1.61
Birthing another girl	1	1.61
Food and housework	5	8.07
Because of children	1	1.61
Relatives (mother in law, sister in law)	9	14.52
Wanting to get divorce	4	6.45

Money	4	6.45
Cheating	7	11.3
Leaving home	4	6.45
Not getting along	1	1.61
Total	62	100

1.2.2. Family Violence

Family violence covers a wider range of scenarios than domestic violence. Violence between partners and family members including abuse against children and elderly are all included under the umbrella term of family violence. Once again, statistics show that predominantly men are guilty of perpetrating family violence against women and children. Abuse before the age of fifteen is experienced by around one in six girls while one in ten boys go through the same.

Number of children who suffered abuse from their father or stepfather is more than double the number of children who were abused by their mother or stepmother. (Krug, Mercy, Dahlberg, & Zwi, 2002)

1.2.3. Sexual Violence And Harassment

Sexual violence is categorized by rape, assault by penetration, sexual assault or causing someone to engage in sexual activity without consent. Sexual harassment is an unwanted act of sexual nature. Sexual violence and harassment are also encountered by women and children outside the confines of their homes. Strangers are responsible for around one in four sexual assaults.

- One in five women and one in twenty men has experienced sexual violence since the age of fifteen
- One in two women and one in four men has suffered sexual harassment since the age of 15.
- Sexual violence and harassment offenders are men majority of the times.

- Mostly child sexual abuse felons are non-familial known men including male foster care givers, family friends, neighbors, doctors, teachers, and religious leaders.

1.2.4. Non-Physical Forms Of Abuse

Non-physical forms of abuse may be considered a subset of domestic violence and family violence. One or a combination of the following are considered non-physical forms of abuse:

- Emotional and psychological abuse
- Social abuse
- Financial and economic abuse
- Technological abuse
- Spiritual abuse
- Stalking

Transgressors may adopt several means of non-physical abusive behaviors to manipulate, coerce, control, threaten and harm women and children. The effect of non-physical forms of abuse can potentially be even more detrimental according to reports by women and children. Women and children who are victims of any kind of abuse face significant and long-term health and wellbeing, economic and social impact. (Krug, Mercy, Dahlberg, & Zwi, 2002)

1.3. VIOLENCE AGAINST WOMEN IN TURKEY

Violence against women being prevalent in many countries only became a topic of public discussion in Turkey due to protests in the mid-1980s against such violence. Percentage of women in Turkey between the ages of fifteen and sixty who experienced violence from their partners is 42% according to the first exhaustive nationwide survey (Turkish Republic Prime Ministry Directorate General on the Status of Women, H. U. I. o. P. S., ICON-Institute Public Sector GmbH, & BNB

Consulting, 2009). It is important to recognize that the actual numbers of sexual violence offences are higher than what is reported (Altınay & Arat, 2009).

Multiple studies on domestic violence conducted throughout the world in the last 15-20 years have shed a lot of light on the dynamics of the issue. According to a World Health Organization research, "between 10% and 69 percent of women reported being physically abused by an intimate male in 48 population-based studies from throughout the world" (Krug et al., 2002). Every 15 seconds, a woman is beaten (Federal Bureau of Investigation, 1991). Females between the ages of 20 and 24 are the most vulnerable to nonfatal intimate partner violence (US Department of Justice, 2006).

Despite the fact that domestic violence is frequent in Turkey and is a global problem, there have been few studies on this topic to study how the issue exists in Turkey. Domestic violence is extremely difficult to address since most incidences of such nature are rarely reported to the authorities (Frieze & Browne, 1989).

Domestic abuse initiatives have been launched in Turkey, particularly since the 1980s. "No Beating" was the first campaign on this topic, which began on May 17, 1987. (Yildirim, 1998). To protect women who are victims of domestic abuse, a legislation was enacted in 1998, and the statute no. 4320 "Law on Family Protection," which was reformed in 2007, marked a watershed moment in the fight against domestic violence (National Action Plan on Domestic Violence Against Women, 2007-2010).

In Turkey research have been conducted in recent years in order to eradicate domestic violence. Addressing the issue of domestic violence is now a government policy, according to a Prime Minister's directive (with publication number 2006/17). A National Action Plan was introduced with this circular. The goal of this action plan was to eliminate all forms of domestic violence against women in our nation, as well as to put appropriate safeguards in place with the help of all parties (National Action Plan on Domestic Violence Toward Women, 2007-2010). Domestic abuse or

violence against women is on the rise in Turkey, despite a number of initiatives and programmes.

The research conducted by the PIAR-GALLUP Company in 1990 can be considered the first study on domestic violence in Turkey. "Women's Problems and Expectations" was the title of the research. According to the findings, 11% of married women dispute with their spouses, and 18% of these women have been abused by their husbands (Kocacik & Caglayandereli, 2009).

Sahika Yuksel conducted a research which included hundred and forty women who sought psychiatric help at Istanbul University Health Center in 1990. According to the findings of this survey, 57 percent of these women had their spouses hit them (Yuksel, 1993). This was Turkey's first research on the psychological impacts of violence. Another research, "Violence Against Women in a Family and Women Delinquency," found that 21.2 percent of women said their spouses abused them (Icli, 1995).

Pinar Ilkcaracan and Leyla Gulcur did a research named "Violence against Women in a Family" conducted in Berlin and Ankara. Psychological violence was the most prevalent kind of violence in Ankara, followed by physical violence, which accounted for 39% of all cases (Ilkcaracan & Gulcur, 1996). MORCATI Women's Shelter and Solidarity Foundation provided another database. According to this, 87.6% of the 550 women who applied to them in the previous three years had experienced physical assault. Emotional violence affected 30.8 percent of them, while sexual violence affected 16.6%.

In a case study conducted in Turkey in 1997, 10% of women (3.5% often and 6.5% occasionally) stated that their husbands had beaten them, while 2.1 percent of men have been exposed to physical violence by their wives often while 1.2 percent of men have been exposed to physical violence on a rarely. Women were exposed to psychological abuse in 89 percent of cases, physical violence in 39 percent of cases, forced sex in 15.7 percent of cases, and economic constraints in 5.2 percent of cases (Gulcur, 1999).

Domestic abuse exists in Turkey, according to a research conducted with married women who applied to the Sivas Cumhuriyet University Medical Faculty Psychiatry Clinic. A research on domestic abuse was conducted with 300 women, who were referred to the clinic. According to the study, these women, aged 16 to 59, were subjected to 57 percent physical, 36 percent mental, 32 percent economic, 30.7 percent sexual, and 29.3 percent verbal abuse (Akyuz et.al, 2002).

The research mentioned above were conducted on a limited basis in Turkey. In Turkey, there were two national studies. These investigations were conducted by the Prime Minister's Institution of Family Research in 1998 and Altinay and Arat in 2007. According to the Prime Minister's Institution of Family Research (Prime Minister's Institution of Family Research, 1998), 34% of physical violence and 53% of verbal violence occurs inside families. Another study found that one out of every two women who have been victims of domestic abuse (two out of every three women in the eastern portion of the country) is attempting to cope with the violence alone. They also won't be able to tell anybody about it (Altinay & Arat, 2007). According to the same survey, the percentage of women who have been exposed to domestic abuse at least once in their lives was 35 percent across Turkey and 40 percent in the east. Domestic violence is far more widespread in Turkey's eastern regions, according to studies.

1.4. FACTORS LINKED TO DOMESTIC VIOLENCE

Cultural norms infused in patriarchy that are embedded in Turkish society is the cause of violence according to an analysis. To narrow down the factors elevating the risk of violence anecological model was used by Kocacik, Kutlar and Erselcan (2007). All the factors at the core of the ecological model such as age, education, and domestic violence in childhood are related to tendency of violent behavior in male partners according to a survey conducted in four Turkish cities. Moreover, in family decisions abused women had no say (Sahin, 2003). Women's employment and domestic violence are inversely related, increase in women's employment rates reduces domestic violence incidents and vice versa. Men often fallback to violent acts when the patriarchal control is threatened by factors like women empowerment

asto them it seems like a way to solve crises of male identity being usually assigned the role of “breadwinners” (Moore, 1994).

Violence against women and cultural norms are closely knit together. Women are considered a symbol of tradition and cultural authenticity in the society. In private sphere including family violence may be culturally justified. Gender-based violence may easily come in public sphere which may start in the confines of home. Perpetrators are awarded reduced sentences or impunity due to the cultural setup while women who put up resistance to the patriarchy face consequences from men. Violence at home is also directly related with the number of children, meaning that more children in family will lead to more violence. (Balci and Ayrançi, 2005).

It can be seen in the table below that financial dependence leads to incidents of domestic violence and if women become financially independent they are really exposed to domestic violence. The data reflects the situation of women in Ağrı Province. Again, Ağrı Province has been used as a reference to reflect the mean situation in all of Turkey.

Table 2. Financial dependence leading to domestic violence in Ağrı province

Employment Status	Frequency	Percentages (%)
Working	6	9.68
Not working	54	87.1
Don't know	2	3.22
Total	62	100

Source: Turkish Statistical Institute 2012

1.5. HISTORY OF FIGHT FOR WOMEN'S RIGHTS IN TURKEY LEADING TO ISTANBUL CONVENTION

'Women are not born, but made,' wrote Simone de Beauvoir in *The Second Sex* (2010). As a result, it's critical to note how they have built changes depending on the developments throughout the history. It's interesting to see how the treatment of

women's rights has changed in Turkey. A review of historical changes in order to acquire a better understanding of the terrain for women's rights and the battle against domestic abuse demonstrates how the fight for women's rights has shaped today's Turkey which also in part led to the signing of the Istanbul Convention. It helps us to see how women's roles are changing in Turkey's political realm.

The history of the Turkish women's movement may be traced all the way back to Ottoman period. Women began to challenge their subservient standing more than a century ago, starting around 1870. They authored books, published journals, organised protests, established organisations, and debated with both orthodox and reformist men of the day. For them, the most essential concerns were "polygamy" and "repudiation," two privileges granted to men by Islamic law.

1.5.1. Main Historical Modifications In The Field Of Formal Politics

Turkey's history of women's rights is very unique, with a quick shift toward secularism and westernization. Women's legal and political standing has changed significantly during the past century.

Beginning with the late Ottoman Empire, when women were restricted to the home and their rights were based on what the shari'ah prescribed (Zilfi 2010). The subject of women initially entered public discourse and became a matter of discussion during the Tanzimat reforms (1839–76). However, despite some discussions on women's rights, little real progress was made (Toledano 1998).

The struggle intensified around the turn of the century, as women's role in the Balkan and First World War politicised the campaign. Women gained some of the rights they had fought for during the war years: in 1914, they were admitted to universities; in 1915, they were permitted to acquire jobs in factories and the public sector; and in 1917, the "family act" limited polygamy.

The essential move from a lack of particular provisions for women to legal equality in the 1924 constitution and the 1926 Civil Code occurred throughout the

Republic's term, beginning in 1923. This modification enforced some limits and took into account some of the demands of the women, enacting a thorough and fiercely combative westernization (Kadioğlu 1994). This meant that, from a Kemalist republican perspective, the only women who could gain from these reforms were those who adhered to the ideal of a "good Turkish woman/citizen" (Ozkaeli 2018). During this era, a number of measures were made to introduce women into the public sphere (Mango 1999). However, it is important to understand that these modifications were not made in response to pressure from women but rather from a male-oriented perspective, resulting to a move from Ottoman patriarchy to Turkish patriarchy, as Yeşim Arat (1989) correctly notes.

In 1935, 18 women were elected to the National Assembly for the first time. They occupied 4.5 percent of all seats in the Assembly, which was one of the highest amounts in the world at the time. Of course, women owed a debt of gratitude to Kemal Atatürk, the republic's founding father. They did, however, pay a high price, which historians frequently overlook. In fact, the new republic became a centralised, authoritarian, single-party state with a leadership that would not accept the lawful presence of any civil-society group. The Turkish Woman's Union (TWU), which served as a link between the Ottoman and republican women's movements, was asked to close operations in 1935. There was no necessity for women's group like TWU, according to Ankara, because women had "full equal status with men."

As a result, it is not incorrect to assert that the fledgling Turkish Republic's women's revolution was the outcome of these fifty years of Ottoman women's action. The introduction of the Civil Law in 1926, as well as the acknowledgment of women's voting and eligibility rights in 1934, were two of the Republic's most significant developments involving women's position. An interpretation of the Swiss Civil Code which was a secular law was created in the form of a new Civil Law that finally put an end to polygamy. As a result, women became the most ardent proponents of secularism in Turkey.

The number of women in the assembly did not rise throughout time, though; it peaked at around 3% during the one-party era (1925–1945) and subsequently fell to

about 1% during the next multi-party era (Arat 1989). Since the start of the twenty-first century, there has been an upward tendency, and at this time, there are 17 percent more women in Turkish parliament than ever before. In terms of women in higher positions, the first female minister didn't take office until 1971, and since the mid-1990s, there have been an increasing number of women who have done so.

These women have primarily run as independent or Justice and Development Party (AKP) candidates. There is just one woman serving in the government out of 17 ministers. She presently holds the typically female cabinet role of Minister of Family and Social Services (Presidency of the Republic of Turkey 2021). Tansu iller, who served as prime minister from 1993 to 1996, is the first female prime minister the nation has ever had.

The dichotomy between the idea that we were the forerunners in bringing women's equality and the low representation of women in politics has historically prevented calls for change, particularly in the Civil Code (Tekeli 1992). Demands for reform didn't start to bear fruit until the 1980s, when the Civil Code was the subject of a lengthy discussion, women's quotas were suggested for party lists, and a Ministry for Women was promised (Tekeli 1992). However, these steps took time to materialize. Turkey joined the CEDAW, an international treaty to end discrimination against women, during this time, although in 1986. (Arat 2010). Considerable modifications to the Civil Code were enacted in 2001, and fresh adjustments to the Penal Code that made significant improvements and addressed certain feminist requests were implemented in 2004.

