

**Positive Steps and Ongoing Problems in Turkey's dealing with
Domestic Violence Against Women**

Since the 1980s

By

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Abstract

This thesis focuses on the main positive steps and ongoing problems of the Turkish state since the 1980s in implementing legal and social policy changes to eradicate domestic violence in the country. The two research questions it tries to answer: 1) what are the main *positive steps* that Turkey has made regarding domestic violence in Turkey since the 1980s, and how can we explain these legal and social policy achievements? 2) What are the main *ongoing problems* with Turkey's attempts to deal with domestic violence, and how can we explain these ongoing problems? The thesis used a combination of historical and textual analysis, and its main sources were documents related to Turkey having ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). I found that Turkey's taking a number of significant steps in the struggle to eradicate violence against women was due to intertwined national and international forces: the ongoing struggle of women's NGOs within Turkey, and pressure from the CEDAW Commission – often reinforcing the critical comments made by the NGOs. The reason for the ongoing problems was Turkey being half-hearted or unwilling to make a number of changes or provide sufficient services for battered women. This resistance, I argue, is not due to a lack of resources but based on ideological grounds and related to the AKP's, the governing party, conservative politics, as also indicated by the NGOs in their Shadow reports. The AKP prefers women to be within the family union and to keep the family “unbroken” rather than to protect women's against violence and promote women's human rights as individuals.

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Table of contents

Introduction

Theoretical framework and methodology

Introduction to the Research	7
Study Objectives and Research Questions.....	8
The importance of the AKP	Error! Bookmark not defined. 9
Methods and Sources	Error! Bookmark not defined.
Structure of the Thesis	Error! Bookmark not defined.

Chapter 1: A Short History of Research on Domestic Violence

1.1 Introduction.....	Error! Bookmark not defined.
1.2 The Women's Movement's Role in Getting "Domestic Violence" Recognized as a Public Policy Issue	Error! Bookmark not defined. 4
1.3 International Documents' Role Relevant for the Struggle Against Domestic Violence	Error! Bookmark not defined.
1.4 The Situation in Turkey Regarding Domestic Violence Since the 1980s	27
1.4 Feminist Scholars Work About the Struggle Against Domestic Violence in Turkey	Error! Bookmark not defined.
1.5 Conclusion	Error! Bookmark not defined.

Chapter 2: Positive Developments in the Struggle against Domestic Violence in Turkey due to National and International Influences **Error! Bookmark not defined.**

2.1 Introduction.....	Error! Bookmark not defined.
2.2 The General Directorate on the Status and Problems of Women (1990)	Error! Bookmark not defined.
2.3 The law No. 4320 on the "Protection of the Family" (1998).....	46
2.4 The law No. 6284 on the "Protection of the Family and Prevention Violence Against Women" (2012).....	Error! Bookmark not defined. 52

Chapter 3: Persistent Problems and Challenges in the Struggle against Domestic Violence in Turkey since 1980

3.1 Introduction.....	Error! Bookmark not defined. 58
3.2 The Penal Code and the Civil Code.....	59
3.3 Inadequate Budget Allocation for Shelters	66

3.4 Lack of consciousness-raising programs about DV for public officials, the judiciary, law enforcement personnel, health-service providers and the general public**Error! Bookmark not defined.**4

3.5 Conclusion**Error! Bookmark not defined.**0

Conclusion

Bibliography

UN documents

Introduction

Theoretical framework and methodology

Introduction to the Research

Domestic violence is form of gender based violence which is common throughout the world and can have very severe mental and physical consequences for the women it happens to. According to a definition of the European Commission, domestic violence is “occurring in the family or domestic unit, [and includes] physical aggression/battering; mental, emotional and psychological aggression/abuse; rape and sexual abuse between spouses, regular or occasional partners and cohabitants.”¹ For decades if not centuries, domestic violence was regarded as “normal” -- something that happened to women if they had not married the right man -- and as a “private” issue, something happening within the family. It was the women’s movement of the 1960s and 1970s that questioned all these assumptions; making it clear that “customs” such as wife-beating, which had been regarded as “normal”, as “facts of life,” were actually crimes. As historian Ruth Rosen put it, “Between 1965 and 1980, thousands of women participated in an enormous archaeological dig, excavating crimes and secrets that used to be called, with a shrug, ‘life’.” (Rosen 2001: 144). Following these excavations, the international movement managed to get “violence against women” recognized as a human rights violation. In 1979 the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was

¹ EGGSI (Expert Group on Gender Equality and Social Inclusion, Health and Long-Term Care Issues), (2010), *Violence against women and the role of gender equality, social inclusion and health strategies*. European Commission, Social Europe. Luxembourg. Retrieved May 26, 2013: <http://ec.europa.eu/social/BlobServlet?docId=6336&langId=en>.

adopted by the General Assembly. In 1992, “violence against women” was added to CEDAW in the form of “General Recommendation No. 19”. It defines it as “violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and any other deprivations of liberty”.

