



THE CONTROVERSIAL PATH OF WOMEN'S RIGHTS IN TURKEY: GENDER AND POLICIES IN THE AGE OF AKP

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One year after Turkey's decision to withdraw from the *"Council of Europe Convention on preventing and combatting violence against women and domestic,"* commonly known as the Istanbul Convention, new measures seem to characterize Turkish legislation on the subject. Among the latest is the decision taken by the Istanbul Public Prosecutor's Office on 14 April to call for a ban on 'We Will Stop Femicide' (Kadın Cinayetlerini Durduracağız Platformu), one of the country's largest women's rights groups, accusing it of being *"against morality and a danger to public safety"* (Michaelson & Narlı, 2022). This seems to show that Turkey continues to take steps backward in terms of gender and women's rights. Therefore, this study aims to shed light on Turkey's general course on women's conditions, to better understand the reasons for some regressive dynamics in the country. Precisely, the research will focus on the changes in the government's positions – and consequently in the measures implemented – regarding



women's rights in the last 20 year since the Justice and Development Party (AKP) came to power in 2002. During this period, the Turkish state has used different rhetorics to strengthen its legitimacy and justify its gender policies. Among these, the strategic use of the concept of *vernacularization of universal gender norms* emerges, which has generated a strong polarization of society on the issue, as well as among women's civil society organizations.

1) Gender policies in Turkey in the early 2000s: the Europeanization momentum.

As early as the beginning of the 1990s, it is possible to see the first institutionalization of gender policies in Turkey, which becomes more prominent in the national political arena through formal and legal adjustments (Dedeoglu, 2013). Among these, a General Directorate for the Status and Problems of Women (KSSGM) was established in 1990 as a requirement of the Convention on Elimination of all Forms of Discrimination against Women (CEDAW) ratified in 1986 (Ibid). The entry into force of the CEDAW Convention has compelled the state to implement new measures to protect women from all forms of violence, leading Turkey to introduce its first domestic abuse code on the Protection of the Family (Law No. 4320) in 1998. (Michaelson & Narlı, 2022). This process also had positive repercussions for Women's Rights organizations (WROs) operating in the country, prompted to a new form of recognition of their work *"from charity to service delivery and policy advocacy"* (Koyuncu & Özman, 2019). However, it was the possibility of joining the European Union and deepening of Turkey-EU relations after the 1999 Helsinki Summit, to open a new page in Turkey's governmental and legal approach to gender policies. (Ün & Arıkan, 2021). Precisely, the need to meet the Copenhagen Criteria pushed the national institutions to implement further changes in the legal framework, also taking women's rights into account (Ibid). Consistent improvements emerged with the introduction of the new Civil Law of 2001, which abolished the concept of *"head of household"* (article 154) and equalized the



status of husband and wife before the law (Dedeoglu, 2013). A measure followed by the amendment of the constitutional Article 10 in 2004, entitled “*equality before the law*”, according to which the state becomes responsible not only for ensuring non-discrimination between women and men but also for “*taking the necessary measures for equality in practice in every field*”. A willingness for equalization also appears in the new Labour Law (2003) and the new Social Security and General Health Insurance Law (2006), which legally introduces the concept of equal welfare policies for women and men and the gender neutralization of social benefits (Dedeoglu, 2013). Lastly, another progressive move was the amendment of the Turkish Penal Code (TPC) in 2005, where the pressure of the EU was tantamount. The main result was the abolition of both articles 462 and 51, which granted sentence reductions of up to seven-eighths in cases of provoked homicide and to one-eighth once the killers committed the crime to protect the family honor in cases of adultery, impregnation, or rape (Güneş & Ezikoğlu, 2022).

The whole process of Europeanisation of Turkey and its effort to improve the country's image and credibility in Brussels also motivated the national governing elites to take an active role in the preparation of the “Council of Europe Convention on preventing and combatting violence against women and domestic”, commonly known as the Istanbul Convention. The fact that Turkey became the first country to sign and ratify the document in 2011 and 2012, respectively, also finds explanations in this sense. A step that constituted a strong advantage for Turkish WROs too, which often called for compliance with European criteria to pressure on the government to adopt women-friendly policies, seeing in Brussels a reference point in their gender equality advocacy (Ün & Arıkan, 2021).

In the first years of AKP's rule, the legal measures could witness a formal attempt to an openness towards gender policies, with advances in women's rights in both the public and private spheres.



However, it could be argued that these reforms were merely instrumental to the country's entry into the European Union, imposing obligations and legal standards that do not correspond to real intentions to bring equality for women. What emerges is a simple *decorative aspect* of the new "gendered legal framework", perfectly synthesizable as a veiled Europeanisation of women's issues (Dedeoglu, 2013), which only resulted in cosmetic changes that did not bring consistent advantages in women's daily life conditions. (ibid). Looking at women's employment conditions and female participation in the labor force over the ten years, no considerable improvements are visible (despite women in Turkey becoming more educated, marrying at a later age, and having fewer children) (World Bank, 2009). Rather, what emerges is an "under-participation trap" phenomenon, according to which improvements in women's status are not reflected in greater integration in the labor market (Hes, Neradová, & Srnec, 2013).