During AKP's term in administration, from 2002, one of the modifications that garnered the greatest attention and debate was the prohibition on wearing the veil in public institutions, which was abolished in 2013 after significant controversy and mobilization. Additionally, a number of policies were created to promote the inclusion of women in many public spheres (avdar & Yaşar 2020). However, a paradigm change is apparent, shifting from "gender equality" to "gender justice," and a process of "de-Europeanization" is taking place in the way gender is treated with the goal of reviving Turkish identity and traditional roles (Bodur Ün 2021).

1.5.2. Activism: The Other Side Of Demand And Women In Politics

The developments that occurred during the republican era (1925–1945) are temporally defined as part of the first wave of feminism on a global scale. Women, however, were used as a symbol of transformation and westernization (Arat 1989). Legislative reforms and the inclusion of women in public life were started at this time, but as was mentioned in the previous section, these reforms were developed from a male perspective and targeted at a very specific type of woman who would suit the Kemalist Turkish woman ideal.

The second wave of feminism took a little longer to emerge than in the worldwide arena because of the turbulent era that followed the founding of the Republic, as well as the switch to a multi-party system and three coups d'état. The feminist groups saw a window of opportunity to advocate for political reform after the 1980 coup d'état, when parties were shut down and political involvement was vetoed for the individuals in authority (Diner & Toktaş).

Some women's groups started to doubt the rhetoric on gender equality that had been fostered by the ruling class ever since the Republic's founding. The primary concerns in this second wave were, among other things, difficulties with sexuality, the underrepresentation of women in the media, violence against women, and the wearing of the veil. The needs of this era were defined by the maxim "the personal is political" (Keysan 2019). With projects like the Purple Needle (Mor İne) and Purple Roof (Mor at), which had a lot of support from the female public, a promising civil society started to emerge, giving rise to the second wave of Turkish feminism (Diner & Toktaş 2010). The second wave of Turkish feminism is crucial because, for the first time, the female population actually demanded changes. They were able to create research groups, publications, or women's support networks thanks to their organization through a network of associations (Coşar & Onbaşı 2008). The emergence of identity politics in the 1990s marked the beginning of the third wave of Turkish feminism. The creation of new identities for Turkish women during this time was crucial. The third wave was characterized by critiques of Turkish mainstream feminism from the Islamic and Kurdish women's groups (Diner & Toktaş 2010). The

primary complaints came from Islamic women's organizations, who promoted the unrestricted use of the veil as a means for women's empowerment in response to the state's excessive secularization (Keysan 2019). Male dominance in the Kurdish social structure and conventional Turkish feminism's misunderstanding of this social group and its unique issues were the primary complaints of the Kurdish women's movement (Keysan 2019).

In the 1990s, women's groups from all backgrounds lobbied and collaborated to ensure that their interests and demands were taken into account in the harmonisation and adaption of the *acquis communautaire* due to the prospect of Turkey's membership to the EU (Arat 2017). In a same vein, women from Kemalist, Kurdish, and Islamist backgrounds collaborated on the suggestions for the revisions to the 2002 Civil Code (Arat 2010).

Numerous groups in the area started to form following the institutionalization of the feminist movement in the 1990s. There has been a tendency of NGOization of feminism from the late 1990s and the beginning of the 2000s, with an expanding network of organizations and project-based feminism, which has its supporters and significant internal critics (Keysan 2019). The EU's assistance to civil society, which has provided large sums and programs for bottom-up engagement, has contributed to this process in part. Additionally, the discourse shifted in the first ten years of the AKP administration. The party talked more and more about the inclusion and participation of groups in the discussion in an effort to position itself as a representative of civil society (Keysan 2019).

In order to achieve victory, continuous and vigorous struggle in many ways such as lobbying, public debates, petition initiatives, and more striking acts have to be fought. Finally, some significant outcomes were obtained. The state acknowledged the necessity to protect women's bodies from abusive spouses in 1998 when it passed the "Protection of the Family Act."

The Civil Law was modified in 2001. The husband's status as "head of the household" was taken away as a result of this change. In addition, the system of

property ownership has altered. The women's movement was successful in establishing the principle that, in the event of a divorce, the housewife, who provides an intangible but significant contribution to the family's earnings, should be entitled to an equal portion of the property earned during the marriage.

Two phases of the AKP era can be distinguished: the first, from 2002 to 2011, with strong civil society integration, and the second, from 2011 to the present, with a change in discourse and the implementation of policies like changing the Ministry of Women and Family to the Ministry of Family and Social Affairs. Instead of emphasizing gender equality during this time period, societal discourse emphasized and emphasized the role of mothers played by women. The organization KADEM is one example of an organization that only a small number of groups are allowed to participate in policy-making and serve as advisors, according to the civil society (Negron Gonzales 2016). As a result, conflicts between the demands of civil society and governmental policies are occurring more frequently (Keysan 2019).

Changing legislation is an important component of the fight against prejudice, but it isn't enough. However, in terms of legal reform, the women's campaign has been one of the successful civil society movements in the last twenty years. Women's studies sections in universities, women's committees, professional women's organisations, and various groups working on violence, education, poverty, birth control, and other issues, all of which are spread throughout Turkey, come together on platforms specifically for campaigning. This is said to have been the leading if not the only cause to becoming the signatory of the Istanbul Convention.

1.6. TURKEY BECOMING A SIGNATORY OF THE ISTANBUL CONVENTION

Alongside the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women), the Istanbul Convention is at the forefront of the global stage as a leading international human rights treaty that explicitly aims at gender-based violence. The treaty was up for signatures in 2011 after two years of preparation and negotiation and the Turkish foreign minister was the first

signatory. Stressing its full support to eliminate violence against women, the Turkish parliament passed the ratification. The parliament passed Law No. 6284 on gender-based violence and officially ratified the Istanbul Convention on Women's Day, March 8, 2012 to show the political support for it. Feminist activism is the reason Turkey got involved in the Convention which has successfully demanded progressive changes in state structures and legislation over many decades. (Commissioner for human rights, 2021)

1.7. THE ISTANBUL CONVENTION

Domestic violence (better known as the Istanbul Convention) is a key treaty to protect human rights and legally protect women from such violence. The treaty was adopted on April 7, 2011, by forty-seven state members after a movement kick started in the early 90's against it. It was implemented three years later, on 1st August 2014 and governments were bound to follow the articles of the treaty. This has been ratified by thirty-four member states of the Council of Europe and twelve states in the European Union so far who are working to eliminate all forms of violence against women. Interest has been shown by countries outside of Europe.

Violence against women has been defined as a human rights violation by The Istanbul Convention. Women only suffer violence because of their gender, the convention states. They are seen as easy targets for violence because they are not seen as equal.

The Istanbul Convention lists down several kinds of gender-based violence against women that are criminalized (or, where applicable, otherwise sanctioned). These are:

1. Psychological violence
2. Stalking
3. Physical violence
4. Sexual violence (including rape)
5. Forced marriage

6. Female genital mutilation
7. Forced abortion
8. Forced sterilization
9. Sexual harassment

Istanbul Convention also sets out the responsibility to make sure that culture, custom, religion, tradition, or so-called “honor” are not used as justification for kind of violence recognized by it.

All acts of physical, sexual, psychological, or economic abuse that may befall in the family, domestic unit or between former/current partners regardless of the fact the aggressor shares or had shared the residence of the victim are covered in The Istanbul Convention, whether or not the perpetrator shares or had shared the same residence with the victim. The convention requires confirming that the circumstances in which the offence was committed against a former or current spouse or partner, by a member of the family, a person cohabiting with the victim, or a person having abused her or his authority, may impose a tougher sentence either as an aggravating situation or a constituent element of the offence. The convention demands member states to guarantee the safety and support of victims of domestic violence perpetrated by family members, spouses, or intimate partners, regardless of their marital or non-marital status. The convention can and must be applied irrespective of the legal definitions of “family” or “marriage” and recognition, or not, of same-sex relationships (Council of Europe, 2012).

1.8. CONTENTS OF THE ISTANBUL CONVENTION SUMMARIZED

In the first part of the contract, objectives, definitions, scopes and general obligations are listed. In this context, to prevent and eliminate all kinds of violence against women and domestic violence, to establish equality between men and women and to act together with law enforcement in the policies created within the framework of encouraging this and to appoint a monitoring mechanism in the implementation of this contract are among the principles laid down by the contract.

Who is included in the scope of the contract is set out in the second article of the first section. While the Convention attaches special importance to women as victims of gender-based violence, it also includes precautions and policies for all domestic violence victims. Therefore, it expands its content by including children and men who have been subjected to violence. However, it is natural that it attaches special importance to women, based on the social reality that violence against women is more common.

The third article of the first part of the contract consists of definitions. Violence against women is defined in this article as: all gender-based acts and acts that cause or may cause physical, sexual, psychological and economic harm or suffering to women, whether occurring in the public or private sphere, as a violation of human rights and as a form of discrimination against women, threatening, coercion or arbitrary deprivation of liberty.

In summary, the definition of violence is expanded in that it can occur not only physically, but also psychologically and economically in the public or private sphere. Domestic violence is any act of physical, sexual, psychological or economic violence that occurs between former or current spouses or partners, whether within the family or in the household, or whether or not they share the same house with the victim or perpetrator, and gender is considered appropriate by society for women and men, and socially constructed roles, behaviors, actions, and qualities. As another important definition, gender-based violence against women is defined as violence that is applied to women because they are women and that affects women disproportionately.

It is expected that due diligence in acts of violence within the scope of the contract, for which state institutions and organizations are responsible for the prevention of all these types of violence, will be carried out through investigation and punishment mechanisms. The second part calls on civil society to collect data together with the state in order to create an integrated and guided policy in the implementation of this convention.

The third part of the convention lists what needs to be done to prevent violence. In this section, it reveals the elimination of the different practices of the traditions and customs that underpin women's perception as a second gender in the society, and the necessary measures to be taken in order to ensure the change of social and cultural behavior models of men and women. It has been pointed out that new policies should be implemented in the private sector, media and education fields in order to prevent the socially imposed roles and duties on women and men from positioning women hierarchically lower.

The fourth part of the convention on protection and support includes taking the necessary measures to prevent all victims of violence from being exposed to violence again. Shelters, specialist support services, telephone hotlines are included in the scope of the measures. In the fifth part, which is organized under the title of Material Law, it includes the principles of taking the necessary legal measures in order for the victims to apply to legal remedies, the perpetrator's compensation for the damage, and the state's partnership in compensating damages against unmet resources such as social services. Legal or other measures are included under the headings of stalking, psychological, sexual, physical violence, forced marriage, rape, female genital mutilation, forced abortion or sterilization, so-called "honor" killings. In the implementation of these itemized crimes, the relationship between the victim and the perpetrator is not considered. It is recommended that law enforcement agencies provide immediate protection to victims in acts of violence defined under this convention.

In the seventh chapter, under the heading of Migration and Asylum, there are regulations regarding the situation of immigrants who are victims of violence. The eighth chapter contains principles for ensuring international cooperation.

In the ninth chapter, which is determined with the title of monitoring mechanism, the step of forming an expert action group to be formed against violence against women and domestic violence, which will be called GREVIO, is included. This action group, which will consist of at least 10 and maximum 15 members, is obliged to write a report in order to analyze and evaluate the practical deficiencies of

the states that are party to the said convention. In the tenth section, it is declared that the contracting parties do not affect the obligations arising from other international documents containing the provisions regulated under this contract.

In the eleventh chapter, the subject of the amendments in the contract is to forward the proposed amendments to the General Secretariat of the Council of Europe. In the twelfth chapter with the title of last clauses, the articles of the contract that may be subject to reservations and the regulations on the subject of termination are included. It is stated that the country party to the convention can terminate the agreement at any time by a notification to the Secretary General of the Council of Europe (Coincil of europe 2012)

1.9. TURKEY'S WITHDRAWAL FROM THE ISTANBUL CONVENTION

Turkey's Official Gazette announced a presidential decision to withdraw from the Istanbul Convention, the Council of Europe's treaty on preventing violence against women and domestic violence on March 20, 2021. This was not a surprise even though it was sudden given that the convention faced a lot of resistance in countries with right-wing populist governments. On March 22, 2021, Turkey's Communication Directorate released an official statement stating, "The Istanbul Convention, originally intended to promote women's rights, was hijacked by a group of people attempting to normalize homosexuality – which is incompatible with Turkey's social and family values. Hence the decision to withdraw." Turkey is not the only country who has serious concerns about the Istanbul Convention. Six members of the European Union (Bulgaria, Hungary, Latvia, Lithuania and Slovakia) did not ratify the Istanbul Convention. Poland has taken steps to withdraw from the Convention, citing an attempt by the LGTB community to impose their ideas about gender on the entire society." Government officials further justified the decision by arguing that the Turkey's local laws were sufficient to protect women's rights. Erdogan in an action plan meeting held in Ankara said, "Our battle did not start with the Istanbul Convention, and it will not end with our withdrawal from the treaty." "As the fight against violence against women did not begin with this

treaty, so will our commitment not end because we are withdrawing,” he said in response to his critics (Commissioner for human rights, 2021).