States that have ratified CEDAW must submit reports to the CEDAW Commission about the changes they make in their legal and other systems to comply with CEDAW. My thesis focuses on the recent history of and struggle against domestic violence in Turkey, exploring how and when violence against women came to be recognized as a public issue there, and what the Turkish state, which ratified CEDAW in 1985, has done to eradicate domestic violence under influence of combined national and international pressure.

Study Objectives and Research Questions

The question of how Turkey has dealt with the issue of domestic violence since the 1980s is too big to answer in an MA thesis. After having done my literature review and having become acquainted with my main sources, I therefore decided to focus my study on what I consider as the major positive steps and ongoing problems in Turkey’s dealing with this issue. The major research questions this thesis tries to answer are: 1) what are the main positive legal and social policy changes regarding domestic violence in Turkey since the 1980s, and how can we explain these legal and social policy achievements? 2) What are the main problems in Turkey’s attempts to deal with domestic violence, and how can we explain these ongoing problems?

Feminist scholars are aware of the importance of CEDAW and of the global struggle to implement its provisions; first in the legal domain, then on other levels. I believe it is important

to make case studies of these complex processes, so as to better understand why some things work and others not, or why some reforms are relatively easy to implement whereas others raise fundamental and protracted resistance. Against that background, the aim of this thesis is to better understand the reasons why Turkey made some positive legal and social policy changes regarding domestic violence but resists to make certain other changes. I have chosen Turkey because I am especially interested in Turkey and the history of the women's movement there. In Turkey, domestic violence is by now recognized as a very serious problem. Although academics, lawyers, feminists, psychologists, and researchers have raised important questions about domestic violence and have published about it from diverse perspectives, the questions I have asked above have not yet been addressed, and answering them, I believe, can be an important contribution both to our understanding of how CEDAW works in different contexts and of the specific Turkish context.

The importance of the AKP

I provide brief information about the ruling AKP (Adalet ve Kalkinma Partisi - Justice and Development Party), specifically its policy to deal with domestic violence which is based on the analysis of the CEDAW related documents, mainly women's NGOs Shadow reports and the CEDAW Committee's response to Turkey.

Recep Tayyip Erdogan, the current Prime Minister of Turkey founded the Justice and Development Party in 2001 and the party won the national election in 2002. It shook the political scene, firstly because a more conservative, "Islamist" party gained the majority of the parliamentary seats for the first time in Turkey's history, and secondly because the election changed the structure of the parliament as many that were represented in the previous parliament

failed to achieve the minimum ten per-cent threshold and were not represented in the 2002 parliament. So, the two parties the AKP (Justice and Development Party) and the opposing CHP Party (Cumhuriyet Halk Partisi - Republican People's Party) gained all of the seats in the parliament (Ilkkaracan, 2007: 13). In 2007 the Justice and Development Party was reelected for a second time and in 2011 the party was again successful gaining the majority of votes and reelected for the third time. Although AKP Party enacted several reforms on judicial system, and human rights with compliance to European norms, the AKP has made very few changes on women's issues. AKP defines itself as conservative democratic political party and the party as well as Erdogan prioritizes family bonds over woman's human rights (Taspinar, n.d.). The synthesis of the term "conservative" with "democratic" is advantageous for the AKP as Erdogan links democracy to the established conservative discourse. He claims that the Turkish state needs to preserve its social and cultural norms that regulate women's body, social life concerning gender roles, social hierarchies and family life while dealing with West (Joppien, 2011:9). Conservative democratic AKP opposes to Kemalist ideology on Westernized, and secular nation, while on the other hand accepts superficially secularism and "acts" like a European Democratic Parties and integrate Europe along with protecting traditional cultural values (Atasoy, n.d.).

