

## *Turkey's Withdrawal From Women's Protection Treaty*

08 Jul 2021 | Shikha Maheshwari, Risk Intelligence Intern

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## 1. EXECUTIVE SUMMARY

### EXECUTIVE SUMMARY

On 02 Jul 2021, Turkey formally withdrew from the Council of Europe Convention on preventing and combating violence against women and domestic violence, also known as the Istanbul Convention.

The decision came after the Council of State which is the highest administrative court of Turkey rejected an appeal to stop the withdrawal.

On 20 Mar 2021, Turkish President Recep Tayyip Erdogan had issued an overnight decree that ended Turkey's participation in the Istanbul Convention.

The development mobilized several protests by women and LGBT groups in Turkey and around the world. It also generated widespread condemnation from rights' groups, international bodies and world leaders.

## 2. INTRODUCTION

The Istanbul Convention obligates its member states to prevent all forms of violence against women, protect those who experience it and prosecute perpetrators. Among various measures that members have to undertake upon ratifying the treaty are organizing awareness raising campaigns, training professionals such as doctors and counselors to help survivors of gender-based violence, establishing support services and free telephone helplines for witnesses and victims, implementing effective laws for prosecution of perpetrators, coordinating with civil society and NGOs, and working on data collection and research on gender-based violence.

### What is the Istanbul Convention?

The Council of Europe (CoE) Istanbul Convention is a legally-binding human rights treaty which aims to protect women against all forms of violence, to promote gender equality, to end all forms of discrimination against women and to promote international cooperation for achieving these goals. The Convention was opened for signature on 11 March 2011 in Istanbul, Turkey and to date, 34 member states of the Council of Europe have ratified the Istanbul Convention, and 12 member states have signed it – including the European Union.

### The Convention is based on four pillars:



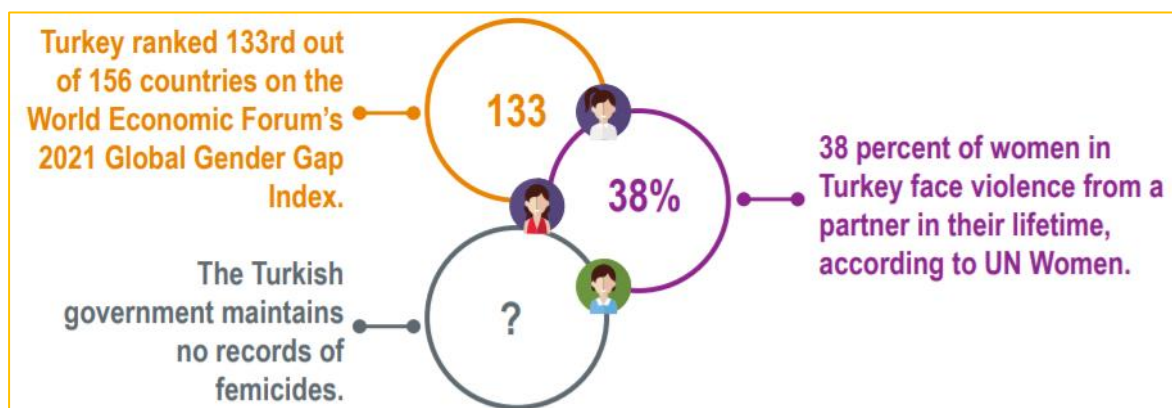
The convention defines several forms of violence against women that are criminalized. These include physical violence, psychological violence, sexual harassment, forced abortion, forced marriage and economic violence among other forms specified in the text of the treaty. In addition, it sets out the responsibility of states to ensure that culture, custom, religion, tradition or so-called “honour” is not regarded as a justification for any of the acts of violence covered by the scope of the convention.



### 3. STATE OF GENDER-BASED VIOLENCE AGAINST WOMEN IN TURKEY

Turkey's withdrawal comes at a time when domestic, sexual and other kinds of gender-based violence have already been on the rise due to the pandemic induced lockdowns and confinement measures around the globe.

Femicides and violence against women are persistent in Turkey. A Turkish feminist group called "We Will Stop Femicide" reported that 486 women have been killed in Turkey since the start of 2020. Additionally, the Turkish government does not maintain any official records on femicides in the country despite the Istanbul Convention's requirement for its member states to engage in data collection and research on issues related to violence against women.