1.10. PROBLEM STATEMENT

The government of Turkey, without holding a parliamentary debate on the matter, issued a decree withdrawing the country from the Council of Europe Convention on preventing and combating violence against women and domestic violence (The Istanbul Convention). Turkey was the first country to sign it and now it is the first to withdraw from it. This decision has generated a multitude of responses both socially and politically, and also locally and internationally. Where some countries are considering following suit, many more are condemning this decision. But even though Turkey ratified the Istanbul Convention in 2014, codifying it in national law, this says nothing about its effectiveness. Critics say that the principles established by the convention are not enforced in Turkey anyway. There is now a prevailing uncertainty about the future of women in terms of protection against violence, Turkey's role as a political entity in ensuring their safety and also concern over Turkey's image in the international political arena.

1.11. PURPOSE OF THE STUDY

This study aims to investigate if there is any significance of Istanbul Convention to fight Gender Based Violence as a policy framework for Turkey, and to conduct an inquiry into how the decision of the recent withdrawal from this convention was perceived by the Turkish people, especially the female strata of the society (i.e., the segment of the population directly impacted). In doing so, this study will study the capability of the Turkish government to form legislation to curb Violence against Women, and suggest ways of how it should proceed in the current political circumstances regarding policies on gender-based violence and recommend improvements for the local/national gender mainstreaming policies.

1.12. OBJECTIVES

- To assess the response and, acceptance or rejection by the masses (particularly females) of Turkey's withdrawal from this convention.
- To review the strengths and the weaknesses of Turkish Governance and legislation to tackle VAW without I.C and suggest appropriate recommendations.

1.13. RESEARCH QUESTIONS

- What was the purpose of initiation of the Istanbul Convention?
- What lead Turkey to withdraw from the Istanbul Convention?
- How did the masses, especially the women of Turkey react to the withdrawal decision?
- What steps does the Turkish government need to take to tackle the social and political backlash (if any) after its decision to withdraw from the convention?
- What has Turkey been doing to combat Violence Against Women at a national level?
- How can the efforts to tackle VAW be improved without I.C being in place?

1.14. METHODOLOGY

When it comes to a research work, methodology refers to the systematic, theoretical assessment of the used methods. In this context, a theoretical study of the collection of methods and concepts linked with a particular discipline of knowledge is included. In most cases, it incorporates ideas such as paradigm, theoretical model, stages, and data collection and analysis procedures. It is essential to note that a methodology does not seek to deliver solutions, distinguishing it from research methodologies. It hence, provides the theoretical underpinning for selecting the best potential solution for a particular scenario. (Irny & Rose, 2005).

The topic under discussion is broader in scope, and it has social, political, and economic ramifications. Thus, a more comprehensive strategy is required for its investigation. Given the complexity of the issue and the nature of the data, the “Mixed Method Approach” to research has been employed both for data collection and analysis. For this reason, the “Triangulation of Tools Method” has been employed as the research tool in order to benefit from the advantages of both quantitative validationas and qualitative inquiry as the study requires a statistical representation of the response to the withdrawal from the Istanbul Convention and an indepth, analysis of the Turkish legal System to estimate its effectiveness in combating VAW. Qualitative research reports are usually densely packed with detail, and thus more appropriate choice for some subjects than quantitative research reports (Palmer & Bolderston, 2006). Reason being that quantitative methods are not appropriate when dealing with issues involving people's emotions, feelings, or experiences in general. Thus "if you want people tounderstand better...give them information in the form in which they usually experience it (Lincoln & Guba 1985). However, for a more factual and statistical represenation a quantitative aspect to research was also pertinent for this kind of research hence data has also been statitiacly analysed.

1.14.1. Data Collection

The data collected is both primary and secondary in nature. For the first section of the data analysis, primary data has been collected by giving out closed ended questionairs to the targeted participants. However, at the end of the said questionnaire, an open-ended question has been added to gain more insight into the views and response of the masses to Turkey’s exit from the Istanbul Convention. For the second section of the data analysis, secondary data has been utilized. As this section looks deeply into the Turkish legal system, its laws and the public policies and bills, it makes use of data reports, journal articles, periodicles, research papers and web reports to generate results.

1.14.2. Sampling Procedure

There are two major sampling techniques that are most suitable for this type of research. These are (1) Purposive and (2) convenience sampling methods. Convenience sampling is when the researcher has to recruit participants who are easily approachable, while purposive sampling is the technique when the researcher requires participants who can provide in-depth and detailed information about the issue under study. As convenience sampling is easier yet possesses certain limitations thus the study will opt for purposive sampling. The fact that when humans are engaged in qualitative research, it necessitates the use of informants, and the procedures for selecting informants must be actively debated (Tongco, 2007). The use of purposeful sampling is a practical and efficient strategy when done correctly. It can be just as valuable as, if not more so than, random sampling in some situations. Also, an effort has been made to obtain a sample that appears to be representative of the general population. For this research study, it was pertinent to make sure the participants were Turks, living in Turkey, and predominantly female, belonging to numerous strata of the society, hence the purposiveness of the sampling technique (Elmusharaf, 2012).

1.14.3. Sample Size

The intended sample size for this study is 2 legal analysts from the mentioned fields, 5 social activists, and 98 local Turkish citizens, mostly women. The area chosen to conduct this survey is the Metropolitan city of Istanbul as it has the most diverse population amongst all of the other cities of Turkey hence giving better representation of the Turkish population.

1.15. RESEARCH TOOLS

To investigate the topic from various perspectives, a qualitative approach for data gathering has been used, employing the purposive sampling methodology. When designing surveys or conducting exploratory and descriptive research, interviews are

frequently employed as part of the the process. (Fox, 2009). For the purpose of this research however, interviews are not conducted but, at end of the questionnaire an open-ended question is given to gather further input from the respondents. After thorough study about the various types of questionnaires, it has been decided to use structured questionnaire for the survey therefore a survey technique will be applied for data collection from the common masses.

1.16. LIMITATION OF STUDY

Due to limited access and resources, this research could not conduct the survey on a wider scale which might cause representation error to some extent. Also, due to the covid lockdown in place while this research was being carried out, data from extremely impoverished areas could not be obtained due to restriction of mobility. Therefore, the representation of this segment of the society is somewhat minor in the results.

CHAPTER 2

2. THEORETICAL FRAMEWORK

2.1. INTRODUCTION

The signatory role of Turkey in the historic Istanbul convention back in 2014 and then its decision of withdrawal in 2021 is a multifaceted issue that has attracted international concerns. The current study is multifold, though it aims to investigate the reaction of the masses to Turkey's withdrawal from the Istanbul Convention and what the way forward should be after this decision was put in place, nevertheless the study also focusses on gender discrimination and violence against women. For this reason, a blend of different theories is being utilized as a theoretical framework for carrying the investigation effectively and smoothly.

These theories help us understand the concept of gender discrimination, that leads to violence based on one's gender, and also why some societies tend to be more discriminatory than others. Along with this, these theories have been employed to comprehend the role of the type of governance present in Turkey, how it functions, the legislative system in Turkey and the role of national laws and civil society that has aided in the past and can further aid in the future to tackle the issue of VAW.

2.2. THEORIES TO UNDERSTAND VIOLENCE AGAINST WOMEN

To understand the phenomenon of violence based on one's gender and the discrimination one faces in numerous arena of life, it is pertinent to first dig deep into the structure of the society under examination and then to study concepts linking violent behavior to certain segments of the society. To do so, the sociological theories such as the "Feminist Theory", "Social Learning Theory", and "The Cultural Acceptance of Violence Theory", "Sub-culture of Violence Theory", and "Stress

Leading to Violence Model”, have been used to underpin the underlying reasons that lead to violence against women in Turkey.

2.2.1. The Social Learning Theory

Many theories have attempted to explain why men become violent against women, however there is one theory that is seen as the best way to explain this behavior known as the “Social Learning Theory”. According to this theory, the violent behavior men exhibit is something they have learned from their surroundings. And not only that, it also adds that there are also some contributing factors such as the level of stress in such an individual’s life, his alcohol consumption habits, as well as his economic conditions.

This theory explains that men act a certain way after witnessing that behavior either by observing his family members such as father, uncles or friends, and also the kind of conditions he is exposed to as a child or as an adolescent. This in turn shapes his own behavior with his own wife and other females in his life.” (Murrell, Christoff, & Henning, 2007)

This theory especially puts emphasis on behaviors learned as a child from parents or guardians as mostly children look up to them. They form the idea of how to behave in certain relations on the basis of what they see or experience as a child. This learned behavior is carried on into their adulthood. Hence, research shows, that if a child sees his father or the adults around him abusing women, that becomes a norm in his mind and its more likely that he will exhibit the same behavior in his own relations with females.

The Social Learning Theory goes a step further to suggest that research shows women who have witnessed violence as a child in the form of their mother being abused verbally or physically by their father, or by any other male guardian, tend to seek out partners of a similar nature. They have a tendency to attract men with similar violent traits as this is the behavior, they are most familiar with (Cunningham and Baker online, 2007).

Moreover, children living in environments where abuse is common, they actually feel that abuse and violence is the way to handle most situations because they see it as a conflict resolution method at their homes. This is kind of “positive reinforcement” in a skewed way as from the child’s point of view, being violent resulted in getting the desired outcome and the fight or conflict ended due to it. They feel that is the way to get what you want and to resolve all sorts of misunderstandings and conflicts. (Dutton and Holtzworth-Munroe 1997; Kalmuss 1984).

Other than this, children who grow up in a violent environment, grow up with the beliefs that: being violent enables you to achieve what you desire, a victim - blaming mind-set, hurting others have nonnegative consequences, women are weaker and dumb therefore they can be treated poorly and they deserve it, you can love someone and then be violent to them at the same time, unequal relationships are justified and normal, men are the ones in charge of the household and women are supposed to be subservient to them, women are not entitled to respect from men. (Cunnigham and Baker, 2007)

Media also plays a negative role by desensitizing our youth with violent video games and movies that reflect domestic abuse and men overpowering females. Socially our youth struggles with emotions and become very confused, especially if they do not have a positive, healthy, and stable home environment. In fact, teenage girls may have difficulty establishing healthy relationships; may fear being abused or being abusive in intimate relationships, especially when conflict arises; may avoid intimacy or prematurely seek intimacy and child bearing to escape and create their own support system. (Cunnigham and Baker online, 2007). Extensive research has brought to light that fact that those men who witnessed abuse and violence at a young age, were more likely to end up abusing their own intimate partners (Wareham, Boots, and Chavez, 2009).

If we take the case of Turkey in account, it can be easily observed that these factors are at play as in 2013, the “Hurriyet Daily News Poll” discovered that 34 per cent Turkish men are of the opinion that occasional violence against women is

essential while 28 percent reported that domestic violence is justified as the need of the situation. This reflects at the concept explained in the theory that in most if not all, but certainly in the case of Turkey, such violent tendencies are learned through internalising what is being observed in one's surroundings. This theory has been used for this study to understand why violence exists in the Turkish society before going into the problem of the withdrawal from the Istanbul Convention.

2.2.2. Mainstream Feminist Theory

Patriarchy as a concept has been central to the mainstream feminist theory as it uses this definition to explain the disadvantaged position that women hold in the society that more often than not result in the violence against women and which can and has been objectively measured through numerous research studies. In a patriarchal society, the nature of relationships is male-dominated, in personal one-on-one relations as well as the in the form of the organization or structure of societal relationships. Here men are more powerful in the sense that they are more privileged against women which leads to a skewed power dynamic. This has been described by the mainstream feminist theory as a "system bias against women" (Bergen, 2004).

In such society women are controlled by a code of conduct that is in place to restrict the dressing, travel, job choices, social behavior and choice to choose a partner to marry by the male segment of the society. Non-compliance may result in abuse both verbal and physical abuse, sexual assault, acid attacks and in extreme cases honor-killings and murder.

However, it is true that the second-wave feminists did acknowledge that there started emerging household in the 1960's that were run by women as the head of the family but the society viewed it as an abnormal set-up, one which was not mainstream or a normal way of life but an exception. The Mainstream Feminist Theory further argues that in the recent times, women are heading households and being economically independent but it still comes with being subjected to workplace harassment, being paid less than their male colleagues and encountering the glass ceiling. The underlying theme of the "Mainstream Feminist Theory" is that it is not

the individual men the abuse and perpetuate violence against women, it's the patriarchal society as a whole that makes women be in an oppressed position (Bergen, 2004).

Taking into consideration the societal structure of Turkey, it can be observed that although there are extensive policies in place to ensure gender equality, patriarchal values and norms are still prevalent. Research studies conducted have shown that religiosity, Sunni sectarian identity, Kurdish ethnic identity, right-oriented ideological orientations, and low socio-economic status (low education and income levels) are some of the factors that contribute to allow patriarchal beliefs within Turkey (Sarigil, 2020).

The high frequency of domestic violence in Turkey is attributed to patriarchal attitudes toward women. In Turkey, honor killings are still a common form of interpersonal violence. Around 40% of Turkish women have experienced domestic abuse at some point in their life, far outnumbering figures in Europe and the United States. Turkey was placed 133rd out of 156 nations in the Global Gender Gap Report for 2021. In Turkey, a 2020 research looked into the link between femicide and economic development. It concluded that "whether economic progress decreases femicide relies on other factors: there is a large positive link between women's homicides and education equality and divorce rates in poorer regions, but these correlations are much smaller in richer provinces."

"These findings are consistent with the hypothesis that, while economic growth may not prevent women from being murdered on its own, it might minimize the impacts of male retribution against women who question the status quo," the study stated.

In Turkey, the Covid-19 epidemic had a negative influence on domestic violence. Women reported domestic violence or abuse at a rate of 36% before to the epidemic. With Covid-19, however, this figure has climbed by 38.2%. Despite the Ministry of Interior's claim that domestic violence cases decreased by 7% during the pandemic, a study conducted by Hacettepe University's Institute of Population

Studies found that 14% of participants experienced or heard about an increase in domestic violence since the Covid-19 pandemic began. According to the same study, 72 percent of participants knew where and how to seek help if they were victims of domestic abuse.