Methods and Sources

My methodology consists of a combination of historical and textual analysis. The major sources that I analyze are CEDAW related documents, Turkey's country reports which are prepared by the state, Women's NGOs' Shadow reports and the CEDAW Committee's responses to Turkey in the form of concluding comments. In the Committee's reaction it highlights the state party's accomplishments, identifies obstacles and shortcomings, and gives suggestions for further action based on the critical comments in the Women's NGOs' Shadow reports and its

own research. I critically analyze the CEDAW related materials, more notably, read the reports against each other, comparing and contrasting the information in the reports and from there try to identify what information is included into the country reports and Women's NGOs' Shadow reports, and how that information is provided. What is there, what is not there? Do the country reports give evidence of Turkey taking its CEDAW obligations seriously? These questions serve to make clear Turkey's attempt to overemphasize the issues that have done by the state which is irrelevant to the women's issues and domestic violence and simplify matters related violence against women/domestic violence against women. Turkey's superficial response to the issue of domestic violence is clear from the critical comments of women's NGOs in their Shadow reports and the concern shown by the CEDAW Committee in their response to Turkey. Other sources include academic journals, articles, books, and internet sources.

I have explored the scholarship on the emergence of domestic violence as an issue as a result of the struggle since the 1960s of the global women's movement, and of the women's movement in Turkey since the 1980s. I used two theoretical models: the first is from Katalin Fabian whose recently edited book *Domestic Violence in Postcommunist States: Local Activism, National Policies, and Global Forces* (2010) is the first comprehensive collection of articles on the politics of domestic violence. The second is from Sally Engle Merry's (2006) book *Human Rights and Gender Violence: Translating International Law into Local Justice*, which gives an insider perspective on how human rights law make states take responsibility for the protection of their citizens.

Firstly, Fabian (2010) gives insight into the combination of national and international pressure exerted on states in order make them deal with domestic violence and enact certain positive legal and social policy changes regarding domestic violence. According to Fabian,

“During the communist regime, any discussion of domestic violence was taboo. Effectively nameless, the issue went unrecognized and unacknowledged” (Fabian, 2010:26). However, “internal and external pressure produced reactions in postcommunist Europe and Eurasia” (Fabian, 2010:2). I use Fabian’s (2010) theory about the combination of national and international pressure on states to make them enact legal and policy changes to analyze the Turkish case. More specifically, this theory allows me to explore the impact of both NGOs within Turkey and the CEDAW process on the legal and policy changes Turkey has enacted since the 1980s.

Secondly, Sally Engle Merry (2006) argues that states ratify CEDAW in order to be seen as “civilized nation[s] and ... respected member[s] of the international community” (Merry, 2006:73). Applying this model will help me understand why the Turkish state has taken positive steps such as making amendments in the Civil and Penal Codes -- the first of which on paper grants women equal rights within the family--for the purpose of being seen as “respected country” internationally. However, my analysis will also show that the positive changes made by the Turkish state have not been implemented in practice, suggesting that the driving force behind these decisions has been Turkey’s international image rather than a concern for the status of women in Turkey.

Structure of the Thesis

The thesis has three chapters, an introduction and a conclusion. Chapter One provides history, context, and general information relevant for this topic, as well as a summary of what Turkish scholars have written about domestic violence. Firstly, it discusses the women’s movement’s role in bringing the issue of domestic violence into the public sphere. Next, I

provide a brief overview of international documents' role in combating domestic violence. Then, I briefly discuss the situation in Turkey regarding domestic violence, and end with a discussion of Turkish feminist scholars' work on domestic violence in Turkey. Chapter Two discusses what I regard as three important legal and social policy achievements of the Turkish state in its dealing with domestic violence, namely the General Directorate on the Status and Problems of Women, the law No. 4320 (1998) on the "Protection of the Family," and law No. 6284 (2012) on the "Protection of the Family and Prevention of Violence Against Women". Chapter Three covers three main ongoing problems or insufficient steps of the Turkish state in dealing with domestic violence, namely recent changes in the Penal and Civil Codes, insufficient budget allocation for shelters, and lack of consciousness-raising programs for the public in general and for victims of domestic violence in particular. In the Conclusion I will answer my main research questions.

Chapter 1: A Short History of Research on Domestic Violence

1.1 Introduction

In order to contextualize the history of the struggle against domestic violence in Turkey and the legal and social policy measures introduced to combat domestic violence, this chapter will briefly discuss the main literature in four relevant subfields: 1) the role of the women's movement in getting "domestic violence" recognized as a public rather than an private or family issue; 2) the role of the international documents relevant for the struggle against domestic violence; 3) the situation in Turkey regarding domestic violence since the 1980s (what is the scope of the problem; how has the women's movement reacted to this issue? and how has it changed over the last 30 years?); and 4) what, exactly, have feminist scholars written about the struggle against domestic violence in Turkey (what have they written about the role of the

women's movement in Turkey?; what, in their view, has been the impact of international documents?; what are the main gaps in this literature?).

In the conclusion I will sum up what are the themes and foci in the literature about the struggle against domestic violence in Turkey, and explain how this leads to the questions my thesis will address in Chapters 2 and 3 about the main positive steps and main remaining problems in the efforts to deal with domestic violence in Turkey.

