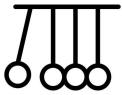


Turkey's Withdrawal from the Istanbul Convention and Its Impact on Women's Rights

POLITICS

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Abstract

This paper explores Turkey's decision to withdraw from the Istanbul Convention, the most comprehensive international agreement aimed at preventing and combating violence against women and domestic violence, sparking significant controversy and debate both within the country and internationally. This decision has raised concerns about the potential erosion of legal protections for women in Turkey, as experts point to gaps in the domestic legal system's ability to fully address issues of gender-based violence without the convention. The paper examines the reactions of women's rights organizations, legal experts, and international bodies, highlighting the implications of the withdrawal for women's safety and rights. It discusses the challenges women in Turkey face in accessing support services, the role of women's organizations in fighting violence, and the shortcomings of Turkey's legal and institutional framework in addressing violence against women.

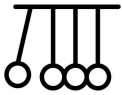
Introduction

The European Council Convention on Preventing and Combating Violence Against Women and Domestic Violence, known as the Istanbul Convention, is the most comprehensive and up-to-date agreement aimed at preventing and combating violence against women and domestic violence. Prepared by the Council of Europe, it was opened for signature in Istanbul in May 2011. The convention became active in 2014, and Turkey signed and ratified it without hesitation in the same year. Today, the convention has been signed by 46 countries and the European Union, and ratified by 32 countries.

Domestic violence covers acts of physical, sexual, psychological, or economic violence within the family or home, between former or current spouses or partners. Whether the perpetrator shares the same residence with the victim does not affect this definition. The concept of gender specifies the roles, behaviors, activities, and characteristics that society considers appropriate for women and men. Gender-based violence against women refers to violence directed at a woman simply because she is a woman or violence that disproportionately affects women.

The Withdrawal and Its Impacts

Under the Istanbul Convention, violence against women is defined as a violation of human rights and a form of discrimination against women. It includes all forms of gender-based violence that may result in physical, sexual, psychological, or economic harm.



These acts of violence can occur in public spaces or behind closed doors, and also include threats, forceful actions, or taking away someone's freedom.

The convention is all about protecting women from all kinds of violence and stopping these acts from happening. It highlights the need for laws and systems that can prevent violence against women and domestic abuse, punish those who commit such acts, and provide unconditional support. It also stresses the importance of having policies that promote gender equality and empower women, indicating that creating and improving support systems for victims of violence is crucial.

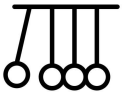
One of the key ideas in the convention is international cooperation. It's important for different organizations and law enforcement agencies to work together to fight violence effectively. The convention also calls for setting up an independent system to make sure that the measures are being put into action properly.

On 20 March 2021, Turkey officially announced its intention to withdraw from the Istanbul Convention with a Presidential Decree. This decision was communicated to the Secretary General of the Council of Europe on 22 March 2021, and published on the Council of Europe's website, with the effective date of withdrawal being 1 July 2021, in accordance with Article 80 of the convention. With this move, Turkey became the first and only country to officially withdraw from the Istanbul Convention, a convention it had significantly contributed to, been the first to sign, and unanimously approved in the Turkish Grand National Assembly.

Immediately after the publication of the Presidential Decree on March 20th 2021, backlash began to spark from outside of Turkey. Human rights organizations and well-known figures have voiced their objections to the Turkish government's decision and have worked to spread awareness on the issue. The United Nations, the European Union, and various representatives from the Council of Europe have also issued statements regarding the process.

The withdrawal decision sparked a debate regarding the rule of law, the separation of powers, and governance. According to a statement from Turkey's Ministry of Communications, the Istanbul Convention had been manipulated by people seeking to normalize homosexuality, which is incompatible with Turkey's social and familial values. The withdrawal was justified on this basis. However, the decision was made under a presidential system with concentrated executive power, without involving the legislature or allowing for parliamentary oversight, which has drawn significant criticism.

Just three days before the withdrawal decision, the Ministry of Family hosted an event with the Council of Europe during the 65th session of the United Nations Commission on the Status of Women, discussing cooperation on the effective implementation of the Istanbul Convention to combat violence against women. This raised concerns that the withdrawal decision was made without consulting the public, relevant institutions, or even ministries.



Reactions to Turkey's withdrawal continue, with women across the country protesting in various cities, demanding the decision be reversed. Experts note that Turkey's domestic legal system only partially addresses the provisions on prevention, protection, prosecution, and policymaking related to violence, as defined in the Istanbul Convention. Law No. 6284, introduced to align with the Istanbul Convention, shares some principles but is far more limited in scope. Legal experts again highlight that not all provisions of the Istanbul Convention are fully implemented in Law No. 6284, the Turkish Penal Code, or the Civil Code.