The Mainstream Feminist theory helps in understanding the societal structure of Turkey so the data gathered can be understood in light of the preexisting narratives in the minds of the general Turkish population. As can be derived from the information gathered through different studies, the Turkish society still has a large proportion that looks at gender from the lens of patriarchy, even though it should be noted that great changes towards betterment in this same narrative have been witnessed in the recent past.

2.2.3. Cultural Acceptance of Violence Theory

There is a view held by some researchers that a culture which celebrates or glorifies violence has a tendency of manifesting violence in personal spheres of individuals including violence against women. It is believed that societies that are more accepting of use of violence to attain the end goals are likely to exhibit violent behavior in other domains of the society with violence on women unfortunately being one. American society may be used as a template for such a society that celebrates violence in sports, movies and even debated the acceptable use of corporal punishment as late as in the 1990s. (Bergen, 2004)

This theory is further supported by the evidence that whenever the acceptance of violence to achieve goals has decreased there has also been a decrease in violent behavior of the society. If the normal everyday occurrences in Turkey are looked at, it can be observed that it is very common to broadcast robberies, CCTV footages of violence and fights on the road in everyday morning and night shows. There is an overwhelming amount of violence depicted in Turkish dramas, films and in reports of daily news which reflects how common-place and acceptable violence has become which indicates a culture of numbness to violence (Bucak, 2014). This theory too has

been used to understand where, other than old patriarchal norms, is violence against a certain gender being learned from for the purpose of this research.

2.2.4. Subculture of Violence

Certain demographic groups are considered to be more prone to be violent in certain scenarios. This demographic is usually identified as young, lower-class, minority men. In this subculture violence is thought of as a legitimate response and promoted. This will imply that higher classes are less likely to resort to violence when compared to lower ones because it is a norm for this subculture. In such a subculture where women are targets of violence, male groups maintain and propagate customs that justify such behavior. This may be manifested as wife beatings but in some cases, it may even go as far as marital rape or rape in general (Bergen, 2004).

In the Turkish society this group might come in the form of minorities like the Kurdish areas, lower income groups in big cities like Istanbul or extremely impoverished small towns with conservative, traditional norms in place (Bucak, 2014).

2.2.5. Stress Leading to Violence Model

Stress is one of the strongest stimuli that puts individuals' mental strength to the test. When individuals are put under pressure greater than what they can withstand they will resort to violence and intensify it over time. Such behavior makes women in a family unit extremely vulnerable to violence (Bergen, 2004).

Family unit is a setup in which each member is expected to act and behave a certain way. The very nature of this unit makes it a stressor. Depending on socio-economic factors, when the expectations become unreal or unbearable for an individual, they may become violent thinking of it as an appropriate response. Since women are usually the dependent members of the family, they are usually exposed to violence in such conditions (Bergen, 2004).

Turkey's economy grew 11 percent in 2021, the fastest among the G20 countries, as COVID-19-related measures were gradually relaxed in Turkey and abroad. Although Turkey's interest rate cuts from September supported demand, they also amplified macro-financial instability, which, combined with spillovers from the Ukraine-Russia war, will lower 2022 growth to 1.4 percent. Rising energy and food price inflation will hurt the poor the most, compromising a gradual employment-driven, post-pandemic poverty recovery.

Moreover, the Turkish economy experienced an exchange rate crisis in the second half of 2018 that resulted in weak growth performance in 2019. By early 2020 the economy had started to recover, just as it was hit by the COVID-19 crisis in the second quarter of the year. However, Turkey was among the few countries with a positive growth performance in 2020 (at 1.8 percent), on account of a sizable credit push by the Government. Turkey's growth accelerated to the highest rate among G20 countries in 2021 (at 11 percent) as COVID-19-related measures were gradually relaxed in Turkey and abroad and authorities loosened monetary policy.

Nonetheless, the monetary stimulus also caused deteriorating macro-financial conditions. The lira depreciated to record lows and inflation rose to record highs, with the former reaching a peak of 18.00 to the U.S. dollar on December 20, 2021, and the latter reaching 61.1 percent year-on-year in March 2022. External and fiscal buffers deteriorated as the Central Bank dipped into foreign reserves to support the lira and the Government deployed tax rate reductions and fuel subsidies to dampen the impact of inflation.

The Russian invasion of Ukraine is amplifying the headwinds facing the Turkish economy. Given Turkey's close economic ties to both Russia and Ukraine, the war is expected to disrupt Turkey's energy and agricultural trade, tourist arrivals, and overseas construction activities. Price spikes of essential commodity imports will directly affect households and industry and adversely impact the current account balance and inflation. Low-income households in Turkey are especially affected as they spend nearly twice as much of their budget as the wealthiest on food and housing.

Economic crises are well-known for having terrible societal implications. Countries that have been plagued by economic crises have seen substantial increases in unemployment and poverty, as well as a decline in standard of living (Ching, 1999). Economically challenged couples have higher levels of stress, tension, and marital conflict, as well as lower marital quality, according to research. Additionally, couples that experience a quick commencement of economic difficulties, such as a drop in income or an unexpected job loss, face greater financial burden and, as a result, reported experiencing more marital issues (Conger, Elder, Lorenz, & Simons, 1994).

Turkey's economic recession has resulted in substantial drops in economic production, currency depreciation, and a severe increase in unemployment. Countless households saw their monetary well-being plummet as employees lost their jobs, salaries and wages payments were disrupted or decreased, and a weakening currency slashed real revenues (Senses, 2003). Because women are typically the family's most financially dependent members, they are frequently subjected to violence in such situations. Thus, according to the "Stress Leading to Violence Model", Turkey is a prime example where stress, especially economic in nature, has resulted in an increase in the incidences of violence against the females of the society. This theory helps us understand why withdrawing from the convention at the time of the pandemic might be one of the factors why the decision faced a backlash, and why/if the timing of this decision could have been chosen with more deliberation.

2.3. THEORIES TO UNDERSTAND THE POLITICAL, CONSTITUTIONALS AND LEGAL ASPECT

Certain theories have been employed in this study to understand the governance aspect of the decision to become a signatory of the Istanbul Convention and then to withdraw from it. This analysis considers the "Gender Equality Mainstreaming Thesis", The "Equality Stool Model" and "The Incremental Model in Policy-Making" to focus on the political side of dealing with VAW. These theories have been narrowed down as they paint the most appropriate and relatable picture of the governance structure present in Turkey, hence aiding in understanding the

response of the government and then in turn the response of the general population to the withdrawal from the Istanbul Convention.

2.3.1. Gender Mainstreaming Model

The EU and other international organizations have offered a philosophy that strives to "promote gender equality in all activities and at all levels of public policy" (European Commission 1996). Despite being chastised for being overly technocratic, the method explained by the "Gender Mainstreaming Model" is the most beneficial when looking at gender from a political, public policy, and macro-level standpoint (Daly 2005).

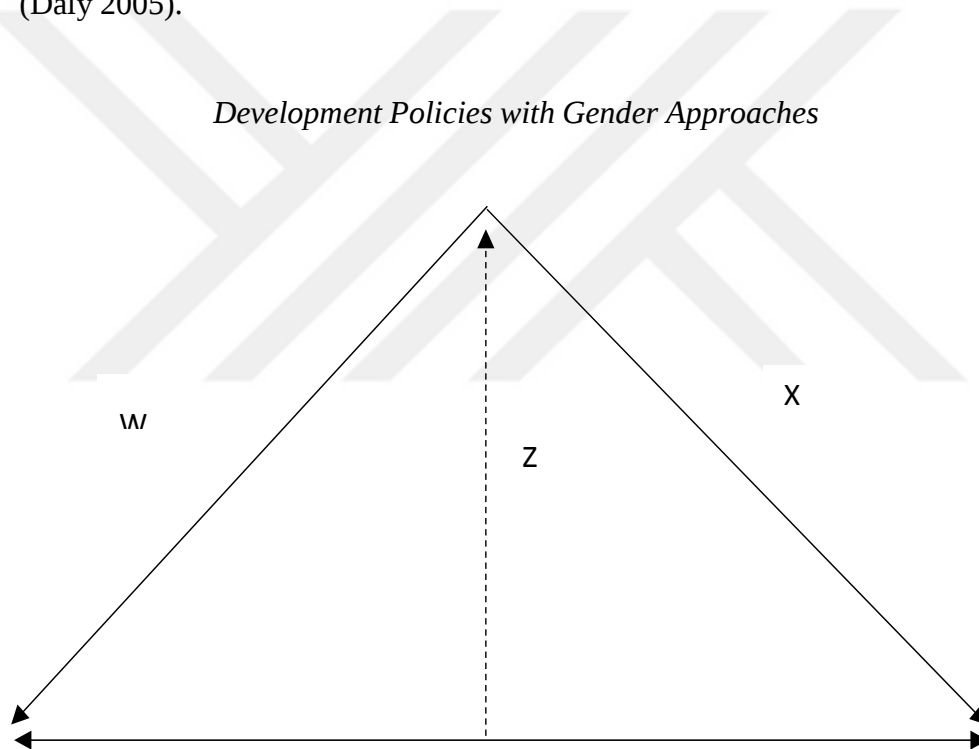


Figure 1. The Symmetric Relationship between Development Policies with Gender Approaches, Women and Men.

The diagram above depicts the "Gender Mainstreaming Model", which is in the shape of a triangle. The middle arrow labeled as "Z" is of importance to us for this research. It represents the potential back-lash the gender mainstreaming and gender

equality policies might receive as most emphasis is placed on the arrow W and arrow X. Where X represents women and Y represents women coming together due to policies of gender mainstreaming to curb the effects of gender inequality. The arrow Z can actually render many public policies and gender mainstreaming programs useless or less effective if this issue is not addressed. This explains the need for a thorough understanding of all elements involved when creating policies or taking decisions related to gender vulnerabilities.

It also makes a point to shed light on how some men might feel agitated and turn more aggressive as a result of some policies, making said policies a reason for increasing the vulnerability of women. It helps in understanding why and how some programs and decisions actually have an adverse effect than what was anticipated. This way it acts as a helpful tool to be utilized by policy makers and also researchers studying this phenomenon to understand what steps need to be taken in order to reduce the effect of arrow “Z”.

This model is well suited when attempting to understand development policies with the objective of gender mainstreaming effects on both men and women and not women alone. This model can also be used in creating justification for an in-depth interpretation and understanding of the gender-based problems, as well as to make clear a balanced association regarding gender mainstreaming and the subsequent impact of this on men and women alike. It is of great importance to note that gender issues regarding females can not be understood alone and separately of other factors and this model helps bring them into consideration as here men are also brought into the picture and how certain policies might actually play a negative role.

For the purpose of this research this model has been utilized to understand the Istanbul convention and how this legislative framework resulted in backlash at the part of the right-wing political proponents and religious factions as well as some percentage of men. It should be noted that the arrow “Z” over here for this research not only indicate men and their agitation, but also the backlash from other segments of the society like mentioned earlier. It will also be used to come up with interpretations of how the future policies should be shaped and what the policy makers need to keep in

mind when coming up with new action plans to address violence against women so that the effects of arrow “Z” can be minimized. (Daly, 2005)

The question then becomes why Turkish women legislators have not taken use of their position to collaborate on problems impacting women's empowerment, despite having the greatest level of representation in the Turkish nation-state. The answer lies in the institutional components – such as party and electoral processes, as well as the candidate-nomination methodology – that are thought to have aided Turkish women's participation in parliament thus far, as well as the cultural and political dynamics – such as rigid partisanship, clientelism, high political divisiveness, and the right-wing alliance's majoritarian and uncompromising attitude – that have hampered women's participation in parliament.

Political representation of marginalised groups, such as minorities and women, is both necessary for democratisation and a means for defending their rights. Women who are represented by women are more politically motivated, participate more in political concerns, and have a stronger feeling of political efficacy and competency, according to studies. (Atkeso Carrillo, 2007)

2.3.2. The ‘Equality Stool’ Model

Booth and Bennett’s three-legged equality stool hypothesis (Daly, 2002), which offers to analyze the condition of gender equality based on public policies, legislation, and discourses, is especially significant from this perspective. To understand gender-based policy making and implementation in its true essence, a holistic approach to analysis is what many researchers have recommended as it has been established that individually the effects and key factors contributing to a strategy’s success or failure do not portray the true picture. Booth and Bennett’s “Three-legged Stool Model” lets us look at the gender mainstreaming concept as something complex and intertwined with more than one aspect instead of over simplifying it. The comparison to a three-legged stool makes it clear that any gender mainstreaming policy relies heavily on three legs; the gender perspective, equal treatment perspective and the women’s perspective. (Bennett et al., 1998).

The “equal treatment perspective” defines activities that pledge females similar civil and human rights as well as equivalent prospects as men in the public sphere. Its core mode of delivery is via legislative and binding legal instruments. The women’s perspective stimulates initiatives that distinguish women as a disadvantaged stratum of the society, and this segment of the society requires special consideration and dedicated facility who deserve and require specific treatment and specialist provision with the intention of remedying their former experience of discrimination. Last, but not the least, the gender perspective aims at reforming the structure of the society in a way that it becomes more just in providing basic civil and human rights across genders. It recognized the uniqueness of both genders and tries to formulate idea based on the on the knowledge that men do not deliberately oppress women but it has to do with the social structure that assigns them this role in most cases. The way the gender perspective is put in practice is by incorporating new apparatuses to ensure that the policy-making process is more gender-sensitive.