Moreover, progressive legal and jurisdictional changes have not been followed by consequential shifts in the narratives of the AKP party, which has maintained an innate conservative-religious stance throughout the decade (Kandiyoti, 2016). In this sense, AKP's support of women who wear headscarves in public and the championing of women's roles as mothers and wives are explanatory (Dedeoglu, 2013). Thus, the endorsement for the housewifization of women (Ibid) remains a cornerstone for the Turkish state government, which will fully externalize this line of thinking in the post-2011 period.

2) Gender policies in Turkey after 2011: a conservative familiarism (re)turn

The year 2011 constitutes a watershed in Turkish politics, with repercussions in both the domestic and international spheres. The electoral victory of AKP at the national level prompts the party to consolidate its political dominance in a more authoritarian and populist turn, curtailing the power of the military and the judiciary, further deepening the secularist-Islamist divide, and reinforcing



more religious conservative values (Bayulgen, Arbatli, & Canbolat, 2018). This centralized shift had spillovers on the international policy front too, with a gradual adoption of a more assertive and anti-Western discourse (Ün & Arıkan, 2021). Among the main consequences, there was also a refrigeration of EU-Turkey relations, leading Turkey to no longer see membership in the European Union as a priority for the country's political agenda (Ibid).

This (de)-Europeanisation of Turkey (ibid) has also had repercussions on gender issues. Setting aside the Copenhagen criteria, the ruling party explicitly advocated a restoration of a religious conservative 'gender climate' (Güneş-Ayata & Doğangün, 2017) that has always been 'intrinsic' to AKP's ideology (Kandiyoti, 2016). Precisely, the attempt to set up a (new) patriarchal gender regime (Yilmaz, 2015) finds basements on the regulation of three key elements, namely reproduction, sexuality, and traditional family (Cindoglu & Unal, 2017).

Starting from reproduction and sexuality, the first sign of change emerged in late 2010, when the then Prime Minister Erdogan openly stated that '*men and women are different and complementary*' during the AKP 16th Consultation and Evaluation Meeting (Birgun Daily, 2010). The replacement of the concept of gender equality with that of gender complementarity could be seen as a starting point for associating the role of women with that of mothers, describing them as protectors of Turkish nationhood and its cultural value (Yazidi, 2012). In this logic, the AKP referred to the biological status of women as national nurturers to justify the introduction of many pro-nativity policies, such as an attempt to ban abortion and a law limiting cesarean sections in 2012. Both moves have been accompanied by President's anti-feminist and pro-chastity discourses (Bodur Ün, 2019), resulting in provocative declarations such as "*abortion is murder*," stated during the United Nations Development Programme (UNDP) conference on population and development in 2012 (Unal & Cindoglu, 2013).



Concomitantly, speeches over fertility and sexuality have been intertwined with those related to traditional family values, in conjunction with Islamic precepts. Indeed, AKP has progressively emphasized the traditional Muslim family's restoration as the foundation of Turkish society, a nexus that has become one of the AKP's cornerstones for legitimizing changes in rhetoric towards women's role in society (Cindoglu & Unal, 2017). Erdogan's encouragement of women to have at least three children could be interpreted in this sense (Yazidi, 2012). Other legal arrangements have been implemented in conjunction, such as the replacement of the Ministry of Women and Family Affairs with the Ministry of Family and Social Policy in 2011, charged with establishing family education programs for raising women's awareness of religious dictates on family matters (Yazidi, 2012).

The AKP's pro-family stance also found confirmation in some neoliberal welfare policies introduced by the ruling party, assigning a key role to the family in welfare provision and seeing women as caregivers of children, the disabled, and the elderly in the family (ibid). Therefore, the government promoted more flexible forms of employment for women, considering it as a strategy to reverse the decreasing trend in fertility too (Toksöz, 2016). A result that can be perfectly summarized in the notions of the "neoliberal-religious/conservative mode of patriarchy" (Coşar & Yeğenoğlu, 2011) which relegates women to a central role in the domestic/private sphere, minimizing their presence in the public one.

In this rehabilitative process of this 'conservative familialism' (Kandiyoti, 2016), the withdrawal from the Istanbul Convention is nothing but the natural point of the iceberg. President Erdogan's step back from the international agreement, announced by decree on 20 March 2021, has been motivated by the definition of *gender* used by the Convention, seen as problematic among the conservative wing of Turkish society and their representative in the



AKP. Article 3 of the Istanbul Convention defines the term gender as *“the socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for women and men”* (Istanbul Convention, 2011). The lack of references in the definition based on the two sexes, i.e. male and female, has been interpreted by the ruling party as an *“attempt to normalize homosexuality, which is incompatible with Turkey’s social and family values”* (Directorate of Communication, 2021) becoming a reason of concern and causing the withdrawal. However, the government reassured that the procedure would not affect women's rights, stressing Turkey's continued adherence to other international conventions, such as CEDAW, as well as the implementation of all other laws adopted over the past two decades. (Güneş & Ezikoğlu, 2022). This led to a withdrawal without major hiccups, as this *“has no impact on the implementation of rigorous, effective and real measures, including historic legislation that President Erdogan’s government drafted, sponsored and passed”* (Directorate of Communication, 2021). A move that results strategic for the government to legitimize its conservative view of society, with consequences for women in both the private and public sphere.