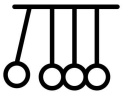


It has been pointed out that laws concerning violence against women still contain significant gaps. The Istanbul Convention covers a wide range of violence, including psychological, physical, and sexual violence, as well as forced abortion, stalking, and forced marriage, requiring these crimes to be legally defined and punished under national law. However, despite long-standing demands from women's organizations and legal experts, "stalking" remains undefined as a crime in the Turkish Penal Code.

Prof. Feride Acar, who represented Turkey in the preparation of the convention since 2006, states that many cases of femicide actually begin with stalking. She explains that stalking can be physical or occur via phone or the internet. In many European countries, stalking is treated as a separate crime.

Experts also mention that women in Turkey face significant challenges when reporting the violence they experience to the authorities. The Istanbul Convention obligates signatory states to establish crisis centers or sexual violence referral centers to support victims, as well as free, 24/7 telephone hotlines nationwide. However, Turkey's domestic legal framework has not fully met these requirements. Experts point out that, nine years after the convention was signed, neither crisis centers nor a continuous support hotline have been established in Turkey.

The KADES app, developed by the Ministry of the Interior, serves a similar purpose, but it has been criticized as ineffective since not every woman in Turkey owns a smartphone. Minister of Family and Social Services Zehra Zümrüt Selçuk has stated that ŞÖNİM (Violence Prevention and Monitoring Centers) have been established in all 81 provinces, and Violence Prevention Contact Points have been created in over 355 Social Service Centers. In contrast, lawyer Canan Arın, speaking to BBC Turkish, criticized Turkey's women's shelters and ŞÖNİM centers for not functioning as intended by the Istanbul Convention. She highlights that the number of shelters is insufficient, and the existing shelters are almost like prisons for women. According to the convention, these centers should help women become



independent and self-sufficient, but current shelters restrict women from using cell phones or searching for jobs, thus preventing them from fulfilling their basic functions.

Arin emphasizes that women in shelters should be allowed to use phones and search for jobs, but these freedoms are restricted. According to the convention, the purpose of shelters is to help women become independent from men. The continued impunity for those who commit violence is eroding public trust in the justice system, as many women feel justice is not served when perpetrators are not punished. High-profile cases show that the release of offenders makes it harder for women to escape violence.

While increasing punishments is often seen as a solution, the real issue is the failure to implement laws and the lack of a gender equality perspective in the justice system. As the Istanbul Convention states, combating violence requires a holistic approach, not just legal measures. Women must have access to legal, psychological, and social support after reporting violence, but due to the shortage of counseling centers and the inadequacy of ŞÖNİM centers in Turkey, this support is lacking.

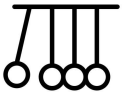
The government's responsibility in the face of violence should not be limited to precautionary measures. Women need to be properly informed, inter institutional coordination should be strengthened, and support services should be made accessible. Otherwise, without these steps, trust in the justice system will continue to erode, and women will hesitate to exercise their legal rights.

Women's organizations play a crucial role in combating impunity, but the authorities' failure to heed their suggestions exacerbates the problem. Effectively tackling violence requires more than just having laws in place—it's about ensuring these laws are properly enforced and followed through.



After the decision, women's rights activists and civil society organizations across Turkey held protest rallies, emphasizing that they would not give up their rights and would continue to fight. The Turkish Bar Association stated that the withdrawal from the Istanbul Convention through a Presidential Decree was unlawful.

Internationally, strong reactions have emerged as well. The Secretary General of the Council of Europe, Marija Pejcinovic Buric, called Turkey's decision "devastating news," while Germany's Ministry of Foreign Affairs stated that this development "sent a bad signal to all of Europe and to women in Turkey" and stated that gender-based violence could not be justified by culture, religion, or tradition. France's Ministry of Foreign Affairs also expressed their sadness over the decision, stating that it marked a new regression in terms of human



rights. The United Nations Special Rapporteur on Violence Against Women, Dubravka Simonovic, criticized Turkey's withdrawal from women's rights, stating that violence against women is a human rights violation. Human Rights Watch also condemned Turkey's withdrawal from the Istanbul Convention, stating that this decision would negatively impact the global struggle for women's rights.

Summary

In conclusion, the decision to withdraw from the Istanbul Convention has sparked strong reactions both within Turkey and around the world. For many, the Istanbul Convention represented a major step forward in the fight to protect women from violence and ensure their rights. Its withdrawal raised concerns about the safety of women in Turkey and whether legal protections will be sufficient to address the ongoing issue of gender-based violence. International bodies like the European Union, the United Nations, and various human rights organizations have expressed their disappointment and worry about the broader implications of this move, highlighting how it could affect women's rights globally. As protests continue to grow, it's clear that this decision has created deep divisions within Turkey, with many calling for a change in course to make sure that the rights and protection of women remain a top priority.

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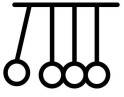


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