Coming back to the visualization of these three perspectives coming together to form the three- legged stool, it can be emphasized that each of these legs play a crucial role in supporting the weight of gender equality in the social structure. It also points at how these three perspectives work simultaneously towards achieving this goal.

However, it has to be kept in mind that the three legs are never (in most cases) equal. Due to the everchanging nature of history, the legs are in different proportions when it comes to equality, depending at the time, location and type of government in place. The goal of the governments in place has to be to make these “legs” equal in order to balance the gender inequality issue. If the example of European Union nations is considered, it can be observed that the gender-sensitive policy making tools are quite new and they are still on their way to achieving gender equality due to some conservative political groups being active in the policy influencing positions, an example of which is the way they are still struggling with equal representation and participation of diverse groups in their society. Most if not all, initiatives taken to uplift the position of women in the society depends on legal precedents and positive actions that are used as incorporating gender awareness in organizational, legislative,

social structures as well as the procedures being under taken or that are being planned for the future. (Duncan, 1994)

The political representation of disadvantaged groups, such as minorities or women, is both critical for democratization and a tool that such groups can use to protect their rights. Studies of women's political representation show that women who are represented by women are more politically interested, participate more in political matters, and have a greater sense of political efficacy and political competence. (Atkeson Carrillo, 2007)

When considering the case of Turkey, it is worth noting that this stool has never managed to have all of its 'legs' at the same. Greater equality was attained throughout the mid-1990s during the initial phase of the AKP government. With the modifications to the Civil and Penal Codes, the establishment of particular government policies primarily focused on the demands of women's rights movements, and the engagement of national NGOs and international organisations, a greater number of legislative measures were adopted during this era. As a result, the 'three legs' evolved in a little more harmonic pattern throughout that time. Other phases, on the other hand, have a less balanced growth or evolution. That was the case during the studied era, which ran from the Republican Era to the 1980 coup d'état, when the 'leg' of affiliations and ideologies formed at a slower pace. This 'leg,' on the other hand, has been greatly developed from the 1980s to the current time, with quick developments and ramifications, something which explains and clarifies the state's contemporary disputes.

2.3.3. The Incremental Model in Policy-Making

The “Incremental Model” explains that when a decision needs to be made, in our case, a political decision, it needs to be based on facts and authentic and factual information. However, that is not possible in most cases, hence the policy makers, or politicians tend to make decisions that are not absolute and final, or looked at as a “one-time policy”. Instead, they believe that the policies they form should be thought of as something that can be later changed or altered, therefore the way policies and

bills are formulated or structured is that further review and reevaluation is possible allowing a room for change. This is called “incrementalism”.

Due to this “incrementalism”, policy making becomes a continuous process and the policy-makers can change their stance or position on the basis of the ever-changing feedback they receive for their previous policies or the new information that is provided.

According to the “Incremental Model” emphasis is laid on the policy-making process to be highly flexible. The policy makers according tend to make policies that can be altered depending on the changing circumstances. Moving away from one’s initial beliefs to a different agenda is not seen as being unreliable but as the need of the time. According to the incremental theory it is believed that changing times, demands a change in the policies as well otherwise the results are not going to be very productive. Politicians for example may take back a decision and retrace their steps. As can be seen in the case of the withdrawal from the Istanbul Convention by the current government of Turkey. (Nitisha, 2009)

In conclusion, for the purpose of this study, the sociological theories and political and governance theories explained in this segment have been employed to interpret the data gathered. In the next section, extensive data has been generated with the help of closed-ended questionnaires, an open-ended recommendation section in the questionnaire, and then a secondary data analysis has been conducted through the method of “Historicist Approach” and the critical analysis of the present legal tools. These theories have been used as helping tools to explain the phenomena that has been uncovered while generating the results.

CHAPTER 3

3. DATA ANALYSIS AND INDEPTH DISCUSSION

3.1. INTRODUCTION

Developing a quantitative method to measure a qualitative phenomenon is not alien to scholars and researchers (see, e.g., Tyler, 1984; Johnson & Sigler, 2000; Botero & Ponce, 2011; Javed and Liu, 2017). In the current study a hybrid method that is primarily quantitative and secondarily qualitative has been used. Data collection and the interpretation of the results are the most important parts of this study. First of all, respondents are given a small briefing on “What is the Istanbul Convention?” using the official synopsis/summary of the transcript of the bill (qualitative part of the survey). It is ensured that the surveyor does not reveal his/her own perception of the bill on the respondents while doing so. Afterwards they are given a questionnaire to fill (quantitative part of the survey).

It contains all close-ended questions (except for one open-ended question at the very end). Managing data and then data analysis using established statistical method is easier for the responses obtained through close-ended questions that is why open-ended questions have been avoided.

SPSS software has been used for data analysis. Questionnaire was sent to 155 respondents in the two chosen districts of Istanbul, out of which 105 were properly filled and shortlisted for data analysis. Taking 5% margin of error, 95% confidence interval and 88.6% response distribution, the sample size is calculated to be 155. The formula for sample size calculation is given below:

$$x = Z(c/100)^2 r(100-r)$$

$$n = N x / ((N-1)E^2 + x)$$

$$E = \text{Sqrt}[(N - n)x / n(N-1)]$$

Where E is margin of error, N is the size of the population, Z(c/100) is the critical value, r is the response fraction, and confidence level is c. The response rate was adequate thus confirmed the validity of the instrument.

Here it is worth mentioning that since there were no questionnaires already available in the literature to measure the phenomenon under study that fit exactly to this study, a new questionnaire is developed using different relevant research items taken from different published studies and previously present questionnaires with some modification. After pilot survey, their reliability (Cronbach's alpha) was calculated and the items with low reliability were dropped. Then using the remaining items, surveying was initiated. It is ensured that not only overall reliability of the questionnaire should be +0.75 but the reliability of each research item/question should also be over this threshold value.

3.2. DATA ANALYSIS: SECTION A

3.2.1. Demographic Analysis

As depicted in Table 3, a total number of 105 individuals from Turkey participated in the survey. Out of 105 participants, 42 (40%) were between the age of 18-24 years, 49 (46.7%) were between the age of 25-34 years, whereas 14 of the participants were above the age of 34 years. As shown in Table 3, 13.3% of the participants were male, whereas 86.7% of the participants were female. About 69.5% of the participants were single, whereas only 21.9% of the participants were married. Moreover, most of the participants (65.7%) were having bachelor degree as their highest education level, whereas 20.9% of the participants were having postgraduate degrees. The respondents were also asked about their social status. As shown in

Table 3, most of the participants (81%) were from medium social status, whereas only 6.7% of the participants were from high social status.

Table 3. Demographic Factors

Characteristic	Frequency	Percentage
<i>Age</i>		
18-24 years	42	40.0
25-34 years	49	46.7
35-44 years	09	8.6
45-54 years	05	4.8
<i>Gender</i>		
Female	91	86.7
Male	14	13.3
<i>Marital Status</i>		
Divorced	05	4.8
Married	23	21.9
Never married	04	3.8
Single	73	69.5
<i>Education</i>		
High school	09	8.6
Associate Degree	05	4.8
Bachelor Degree	69	65.7
Postgraduate Degree	22	20.9
<i>Social Status</i>		
Low	13	12.4
Medium	85	81.0
High	07	6.7
<i>Total</i>	105	100.0

The participants of the study were asked about "Istanbul Convention", a human rights treaty of the council of Europe for violence against women and domestic

violence. The findings revealed that 97.1% of the participants were aware of or had prior knowledge of the "Istanbul Convention" which can be seen in the graph below.

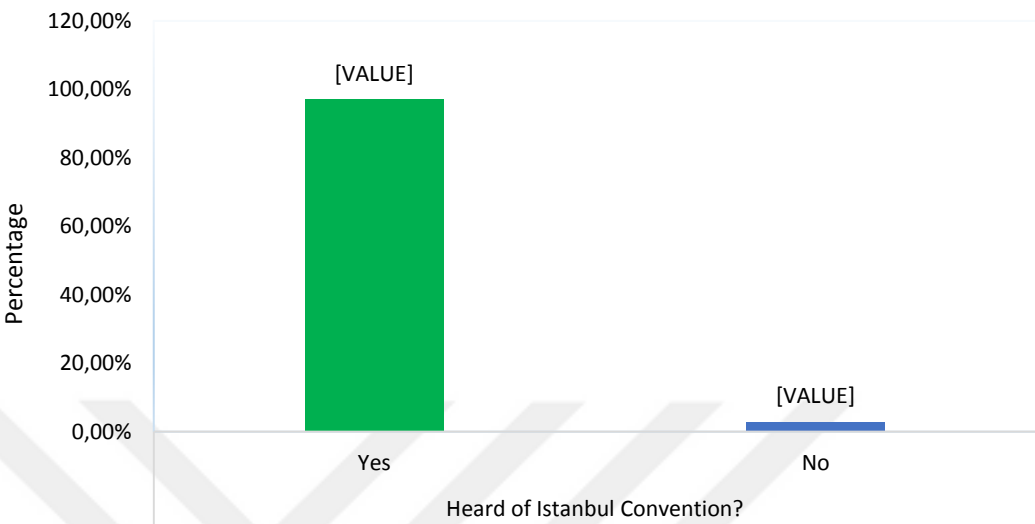


Figure 2. Awareness About Istanbul Convention

The responses were collected through a Likert-scale questionnaire. The respondents of the study were given five options ranging from strongly disagree (1), disagree (2), neutral (3), to agree (4), and strongly agree (5). Hence, the mean scores are calculated from 1 to 5. The below table shows the mean scores of the different questions asked during the online survey.

3.2.2. The Role Of Education

According to a recent study conducted by United Nations, education plays a key role in spreading awareness and this new found knowledge in turn is extremely pertinent when introducing new legislation and making it effective and accepted by the people. Political awareness is required for an individual to better grasp the government's activities and choices. Citizens should develop political awareness since they will invariably be involved in the political process, whether as a voter, a candidate, or an official. (Public awareness and education, 2010). As can be seen in the responses given by the participants of our study, a very high percentage gave affirmative answers when inquired about having known what the Istanbul

Convention is. This is an indication that in Turkey, more people are aware of the political happenings than those who are not. However, another point to be noted here should be that most people who responded to the survey were graduates. This sheds light on the fact that the more educated the population, the more aware and involved it is in public policy and legislative procedures that makes it easier to move towards development in various aspects. (Public awareness and education, 2010)

Tablo 4. Mean Scores of the Items

Item	Mean Score	SD
1. Istanbul Convention is an important tool in efforts to stop men's violence against women.	3.93	1.303
2. During the short period that the Istanbul Convention was imposed in Turkey, it has had a positive impact on curbing cases of violence against women.	3.35	1.344
3. There is no hidden agenda to the Istanbul Convention and its sole purpose is to combat violence against women.	3.86	1.267
4. Turkey's decision to withdraw from the Istanbul Convention was rational and necessary.	1.97	1.274
5. The decision to withdraw from the Istanbul Convention during the Covid-19 pandemic was justified.	2.01	1.305
6. The Istanbul Convention tries to normalize homosexuality and advocates for the LGBT community which is incompatible with the social and family values of Turkey.	2.58	1.466
7. Istanbul Convention advocates for homosexuality by using terms like gender, sexual orientation, and gender identity.	2.63	1.375
8. The Turkish government is capable to create a legal framework in place of Istanbul Convention to prevent and fight for violence against women and domestic violence.	2.98	1.380
9. Istanbul Convention is not a threat to the concept of traditional family structure.	3.88	1.253
10. Istanbul Convention is not a threat for the social and family values of Turkey.	3.89	1.250
11. Istanbul Convention does not affect national civil law and rules on marriage in any way.	3.52	1.279
12. The government of Turkey should reconsider the decision of withdrawal as a matter of highest priority and by all possible means.	4.05	1.196

As shown in Table 5, the findings of the study revealed that 22.9% and 47.6% agree and strongly agree with the statement that “Istanbul Convention is an important tool in efforts to stop men's violence against women.”

Table 5. Istanbul Convention is an important tool in efforts to stop men's violence against women.

	Frequency	Percent
Strongly Disagree	9	8.6
Disagree	8	7.6
Neutral	14	13.3
Agree	24	22.9
Strongly Agree	50	47.6
Total	105	100.0

3.2.3. The Role Of Gender

Table 6. Responses based on gender (1)

		Item 1	Item 2	Item 3	Item 4	Item 5	Item 6
Female	Mean	3.97	3.37	3.89	1.92	1.97	2.57
	N	91	91	91	91	91	91
	SD	1.312	1.363	1.303	1.276	1.303	1.492
Male	Mean	3.71	3.21	3.64	2.29	2.29	2.64
	N	14	14	14	14	14	14
	SD	1.267	1.251	1.008	1.267	1.326	1.336
Total	Mean	3.93	3.35	3.86	1.97	2.01	2.58
	N	105	105	105	105	105	105
	SD	1.303	1.344	1.267	1.274	1.305	1.466

Table 7. Responses based on gender (2)

		Item 7	Item 8	Item 9	Item 10	Item 11	Item 12
Female	Mean	2.60	2.95	3.93	3.92	3.53	4.05
	N	91	91	91	91	91	91
	SD	1.397	1.393	1.263	1.267	1.302	1.242
Male	Mean	2.79	3.21	3.50	3.64	3.50	4.00
	N	14	14	14	14	14	14
	SD	1.251	1.311	1.160	1.151	1.160	.877
Total	Mean	2.63	2.98	3.88	3.89	3.52	4.05
	N	105	105	105	105	105	105
	SD	1.375	1.380	1.253	1.250	1.279	1.196

As shown in Table 6, item 1, which is “Istanbul Convention is an important tool in efforts to stop men's violence against women.” The mean score of female participants is 3.97, which is more than that of male participants ($M = 3.71$). Thus, it can be concluded that male participants less favor the above statement as compared to female participants.