1.2 The Women's Movement's Role in Getting "Domestic Violence" Recognized as a Public Policy Issue

This subchapter focuses on the role of women's movements in the 1960s and 1970s in getting domestic violence recognized as a form of violence against women and on the public agenda. I will specifically address the questions: how did domestic violence come to be seen as a major and central topic?; what has been the role of the women's movement in generating state reaction to domestic violence?; why do states find it so difficult to name and deal with domestic violence?; I will further discuss what the literature says about the initial recognition of domestic violence; the rise and struggle of the women's movement to create public attention; the major goals, strategies and achievements of the women's movement; the establishing of independent organizations to better combat domestic violence and to provide immediate services for victims' safety; challenges and confrontations with states on the one hand to make them recognize the problem of domestic violence as a public policy issue, on the other hand to make policy and social changes at the ground level.

In the USA, the roots of the women's movement and the struggle against violence against women go back to the 1950s and 1960s when the "civil rights, anti-war and, black liberation

movements challenged the nation” (Schechter, 1982:29, 30). Women in the women’s liberation movement uncovered that male domination was prevalent not only in the public but also private sphere. They claimed that men possessed power and privilege and held a superior position which put women in subordinate position. Women began to challenge existing power relationships, the public/private dichotomy and established gender roles and came to realize the problem of violence against women within the household. In addition, the movement stressed that women should not blame themselves for their husbands’ abusive acts (Schechter, 1982:32).

Writing about the early so-called Second Feminist wave, Dobash and Dobash (2002) pointed out that,

“In both Britain and the United States, the women’s movement of the late 1960s and 1970s provided the base of membership and the overall perspective from which numerous issues could be addressed and actions organized. Wage work and the economy, domestic work and the family, reproduction ... and institutional practices. Male domination and power were fundamental to all. The task of transformation was enormous, but the spirit and energy of the time was of equal measure, and so began the struggle for change.” (Dobash and Dobash 2002: 15, 16)

Katalin Fabian has recently published an edited collection about the struggle against domestic violence in postcommunist states. In the introduction she writes:

“traditionally, partner violence against women has been accepted, occasionally even glorified, and seen as a private matter. ...The women’s movement ... has since its inception in the early nineteenth century focused on various forms of discrimination against women. However, only relatively recently have activists turned their attention to domestic violence

and managed to develop successful campaigns against the bodily harm and emotional abuse that women often suffer within intimate settings.” (Fabian, 2010: 1)

As authors such as Fabian (2010), Dobash and Dobash (2002), Schechter (1982), and Tierney (1982) discuss, many forms of violence against women were not recognized or acknowledged as such until the women’s movement of the 1960s and 1970s succeeded in achieving this fundamental social change in the national arena and in particular globally in the 1990s, inspired by the slogan “The Personal is Political!” (Sabedashvili, 2011:16).

Schechter (1982) describes her experience working as an activist in Chicago between 1974 and 1980. She illuminates the “Battered women’s movement” in the USA in the 1960s and 1970s. The concept of “battered women” was not part of the vocabulary and the problem was invisible until the women’s movement brought it into the public sphere. The “Battered women’s movement” emerged as a result of numerous women’s attempt to provide social services such as shelters and hotlines for women victims of domestic violence and their children. In the 1970s feminists from women’s crises and anti-rape centers began to report that hundreds of battered women needed a place to stay (Schechter, 1982:29). Activists began to establish autonomous organizations in order better combat domestic violence and prepared projects in the United States. For example, Feminist Women’s Centers, and Domestic Violence Service Center offered a safe place and counseling for battered women (Schechter, 1982: 56).

According to Tierney (1982), the women’s movement was instrumental in changing public opinion and transforming the perception of domestic violence from a private matter into a social problem. For decades, domestic violence was considered a family issue. Society blamed the victim and praised and justified the perpetrator’s acts. The public in general was indifferent.

However, the provocative role of the women's movement gave visibility to the issue of domestic violence and broadened public awareness (Tierney, 1982:210).

Among the women's movement's achievements were the public acknowledgement of domestic violence as a social problem and the provision of social services for battered women. The Chiswick Women's Aid initiative to establish the first shelter for battered women in London, England, in 1971 was one of these achievements (Tierney, 1982: 207).