The accompanying statistics show the seriousness of the situation in the country, and it also explains the widespread condemnation that Turkey received from its women upon withdrawing from the Istanbul Convention. Moreover, it can be said that the Turkish government has promoted acts of violence and discrimination against women. It is vital to note that in 2014, President Erdogan himself said and is quoted here, **"You cannot put women and men on an equal footing. It is against nature."** Erdogan has also said that women who are not mothers are *"incomplete."* Owing to this patriarchal approach of the government, laws that exist to protect women are poorly implemented in Turkey. Conservatives in Turkey have claimed that the Istanbul Convention promotes laws that go against their traditional values and are leading to families being torn apart. Hence, the Turkish government has been protecting the "family" at the cost of the lives of the country's women.

#### 4. REASONS GIVEN FOR TURKEY'S WITHDRAWAL

##### KEY FACTS

1. In 2011, Turkey was the first country to ratify the Istanbul Convention
2. The Convention does not regulate family life or structures and states do not have to change the traditional understanding of families.
3. Recognition of same-sex marriages is not in the Convention. The Convention does not affect national civil law rules on marriage in any way.
4. Turkey is the first and only country in the Council of Europe to have withdrawn from an international human rights convention.

On 20 Mar 2021, when the presidential decree was issued by Erdogan withdrawing from the Istanbul Convention, no reason for it had been mentioned. On 22 Mar, Turkey's Directorate of Communications issued a statement which said the Istanbul Convention had been *"hijacked"* by those *"attempting to normalize homosexuality – which is incompatible with Turkey's social and family values."* Many conservative politicians in Turkey have also continually said that the convention undermines the traditional family and gender values, promotes divorces and encourages the approval and acceptance of LGBT+ peoples. They have argued that Turkey's domestic laws are enough for the protection of women.

On 01 Jul, at a meeting in Ankara, Erdogan announced his *"Action Plan for Combating Violence against Women"* which aims at reviewing judicial processes, improving protection services and gathering data on domestic violence among other things. ***"As the fight against violence against women did not begin with this treaty, so will our commitment not end because we are withdrawing,"*** Erdogan said, once again emphasizing that the withdrawal will not affect the women of Turkey.

#### 5. TURKISH WOMEN PROTEST AGAINST THE WITHDRAWAL

Protests in Turkey by rights' groups, activists and women began immediately after President Erdogan issued the withdrawal decree in Mar 2021. Several women online shared their videos and photos united under the hash tag **#istanbulsözleşmesihepimizin** (the Istanbul Convention is ours).



On 01 Jul 2021, protests took place across all major cities of Turkey including in Istanbul, Ankara, and Izmir. Thousands of women took to the streets to denounce the President's decision. They were met with heavy police intervention and violence. Barricades were used, and tear gas was fired by the police. Many demonstrators suffered injuries.

## 6. TURKEY FACES INTERNATIONAL CONDEMNATION

 <p><b>European Union</b></p> <p>"I am deeply worried about the fact Turkey withdrew from the Istanbul Convention. This is about protecting women and children against violence. The EU will never hesitate to point out further negative actions." - EU Commission President Ursula von der Leyen.</p>	 <p><b>United States of America</b></p> <p>In a statement, US President Joe Biden said Turkey's withdrawal is "deeply disappointing," and that "This is a disheartening step backward for the international movement to end violence against women globally."</p>	 <p><b>United Nations</b></p> <p>The United Nations, in a joint statement, said, "Turkey's withdrawal from the Istanbul Convention would undermine the significant efforts invested so far to prevent and combat violence against women and may hinder progress towards further strengthening of national legislative, policy and institutional frameworks."</p>
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## 7. ASSESSMENT

Advocates of President Erdogan's decision to withdraw from the treaty have made claims against the Istanbul Convention that have no basis. The decision has resulted in the removal of a legally-binding system of checks that would ensure Turkey's adherence to basic rights of women in a country which has a patriarchal society and where femicides are often covered up as suicides. The government claims that its domestic laws are enough for protecting women but historically, any such laws have not been efficiently implemented. Women in Turkey are now more vulnerable than ever. Only about 34% of Turkish women work and these rights greatly affect their economic independence as well. Another marginalized community is formed by the LGBT peoples. Turkey's LGBT community has often come under attack from instances of violence against transgenders to media-led campaigns boycotting LGBT-friendly brands. They are also the victims of open hateful speech by Turkey's politicians.

Turkey's withdrawal from the Istanbul Convention has attracted extensive international condemnation. The decision sets a bad precedent and sends a wrong message to observers, to international allies and to the other neighbouring countries in the Middle East where women face the same difficulties as in Turkey. It remains to be seen whether Turkey will take positive steps ahead for protecting its women as President Erdogan has claimed or will this decision put it further behind while most countries around the globe are taking initiatives to move closer to achieving gender equality. More protests and demonstrations are likely over the withdrawal from the Istanbul Convention. The upcoming days business-continuity and supply chains could be disrupted.

### ABOUT THE AUTHOR

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