3) Looking behind the policies: AKP strategies to legitimize shifts over gender issues.

The backward-oriented stance taken by the Turkish government with regards to gender has inevitably led to a weakening of WROs’ agency in the public sphere, resulting in the banning of some of them (as evidenced by the most recent case of We Will Stop Feminicide). Although these facts confirm an exclusionist position held by the government, the AKP party has always looked for strategies to disguise these repressive moves and not let them pass as such, aiming to create polarisation in civil society based on the secularism-Islamism dichotomy (Keyman & Gumuscu, 2014).

The (re)production of authoritarian policies through de-legitimizing either secular or Islamist tendencies constitute a common practice for Middle Eastern governments, which frame the process in



accordance with the specificity of the country considered (Al-Ali, 2003). In the case of Turkey, this process has started with the progressive replacement of the concept of gender equality with that of gender complementarity, leading to the definitive endorsement of the concept of gender justice as the basis for new measures in the field of women's rights. Gender justice could be seen as a particularistic conservative approach (sometimes formulated with reference to Islam), according to which Women's status is defined within the contours of the family (Yılmaz, 2015). This view empties feminist organizations of their role of agency in the public sphere, not seeing them as active and participatory figures in policymaking (as gender equality does). On a factual level, it can occur in different ways, without necessarily translating into the elimination of all women's rights groups. Turkey falls in this category since the government has set up its own feminist organizations in line with its vision and interests instead of banning all WROs indistinctly. As a result, new government-oriented organizations (GONGOs) have flourished since 2012, openly affiliated with the ruling party (Koyuncu & Özman, 2019). The most striking example is KADEM, a strongly pro-governmental conservative WRO born in, 2013 which explicitly underlines the traditional roles of women and refers to values such as gender justice as cornerstones of its existence (Ün & Arıkan, 2021). Emphasizing such aspects, the state employed a polarization technique based on the divide-and-rule strategy (Koyuncu & Özman, 2019), redrawing the borders of feminist organizations to create its own "civil society actors". Apparently, there is no state reticence towards feminist associationism, but on the condition that this is in line with the AKP vision of women and society. It follows that there has been no exclusion of women from the public sphere in the broad sense, but simply of those groups that do not conform to these aspects. This is why the Turkish government has started to target only a few feminist organisations such as We Will Stop Femicide, which has been running a social media campaign called '*The Istanbul Convention Keeps us Alive*' since 2019 (Altan-Olcay & Oder, 2021). What emerges is a 'Politics of Adherence' logic -



which distinguishes between good and bad WROs in reference to their alignment with the state – proving how women's rights have been recently instrumentalized in Turkey for political purposes (Koyuncu & Özman, 2019).

As for the Istanbul Convention withdrawal, this façade process enables the state to demonstrate that there has not been a backward process over gender issues, either in terms of women's rights values or in terms of the existence of civil society actors in charge of protecting them. Consequently, it could be stated that Turkey is undergoing a process of '*vernacularization*' of gender norms. Conceptualized by Peggy Levitt and Sally Merry in 2009, vernacularization corresponds to appropriation and local adaptation of global norms', which differs in each country "depending on the contents of the global women's rights packages at play" (Levitt & Merry, 2009). Translated in the Turkish panorama, women's global norms find a local shape under the frame of gender justice and complementarity, which concomitantly help the state to solidify its legitimacy, instrumentalize social divisions, and manage the relationship with WROs by changing their status and ground values, as evidenced above (Koyuncu & Özman, 2019).

Conclusion

This overview of the legal and political measures carried out in Turkey over the last twenty years shows that there has not been consistent progress on women's rights, mainly because the ruling party has never really intended to improve gender issues. If the "Europeanisation phase" of the early 2000s prompted several progressive decisions on women's rights, in the post-2011 period, the government resorted to new expedients to apply introverted measures. However, the state party has always been keen not to give a self-retrograde image on gender issues, as witnessed by its justifications for withdrawing from the Istanbul convention. The strategic usage of the gender justice versus of gender equality dichotomy has also played a significant role in this, motivating



repressive attitudes towards civil society organizations that do not comply with state feminists' values. Findings that seem to confirm how also Turkey falls into the framework of *neo-patriarchal countries* outlined by Moghadam, which identifies those States that support both modern and traditional institutions and social relationships, with a ruling party that upholds '*patriarchal gender contract*' and fosters gender ideology, cultural norms, social relationship resting upon male breadwinner and female homemaker (Moghadam, 2006)

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