This result can be easily explained with the help of “The Mainstream Feminist Theory” whose core argument is that women are oppressed by patriarchal system as a whole, not by individual males who abuse and perpetrate aggression against them. In Turkey, patriarchal attitudes toward women are cited for the higher incidence of domestic violence (Bergen 2004).

Considering Turkey's socioeconomic structure, it's apparent that, despite numerous regulations promoting gender equality, patriarchal beliefs and traditions persist. Religion, Sunni sectarian affiliation, Kurdish ethnic identity, right-oriented ideological inclinations, and poor socio-economic position (low education and income levels) are all elements that lead to the acceptance of patriarchal attitudes in Turkey, according to studies conducted. This can be reflected in the responses given here as it can be clearly seen that men are less in favor of legislation such as the

Istanbul Convention and most probably any other local policies as well that are aimed to target the issues of women especially related to men.

Table 8. The Turkish government is capable to create a legal framework in place of Istanbul Convention to prevent and fight for violence against women and domestic violence

	Frequency	Percent
Strongly Disagree	23	21.9
Disagree	15	14.3
Neutral	24	22.9
Agree	27	25.7
Strongly Agree	16	15.2
Total	105	100.0

3.2.4. Capacity To Form Better Domestic Policies

As can be seen in the responses to the question, “The Turkish government is capable to create a legal framework in place of Istanbul Convention to prevent and fight for violence against women and domestic violence.” Majority of the respondents agreed that the Turkish Government is indeed capable of having strong enough national laws and policies to combat violence against women. This is contrast to the disapproval in the previous queries. This only further emphasizes that the government can and will manage the issue of violence against women, and the population has faith in it too, however, before taking such a huge step forward, the government should have built confidence in the masses by gradually infiltrating this idea and by way of spreading awareness and knowledge regarding the leaps and bounds by which it actually is improving its national legislation and implanting bodies (which will be discussed in the next section) (Nitisha, 2009).

A historical perspective is required to comprehend or portray the current condition of gender politics as mentioned earlier in the theoretical framework

section. To understand the current situation and how it came to be, it is critical to look at the history and important milestones that women in politics in Turkey have experienced and achieved. It is impossible to comprehend today's discussions without examining the republican period, various feminist waves, or the AKP times, among others, and seeing how the image of women has been built and dealt with in politics at each of these phases.

As a result, we can see how gender politics and feminism in Turkish politics have changed dramatically over the previous century, shifting from Ottoman patriarchy to Turkish patriarchy and from women's rights advocacy to organized action. There were numerous periods in the treatment of women throughout the Turkish patriarchy, from male-oriented Kemalism to the introduction of women's demands, the organization of Islamist and Kurdish women, and lastly, a growing tendency of NGOisation toward civil society engagement in politics. However, as this research has demonstrated, there has been a shift in the government's gendered rhetoric from 2011 to now (Keysan, 2019), as well as a tendency of increased complexity with additional domestic and international players.

Following Booth and Bennett's (2002) technique for mainstreaming gender equality analysis, it can be shown that the three-legged equality stool has never managed to have all of its 'legs' at the same time in the Turkish example. However, greater equality was gained in the mid-1990s and throughout the initial phase of the AKP government. With modifications to the Civil and Penal Codes, the creation of particular public policies focusing on the demands of women's movements, and the engagement of national NGOs and international organizations, a greater number of legislative measures were adopted during this time. As a result, throughout that period, the 'three legs' evolved in a little more harmonic design. Other times, on the other hand, have a less pronounced trend.

Other periods, on the other hand, have a less balanced growth or evolution. That was the case during the studied era, which ran from the Republican Era to the 1980 coup d'état, when the 'leg' of associations and discourses formed at a slower pace. This 'leg,' on the other hand, has been greatly developed from the 1980s to the

present day, with quick developments and ramifications, something that explains and elucidates the country's contemporary disputes. As a result, we may use this analytical method to capture and explain the dynamics and patterns of gender mainstreaming transformation.

However, there is a fresh remaking of the female figure as a result of the present government discourse, which seeks gender justice rather than gender equality. As a result, there are certain conflicts between the expectations of the public and the demands of the private sector. Despite all of these reservations, it can be easily said that Turkey has, and still is transforming and amending its policies to better support the needs of the female strata of the society hence the faith of the populace in the government being able to manage even without a treaty like the Istanbul Convention.

3.2.5. Acceptance Of Decision

Table 9. Turkey's decision to withdraw from the Istanbul Convention was rational and necessary

	Frequency	Percent
Strongly Disagree	55	52.4
Disagree	22	21.0
Neutral	11	10.5
Agree	10	9.5
Strongly Agree	7	6.7
Total	105	100.0

As depicted in Table 9, findings reflected people's opinion on what they think of the decision of withdrawal from the Istanbul Convention. 73.4 percent of the respondents felt that the decision to withdraw from the Istanbul Convention was not rational and necessary. This is a particularly important question as it sheds light on how the government handles instances where a policy change is required and the process it adopts to introduce the new amendment. Such instances are

justified by the “Incremental Model Theory” which explains that policymakers or leaders make policies not as a one-time decision, but it is actually a flexible process and when and if the need arises (taking the changing circumstances into consideration), stateheads or policy makers have the leverage to make amendments to existing policies or reverse the decision like in the case of the withdrawal from The Istanbul Convention. Policymaking becomes a continual process as a result of this "incrementalism," and policymakers can adjust their attitude or position based on the constantly changing response they receive for past policies or new information that is presented. (Nitisha, 2009)

However, this only justifies the withdrawal aspect of the decision. What is also of equal weightage is how the government brings about these changes so that the population is accepting of it and does not feel that a decision has been imposed on it. (Nitisha, 2009)

To explain the last part mentioned in the previous paragraph, it is of utmost importance to notice the answers to subsequent questions of whether the I.C poses a threat to the traditional family system and whether it promotes homosexuality. The responses to these questions show that the masses do not agree with the stance of the government that I.C poses a threat in these areas. In order for the government to have a smooth transition from being a signatory to I.C and then the first one to withdraw from it, the population needs to be swayed in their favor by first spreading awareness regarding understanding of the decision, and then by providing the people of Turkey with a strong sense of trust in themselves that the government is equally capable of handling its domestic issues without the need for an international treaty such as the I.C.

3.2.6. The Role Of Social Status

As shown in Table 10, item 1, which is “Istanbul Convention is an important tool in efforts to stop men's violence against women.” The mean score of participants of low social status is 4.07, of medium is 3.93 and those with high social status reported mean score of 3.71. Thus, it can be concluded that as the social status

increases from low to high, the agreement of the participant's decreases as well. People with low economic background have high favor for the above statement as compared to people from medium and high social backgrounds.

Table 10. Responses based on social status (1)

Social Status		Item 1	Item 2	Item 3	Item 4	Item 5	Item 6
Low	Mean	4.07	3.79	4.00	1.71	1.93	2.71
	N	14	14	14	14	14	14
	SD	.997	1.251	1.240	1.267	1.385	1.541
Medium	Mean	3.93	3.29	3.85	2.01	2.04	2.57
	N	84	84	84	84	84	84
	SD	1.378	1.376	1.303	1.275	1.321	1.475
High	Mean	3.71	3.29	3.71	2.00	1.86	2.43
	N	7	7	7	7	7	7
	SD	.951	1.113	.951	1.414	1.069	1.397
Total	Mean	3.93	3.35	3.86	1.97	2.01	2.58
	N	105	105	105	105	105	105
	SD	1.303	1.344	1.267	1.274	1.305	1.466

Table 11. Responses based on social status(2)

Social Status		Item 7	Item 8	Item 9	Item 10	Item 11	Item 12
Low	Mean	2.57	2.50	4.07	4.07	3.93	4.00
	N	14	14	14	14	14	14
	SD	1.342	1.454	1.141	1.141	1.072	1.177
Medium	Mean	2.65	3.07	3.85	3.86	3.45	4.05
	N	84	84	84	84	84	84
	SD	1.393	1.378	1.303	1.291	1.321	1.221
High	Mean	2.43	2.86	3.86	3.86	3.57	4.14
	N	7	7	7	7	7	7
	SD	1.397	1.215	.900	1.069	1.134	1.069
Total	Mean	2.63	2.98	3.88	3.89	3.52	4.05
	N	105	105	105	105	105	105
	SD	1.375	1.380	1.253	1.250	1.279	1.196

This observation can be best explained with the concept of “Political Legitimization” that by Martin Seymour Lipset, according to which the

economic development, another condition pertinent to the existence of a more stable political system is the “Political Legitimacy” of the governing group. He claims that a ruling party or group can only be legitimate and effective if they are accepted by the masses and chosen by the masses. (Diamond, 2006)

He also added that strong institutions are a prerequisite to have a stable and sustainable political system. He claims that by having a high economic standard, better educational and political institutions, leads to democratic and stable political systems. Without these, it is not possible to acquire legitimacy. It was concluded that the factors essential for legitimacy and effectiveness that in return facilitate democracy were; educated masses, low income disparity, reduced political cleavages, preservation of sentiments of conservative groups and safety of traditional symbolism and values, transparent political institutions, and the better handling of crises. (Diamond, 2006).

This can be clearly seen in the results of this survey that the current government is seeing a greater acceptance of their decision to withdraw from the Istanbul Convention in the more economically well off hence more educated and aware segments of the society. This reflects on the fact that the stronger the domestic institutes of the country, the more faith the masses have in the ruling party (Diamond, 2006).

3.2.7. Decision Of Withdrawl From Istanbul Convention During Covid-19

Table 12. The decision to withdraw from the Istanbul Convention during the Covid-19 pandemic was justified

	Frequency	Percent
Strongly Disagree	55	52.4
Disagree	20	19.0
Neutral	11	10.5
Agree	12	11.4
Strongly Agree	7	6.7

Total	105	100.0
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In the current year (2022), the inflation rate of Turkey has reached to around 70 percent, while the consumer price index saw increase to 69.97 percent according to the National Statistics Agency. This has in part to do with the global economic turmoil currently being faced due to the Corona Virus Pandemic and also to local political decisions. Whatever the cause may be, the result is seen in the form of high level of stress, which in turn, according to the concept of “stress leading to violence against women” further intensifies acts of violence subjected by men against women (AlJazeera, 2022).

Economic downturns are well-known for having disastrous societal consequences. Countries afflicted by economic crises have experienced significant increases in joblessness, as well as a drop in living standards (Ching, 1999; World Bank, 1998). As per research, economically disadvantaged couples experience greater levels of stress, anxiety, and marital conflict, as well as worse marital quality. Women are usually susceptible to violence in such situations since they are the family's most financially vulnerable members. Recent statistics and stories from people on the front lines suggest that all sorts of violence against women and girls, including intimate partner violence, has increased since the onset of COVID-19. This is partly due to the economic strain on men which they take out on the women of the house as well as the fact that due to the lockdowns imposed by the government, women had no way to escape aggressive partners or to seek help from others.

Therefore, it can be deduced that withdrawing from the Istanbul convention at the time of the pandemic was one of the reasons that this decision saw a backlash and this much retaliation could have been avoided if the timing was better suited to the situation at hand. This is clearly reflected in the response of the participants where an extremely high percentage of the participants 71.4 % responded that the decision to withdraw from the Istanbul Convention during the time of the pandemic was not justified (Işık A. Aytaç and Bruce H. Rankin 2009).

3.2.8. Participants' Response To The Open-Ended Query

Towards the end of the survey, an open-ended question was asked of the participants asking them for further insight they had about the Istanbul Convention and the government's decision of withdrawal. It was observed that interestingly, most of the responses were regarding the LGBT concern. Transcript of a few of these responses is given below to give a clear picture of what the respondents felt regarding the issue.

1: Bir avukat olarak derslerde görmüş olduğumuz bu sözleşmenin kadına şiddeti önlemek noktasında gündem olduğu kadar bir öneme sahip olmadığını söyleyebilirim. Kabaca bakıldığında sadece evlilik birliği içerisindeki kadını değil genel anlamda kendini aile olarak tanımlayan bireyleri korumayı amaçladığı söylenebilir. Ancak sözleşmenin özüne inildiğinde evlilik dışı birlikteliklerin ve genel ahlaka uygun olmayan lgbt'li ilişkilerin normalleştiren bir kurum olduğu görülecektir. Bu sebeple toplumsal normları zedeleyen bu sözleşmenin bir kadın olarakta feshedilmesi taraftarıyım.

(As a lawyer, I can say that this contract, which we have seen in lectures, is not as important as it is in preventing violence against women. Roughly speaking, it can be said that it aims to protect not only the women in the marriage union, but also the individuals who define themselves as family in general. However, when the essence of the contract is examined, it will be seen that it is an institution that normalizes extra-marital unions and lgbt relations that do not comply with general morality. For this reason, as a woman, I am in favor of annulment of this contract, which harms social norms.)

2: Doğrusunu isterseniz bu sözleşme ile ilgili net bir bilgim yok. Sadece söylenenlere göre beni tedirgin eden şey: acaba lgbt artarsa bu psikolojik olarak çocuklarımızı yönelimi olmadığı halde homoseksüellik tercihinə sürükleyebilir mi sorusu aklıma geliyor. Ayrıca annesiz babasız bir çocuğun iki evli kadına yahut iki evli erkeğe verilmesi legalleşme ihtimalini de doğurabilmesinden endişeliyim. Çünkü bir çocuğun anneyi kadın gibi babayı erkek gibi görüp ona göre bir örnek alma, ya da

ihtiyacı olan örnek modeldeki cinsiyetteki ebeveyn ile yetiştirme hakkının olduğunu düşünüyorum.

(To be honest, I have no clear information about this contract. The only thing that worries me is what has been said: I wonder if lgbt increases, can this psychologically lead our children to prefer homosexuality even though they are not oriented? I'm also worried that giving a motherless and fatherless child to two married women or two married men may raise the possibility of legalization. Because I think that a child has the right to see the mother as a woman and the father as a man, to take an example according to him, or to grow up with the parent of the gender in the exemplary model he needs.)

3: Kadına şiddete karşı İstanbul Sözleşmesinin yani sıra benzeri daha birçok yasa ek olarak çıkarılmalı ve LGBT bireyler için özel olarak Türk aile yapısı denen şeyi alt üst edecek yasalar çıkarılmalı. İstanbul Sözleşmesi tekrar yürürlüğe girse bile kötü zihniyetlere yine etki etmez. Tek başına asla yeterli değil. Başla çalışmalarla paralel ilerlemesi gerekirmiş."İstanbul Sözleşmesi eşcinselliği normalleştirmeye çalışmakta ve Türkiye'nin toplumsal ve ailevi değerleriyle bağdaşmayan LGBT topluluğunu savunmaktadır. " Dendiğinde ne diyeceğimi bilemedim çünkü olumlu olarak eşcinselliği normalleştirmeye de çalıştığını biliyorum. Sadece kadın değil tüm bireyleri kapsıyor. Fakat ailevi değerlerle bağdaşmayan lgbt kavramını doğru bulmuyorum.

(In addition to the Istanbul Convention against violence against women, many other similar laws should be enacted, and laws should be enacted specifically for LGBT individuals that will overturn what is called the Turkish family structure. Even if the Istanbul Convention comes into force again, it will still not affect bad mentalities. It is never enough alone. It should have progressed in parallel with the initial work. "Istanbul Convention seeks to normalize homosexuality and defends the LGBT community, which is incompatible with Turkey's social and familial values." It covers all individuals, not just women. But I do not find the concept of LGBT, which is incompatible with family values, correct.)

3.3. DATA ANALYSIS: SECTION B

3.3.1. Analysis of the Turkish National Policies and Legal System to Combat Violence Against Women

It is extremely important to look into the past movements and past legislations to understand the strength of the Turkish legal system and the approach of government towards forming policies to cater to the issue of gender mainstreaming and VAW according to the Historicist Theory, mentioned earlier in this research study. For that purpose it is important that we study feminist movements in history.

The decades long endeavors of feminist mobilization in Turkey have proven to play a key role in serving as an impetus for bringing about—the much needed—reform within the country. One such great example has been the nation's concerted efforts to accepting the world's leading international human rights treaty i.e., “Convention on Preventing and Combating Violence against Women and Domestic Violence” (the Istanbul Convention; IC); an international instrument categorically designed to counter the proliferating effects of violence against women.

Despite the Turkish parliament's unanimous ratification back in 2011—marking Turkey as the leading nation on inaugurating this zero-tolerance policy internally—it pulled out of the same a decade later in 2021. Since then, the concerns emanating over the ‘legitimacy’ of effectuating such a radical withdrawal from international best standards on ‘women protection’ are notably not just controversial, but overwhelming on the populace as well.

The question being: can Turkish legal system survive—let alone thrive in—the vacuum thus formulated by the seemingly ‘gender restricting’ developments in the country? To answer this, foremostly attention needs to be brought to the pre-existing legal mechanisms operating to combat violence against women (“VAW”).

3.3.2. Laws for Violence Against Women in the Turkish Legal System

3.3.2.1. Law No. 4320 on Protection of the Family 1998

To begin with, the first legislative text on the “Protection of the Family” dates to 1998 when the Law No.4320 was enacted to ward off acts of violence against women. Through this gateway, Turkey’s striving to progressively initiate condemnation of gender-based violence continued to the point of numerous representative bodies joining hands in exploring improved ways in which this challenging notion could be obviated.

3.3.2.2. Law No. 6284 on the Protection of Family and Prevention of Violence Against Women

Thus, the coordination of all stakeholders (international and national alike) lead to the conception of the “Law No. 6284 on the Protection of Family and Prevention of Violence Against Women” which was published on 20 March 2012. This was further reinforced by Implementation Regulation on the Law to Protect Family and Prevent Violence Against Women No. 628, which was published on 18 January 2013.

Once established, to recognize the potential of the Law No.6284, special courts were forged by the Supreme Council of Judges and Prosecutors for the “preventive and protective injunction” against the advancement in violence against women. Looking at Article 1, the law’s commitment to upholding human rights is vehemently illustrated by stating that it aims to provide, “a fair, effective and speedy method, which is based on basic human rights, sensitive to the equality of men and women.”

The objective of this Law thus becomes even more intrinsically centered around women in Article 2 wherein ‘violence against women’ is defined as, “The gender- based discrimination directed against a woman just because she is a woman or

that affects women disproportionately and any attitude and behaviour violating the human rights of women and defined as violence in this Law.”

Furthermore, Article 3 coincides with the organizational structure of the Law thus mentioned by elaborating on the cautionary decisions to be taken’ in regard to the ‘protected’ individuals falling within the scope of this Law. These include, and are not limited to, “to provide an appropriate shelter to the person”, “to provide financial aid to the person”, to provide psychological, professional, legal, and social guidance and counseling services” and most importantly, “To provide a temporary protection upon a request of the relevant person or ex officio if there is a life-threatening danger for the person.”

Evidently, the support persists in the stipulations that follow with Article 5 leading the way on ‘preventative measures’ to be taken against perpetrators of violence. A few noteworthy examples are, “not to exhibit an attitude...including the threats of violence, insult and humiliation against the victim of violence,” “not to approach to the protected persons and their residences, schools and workplaces,” “not to damage the personal belongings of protected person”.

While upholding the spirit of the legislation providing extensive measures introduced to protect the victims of violence, Article 8 paves way for cautionary measures to be undertaken at the first sign of ‘continued risk’ by expanding the margin requisite of such measures. Thus, it provides that, “no evidence or report proving the violence is required...” and “the identification information of the protected person or other family members or the information to reveal their identification, their addresses and the other information important for the efficiency of protection shall be kept confidential...” Thus, setting the ‘tone’ of the legal text to encompass a wider range of positive obligations assumed by the law enforcing authoritative agencies within the country in the gender-based violence context.

3.3.3. The Turkish Penal Code

Once again, owing to the prolonged efforts of feminist groups leading campaigns addressing the underlying patriarchal principles engulfing the old penal code, reformative measures finally emerged. Thus, Turkey witnessed the positive shift from an archaic Penal Code which construed women's bodies and sexuality as objectively belonging to their families or husbands or society in general, to a far more progressive characterization of their rights and roles. (Turkish Penal Code, 2020)

3.3.3.1. Reorganization of Definitions

Since the initiation of over thirty sweeping amendments introduced in the Penal Code's legislative text, women's entitlement to their sexuality and more importantly, their autonomy over their own bodies no longer remained a myth. Therefore, women's sexuality was no longer deemed as an ostensible threat against public or religious morality. For example, previously sexual crimes were demarcated under the section 'crimes against society' (*adab-ı umumiye and nizam-ı aile*) in stark contrast to being under the section 'crimes against individuals/ crimes against inviolability of sexual integrity'. Pre-amendments, any such regulation of criminal acts like rape, sexual abuse etc., were projected to suffice as the customary premise which marked women's bodies or sexuality as a property of men or society at large. With this groundbreaking shift in terminology of several articles, the perspective on penalizing sexual offences strengthened women's ownership over their sexuality in a way that rattled the cumbersome impact of the old text. Outdated notions such as 'chastity', 'honour', 'shame or decency', 'public customs' etc., became eliminated from the language of the Code all together (Turkish Penal Code, 2020).

The success of the reformative schemes incepted by the feminists lobbying is more so displayed in the reorganization of the definitions allotted to numerous other sexual offences such as rape, sexual abuse, sexual harassment etc. In the older version, rape and sexual assault was articulated as "forced or consensual seizure/attack of chastity"; in Turkish terms such as *ırza geçmek* (penetrating one's honour) were used instead of, *tecavüz* (violation, attack). In this manner, marital rape

became constrained from facing criminalization charges, albeit being brutal or violent, as it fell short on being a crime against one's "honour".

3.3.3.2. Punishments in the New Penal Code

The new Penal Code, on the other hand, has defined rape or sexual abuse as including oral or anal penetration, whereunder it incorporates "inserting an organ or instrument into a body" wherein "the offender is punished with imprisonment from seven years to twelve years". What's more significant is the mounting gravity of penalization of offences in view of the severity of their commission. For instance, "use of force during the commission of offense in such a way to break down victim's resistance, the offender is additionally punished for felonious injury," and "in case of deterioration of corporal and spiritual health of the victim as a result of the offense, the offender is sentenced to imprisonment not less than ten years." (Turkish Penal Code, 2020).

In doing so, the law sanctions punishing of sexual offences strictly in conformity, whilst also being utterly cognizant of, with the victim's suffering. The unequivocal disruption in victim's physical and mental state as a consequence of these offences became punishable by stringent penalties this way. Such examples serve as a concrete example of the shared, and intentional glorification of denouncement of the sexual or gender-based offences being committed on a national level.

Coming to the elucidation provided for "sexual harassment" in the Code, it is observed that "commission of these offenses by undue influence based on hierarchy or public office or by using the advantage of working in the same place with the victim, the punishment to be imposed according to the above subsection is increased by one half" along with the punishment's scale for a victim having had to "leave the place of business" for such reasons would hold its perpetrator accountable for punishment not less than one year.

Another area of focus where striking reductions was aimed at falls within the ambit of Article 29 of the Turkish Code which regulates ‘unjust provocation’. This article offers a consideration to the perpetrator’s psychological frame of mind at the time of the heinous act i.e., killing is being committed. Under the earlier version, this article was flagrantly abused by those who committed honour related crimes by judges allowing the same to avail swerving sentence reductions in the name of ‘provocation’. With the new enactment, only those who were prompted to commit an aggravated offence by volition of an ‘unjust act’ could make use of this provision; excluding the remission to being made available to honour killing cases (Turkish Penal Code, 2020).

3.3.4. Constitution of Republic of Turkey

The principle of equality, along with freedom from discrimination for the attainment of prosperity, protection, autonomy and well-being of Turkey’s citizens forms part of the foundational concept of Turkey’s constitution. Where every Turkish national retains the inherent right and power to lead an ‘honorable life’ through exercising of certain fundamental rights and obligations as prescribed in the constitution (UN Women, 2021).

Looking at Subparagraph 1 of Article 10 of the 1982 Constitution, it is discernable that, “all individuals are equal without any discrimination before law, irrespective of language, race, color, sex, political opinion, philosophical belief, religion and sect, or any such consideration.” It especially acknowledges that, “men and women have equal rights. The State has the obligation to ensure that this equality exists in practice. This is reinforced by the addition of, “measures taken for this purpose shall not be interpreted as contrary to the principle of equality.” (UN Women, 2021).

The analysis of this part alone demonstrates how actively the Constitution is focusing on the government’s willingness to instill the revolutionized approach towards protecting women. As evidenced in this Section, the concept of family values

remains centerfold while maintaining an interplay with its forthright approach to basic human rights.

The pattern continues to emerge along the breadth of the Constitution, as Article 41 was amended to state, “family is the foundation of the Turkish society and based on the equality between the spouses.” In a similar fashion, Article 66 too was rectified to exclude the formerly pervading inequality in citizenship based on sex/gender. These milestones continue to serve as an integral step taken to ensure gender equality within the country.

With the abolition of any form of distinction or characterization which shall classify the two sexes as innately different or subversive in nature. The emphasis is shifted back to the ‘human’ rights aspect, particularly pertaining to women possessing equal rights; a factor that is supremely fundamental to the functioning of any state.

3.3.5. Recommendations

However, As the focus remains on accomplishing a ‘one’ or ‘same’ standard for upholding Turkey’s citizens’ rights, which became propelled by its persistent efforts to harmonize its law with that of the EU’s, certain lapses within the law require further discernment.

3.3.5.1. Constitution of the Republic of Turkey 1982

In the Constitution’s context, the amendments made thus far should not remain constrained within the provisions of Article 10. For instance, despite the overriding extension of equal rights for both men and women, given the socio-political state of the country, there are various other important segments of the society which require a firm application of equal rights. Fields such as education, working conditions, political involvement etc., all require an active (and equal) participation of women in conjunction with their male counterparts (KÜZECİ, 2008). Whilst talking about political inclusion/participation rights for electing or acting in political activities, the

provision may be added to include the assurance of granting equal access to men and women to the tasks oriented through elections.

Since the national authorities need to take a pro-active approach towards equalizing the long-lasting effects of differential treatments given to both sexes, there needs to be an actual achievement of equal rights by making a positive obligation to remove the pre-existing unjust treatments. The terminology used in Constitution may be phrased in a non-discriminatory jargon which prevents the wrongful or preferential entitlement or treatment based on prejudicial practices against race, religion, sex, language etc. (KÜZECİ, 2008).

3.3.5.2. Improvements required in Law No. 6284 on the Protection of Family and Prevention of Violence Against Women

Whereas defining terminologies like ‘violence against women’, ‘domestic violence’ etc., are meant to instigate a radical development in the legal arena, it is suggested that the Istanbul Convention, despite its abrogation, may be utilized as a guiding framework for implementing the intended changes. For example, the IC particularizes the necessary action of mandating that, “culture, custom, religion, tradition or so-called “honour” shall not be regarded as justification for such acts.” This is fundamentally imperative in the Turkish landscape where the judicial system has a history of using legal provisions in the Turkish Criminal Code like ‘unjust provocation’ to grant a lenient sentencing to instigators of honor killings (Istanbul Convention, 2021)

3.3.5.3. Room for Expansion in Providing Financial Support to the Victims

Although the Law No.6284 speaks on extending the financial support to the victims of violence or abuse, perhaps a further elaboration on enhancing victims’ access to support services which helps them revive and recover from their violent episodes in a more constructive manner. For example, their empowerment may include not only financial aid but also enhanced opportunities to employment,

affordable housing, child-care facilities, safe-houses, utilities etc. which supports them in navigating through their distressing crisis.

3.3.5.4. A Need to Better Define what Constitutes as a Risk

The prospect of inclusivity of ‘risk’ has delivered the wider implication that the lawmakers’ wished to act upon through this legislation, however, what may ‘constitute’ as risk has not been defined. Despite being highlighted at numerous occasions, the factors which are to be considered to help prevent the possibility of such offences remain silent and vague at best. There should be an explanation or principality of ‘danger’ (be it immediate or otherwise) which affirms the activation of Law No. 6284’s protection (Istanbul Convention, 2021).

3.3.5.5. Further Inadequacies in Law No. 6284

The law enforcement bodies’ responses to such terrorizing attacks on women ought to be effectively monitored as well; with an added focus on striving to increase the rates of reporting offences. For this to happen, various acts may be undertaken by authorities such as protecting the rights of victims and their children in relation to the orchestrating of custody and visitation rights in the aftermath of violent incidents. Moreover, other offences such as stalking, sexual violence, forced marriages etc., also require for there to be a serious review of the prevalent legislation (and policies) binding on the parties at hand (Istanbul Convention, 2021).

Concerning the ‘aim, content and fundamental principles’ enshrined in Article 1 of the Law No.6284, it becomes apparent that the support is premised on the protection of women, family members and victims of ‘stalking’ etc. who are susceptible to inducing violence. However, nowhere in the legal text of the Law has the concept of ‘stalking’ been enunciated to help understand the context against which such victimization is to be allowed. Since this lapse exists, the law enforcement agencies face restrictions in implementing the spirit of the Law No.6284 to its full extent.

In addition, a more suited risk assessment and management of cases is prescribed where a better usage of existing protective measures can be brought about. Nevertheless, this shall not take away from the requirement to establish criminal liability of the perpetrators/offenders and ensuring that the criminalization of violence against women is met with appropriate and dissuasive measures (Istanbul Convention, 2021).

3.3.6. The Turkish Criminal Code

Even though the Turkish Criminal Code has undergone remarkable changes introduced unto it via the amendments in 2012, yet the legislation appears to hit a roadblock. Undoubtedly, the sexual offences have been amended to revolutionize the previous text to obliterate the challenges faced in its application. However, without there being a proper and coherent definition of offences laced with such sensitive connotations, the criminalization of these heinous acts will be a far-fetched theory. As such, the gender inequality may never be abridged nor would the perpetrators—in the absence of a structured system-- be dissuaded from committing aggravated offences.

3.3.6.1. Definitional Deficiencies in Turkish Criminal Code

Reference may be made to the Istanbul Convention which not only speaks of sexual violence or offences periodically to implant the conceptualization, but also specifically defines the acts in question. An example of ‘rape’ may be taken where the intent and acts in question are described as ‘non-consensual vaginal, anal or oral penetration of a sexual nature of the body’ or ‘engaging in other non-consensual acts of sexual nature’. Whereas the definition of rape in the Turkish Code being rather limited in context may benefit from employing a broader and all-encompassing approach (Turkish Criminal Code 2021)

Apart from this, the Turkish Code altogether disregarded other criminal activities co-existing under the garb of ‘violence against women’ such as psychological or emotional abuse and stalking. The utter dispensation of criminal

activities like these that are interspersed in the societal structure of the country shall prove most corrosive to the sanctity of the Turkish community's fabric.

3.3.6.2. Legal Proceedings May Only Begin on the Discretion of the Victim

Meanwhile, as we decipher the legal text pertaining to 'sexual abuse' as described in Article 102 sub-section (2) of the Turkish Code which states, 'In case of commission of this offense against a spouse, commencement of investigation or prosecution is bound to complaint of the victim,' the problematic language cannot be ignored. Even though the State has finally opted to 'recognize' sexual offences to occur within the realm of a marriage; leaving the criminalization of this to the 'discretion' of the victim only complicates the matter more. It is an accepted phenomenon that any 'crime' against a person is a crime against the state and to subject this offence to being partially cognizable only fails to protect the woman's rights. Rather, this becomes an endorsement of the patriarchal overtone that exists in Turkish culture, rendering crimes deserving absolute abomination to remain untapped. The legislation makers ought to eliminate such disempowering phrasing from this Article so that no room is left for doubt when it comes to violating a woman's physical autonomy whatsoever (Turkish Criminal Code).

3.3.6.3. Other Shortcomings in the Turkish Criminal Code

Another societal plague which contributes to gender-based violence and necessitates an overhaul via legislative reforms is the practice of 'forced marriage'. Given the cultural and religious context against which the community is subsisting, the notion of forcefully marrying one's daughter off requires dire attention from the policy makers. With the overwhelming absence of any prevention and/or recourse available to the victims of this repressing act, the abuse endured by the victims shall remain unnoticed. Not only that, without a coherent structure in place, but the perpetrators of these crimes would also not be discouraged from continuing to partake in such offences.

A successful outcome can be achieved by incorporating a seamless co-ordination and a strategic follow-up of political developments with regard to the campaigning for improved governmental responses.

3.3.6.4. The Role of Gender in the Prevention of Violent Conflict

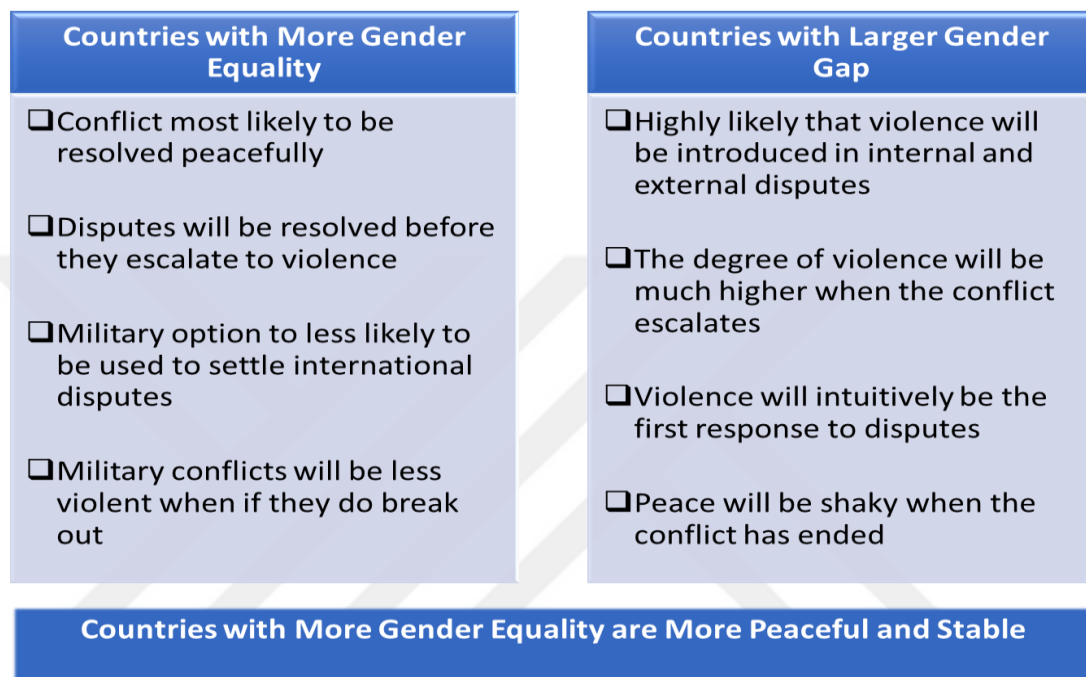


Figure 3. The Role of Gender Equality in State Stability

Source: Crespo-Sancho, C. 2017.

Gender equality is a critical component of a country's safety and stability. Women's exclusion from society might raise the danger of instability. Gender equality is more than just doing the right thing or seeking social justice; it is also a crucial component of economic growth and a key predictor of stability and security, all of which may help inform and strengthen conflict prevention efforts (Sancho, C 2017).

Women's empowerment and gender equality are related with more peaceful and stable results, according to research on women, peace, and security the prevalence of violence against women predicts whether a community is prone to violent conflict in general. The bigger the gender gap (defined as gaps in men's and

women's experiences and opportunities), the more likely a country is to be involved in inter- and intrastate conflict, as well as to employ violence as a first response in a conflict scenario (Sancho, C. 2017).

The more violence against women a country has, the more likely it is to break international standards and treaty commitments, and the less smoothly it will operate in the international system. Greater gender equality correlates with a country's decreased chance of utilizing military force to resolve conflicts with other nations, as well as a reduction in the intensity of violence employed in international conflict. Countries with inadequate human rights standards, especially gender equality norms, are more prone to experience militarized and deadly interstate conflicts (World Bank 2022).

3.3.7. Equality in Participation

Women's qualitative involvement in positions of power, including politics, peace talks, and negotiations, is an important aspect connected to gender equality for security and development. The importance of women's involvement in preventing and maintaining peace and security is recognized in UN Resolution 1325. It also calls on governments to guarantee that women are represented at all levels of decision-making in national, regional, and international organizations, as well as in conflict prevention, management, and resolution procedures.

Including women in peace processes has a favorable influence on the sustainability of peace accords, preventing conflict from repeating, according to research. Integrating women as mediators, arbitrators, signatories, and witnesses enhances the likelihood of a two-year agreement by 20% and a 15-year agreement by 35%. There is indeed a link between women's groups' engagement and the outcome of peace talks. When women are less active, agreements are less likely to be made, and when women groups are not participating at all, the chances of achieving an agreement are significantly lower (UN Women 2021)

Economic empowerment of women has a multiplier impact on the local and national well-being of a country. Women's empowerment and gender equality are critical for speeding development and establishing more equitable societies, both of which are essential factors in reducing violent conflict. Study findings on gendered economic equality have shown that countries with a greater female labor force participation rate have lower levels of international violence and are less inclined to utilize military force to settle international disputes. Those with 10% female work force participation are roughly 30 times more likely to face internal conflict than countries with 40% female labor force participation. By 2025, if men and women participated in the economy equally, yearly global GDP would increase by US\$28 trillion, or 26% (World Bank 2022).

CONCLUSION

This research study has found that the majority of the populace, if not all of them, disagree with the government's assertion that I.C. threatens the family and/or encourages LGBTQ. In order for the government to have a smooth transition from being a signatory to the I.C. and then the first one to withdraw from it, the populace needs to be persuaded in their favor by first promoting understanding of the decision and then by giving the people of Turkey a strong sense of self-confidence that the government is equally capable of handling its domestic issues without the need for an international treaty like the I.C.

This can be clearly seen in the results of this survey that the current government is seeing a greater acceptance of their decision to withdraw from the Istanbul Convention in the more economically well off hence more educated and aware segments of the society. This reflects on the fact that the stronger the domestic institutes of the country, the more faith the masses have in the ruling party. Therefore, for the government to convince a greater percentage of the population in favor of any of its decision, it needs to educate them about the issue.

Additionally, it has been demonstrated that a larger percentage of violence is a result of low socioeconomic conditions. Withdrawing from the Istanbul convention during the Covid-19 pandemic, which has been known to cause Turkey significant economic loss, was one of the causes of the backlash that followed this decision. This much retaliation could have been avoided if the timing had been better suited to the circumstances at hand.

This data collected and analysed explanatory of the fact that the prevalent support provided by the Government of Turkey, despite being considerable, still requires reevaluation. President Erdogan has recognized the problems encountered by the nation's female populace and how societal norms, being rife with occurrences of violence against women, mandate reviewing. He intends to launch his new action plan to aggressively combat the violence, as well as its proper implementation.

In the wake of Turkey's exit from the Istanbul Convention, the systemic injustices may appear more daunting than ever, however, it should not deviate us from its actual impact. Firstly, despite being the first signatory to the IC, having enjoyed the ten-year long ratification to the same, the most promising influence it has had is the promulgation of Law No.6284. Despite adhering to the international gold standard for women's safety, over 15, 000 women have been killed as Turkey has been incapable of reducing the gender-based violence due to the sheer fact that its own culture remains regressive as was explained by the Feminist Theory when explaining the prevalent patriarchy present in Turkey.

Secondly, until the Government takes positive and impactful decisions in respect to policy making and law-making process and its enforcement, the obstacles faced so far cannot be overcome. It is noteworthy to mention that legal agencies such as the judiciary or law enforcement, too belong to the same societal and cultural background as the one that needs to change. The judiciary may only interpret the law in the socio-political environment in which it functions, therefore, any prejudices, ideas or biases are unavoidably part of the interpretation. Similarly, the law enforcement perceives these matters in a particular context which is colored by prejudice that exists in the society as has been previously established when studying the phenomena of "gender bias or patriarchy, culture of violence and sub-culture violence prevalent in the Turkish societal, in chapter 2. A society they form a part of being its members (Gülel, 2021).

For that reason, legal obligations can only take the society so far. Until the government takes concrete steps to advocate or broadcast the desired ideologies that the Turkish community may benefit from, the 'religio-conservative gender climate' shall not be swayed from (Gülel, 2021).

With the Istanbul Convention no longer functioning as an umbrella under which national laws could be reformed or tampered with, the responsibility of bringing these changes shall vest solely with the political or governmental agencies, national authorities and legislative policy makers who press aspirational notions onto its society

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