The history of how the first shelter in Britain became established is now precisely known. Five hundred women and children marched in the town with a cow, in order to protest against the elimination of free school milk, but somehow this resulted in a solidarity march with the request to establish a refuge for battered women. However, this march was a basis for women, even not with direct success, to create solidarity between them, which led to arranging a community meeting. That was the first time that women disclosed horrific stories about things happening to them in the private sphere. As a result of this march and the community meeting, the issue of domestic violence was for the first time defined as a public matter, and this instigated a social movement. As a result the first shelter was established in Britain (Chiswick), in which Erin Pizzey played an important role. (Dobash and Dobash 2002: 25, 26).

Erin Pizzey, as one of the Chiswick Women's Aid's founders, continued the awareness-raising process with a speaking tour and the publication of the book *Scream Quietly or the Neighbors Will Hear* (1974). The advocacy of Pizzey and other activists pushed the British Parliamentary to investigate the issue of domestic violence, and in 1976 to broaden the legal protection for women victims of domestic violence. In the United States, the first shelter "Rainbow Retreat" was established in Phoenix, Arizona, in 1973, and in 1974 "Haven House" in Pasadena, California, began to provide services to victims of domestic violence. These two

shelters were not only for victims of domestic violence but for abused women in general. Others, such as “La Casa de Las Madres” in San Francisco and “Transition House” in Cambridge, Massachusetts, were shelters run by feminists that helped only victims of domestic violence (Tierney, 1982:207).

In the United States, the battered women’s movement began a few years after its initiation in Britain. However, in America, the women’s liberation and anti-rape movements echoed American activists’ knowledge and experience about wife battering. The rise of the women’s movement goes back to 1973 and 1974 in the USA with the opening of Women’s Advocates in Minnesota and Transition House in Boston. However, women’s movement gained widespread recognition in the United States later than in Britain. Women’s Advocates and Transition House in the USA provided awareness raising groups for start to initiate services for victims of domestic violence and Chiswick did the same in Britain (Dobash and Dobash 2002: 26).

In addition to the shelters, hotlines and consciousness-raising programs, the women’s movement in US has made profound changes within the legal, political, research and publication spheres. Continuing women’s activism and lobbying efforts in the United States contributed by 1979 to getting a law passed to broaden the scope of protection for abused women and increase the punishment of perpetrators (Kalmuss and Straus 1981 in Tierney, 1982: 208, 209). Despite the fact that law enforcement policies and courts were unwilling to deal with wife beating, these laws pushed them to take the cases more seriously and provide better services.

According to Fabian, domestic violence was brought into the public sphere as a significant public policy issue in the post-communist countries as a result of the intertwined forces of local and global women’s groups and human’s right activists (Fabian, 2010: 3,11). She

argues that it was difficult for postcommunist states to recognize and consider domestic violence as a public policy issue because gender inequality and the public/private division were deeply situated within postcommunist countries (Fabian, 2010:8). Fabian shows that the human rights framework and policy recommendations moved from the United States into postcommunist countries after the fall of the communist system. Thus, women's NGOs and activists began to develop tactics to push governments and draw public attention to domestic violence. They applied western policies and instruments but interpreted them to make these instruments more appropriate for local norms. For example, women's NGOs and human rights activists in Russia and Slovenia have stretched the earlier liberal feminist concept of domestic violence by inserting "economic/structural violence" as part of their definition of domestic violence (Fabian, 2010:12). This strategy and approach provided postcommunist activists with tools to address male domination, patriarchal inequality and more notably unequal rights and opportunities for women (Fabian, 2010: 12-13, 18). Moreover, globalization and the norms of human rights and democratization enabled these activists to bring the discussion of domestic violence into the public arena (Fabian, 2010: 27). Fabian convincingly shows how domestic violence has remained a highly debated issue between liberal and traditional forces and, most importantly, how postcommunist countries provided temporary services for the victims, if this strategy matched their own interests and goals. Postcommunist countries' superficial acceptance of international documents to aid battered women had the purpose of implementing weak and gender neutral policies (Fabian, 2002:30). In addition, Fabian argues that the state finds it difficult to name domestic violence as such because "considering domestic violence as a crime challenges the legitimacy of established power relations, both within intimate relationships and also in the context of the state and its law-enforcement methods" (Fabian, 2010:26).

Despite the women's movement successful struggle against and lobby about domestic violence, numerous beaten women were not aware of the movement and the kind of help it had created. In addition, the states were unwilling to response to this issue. However, the women's movement has achieved many crucial goals in a short period of time. To begin with, the issue of domestic violence was brought into the public sphere and is now considered a societal problem rather than an individual and private matter. Secondly, a wide range of social services such as shelters and consultation centers were provided for the victims of domestic violence as a result of activists' advocacy. Thirdly, as a result of women's NGOs' effective pressure government agencies funded and promoted diverse public awareness programs on the issue of domestic violence.

1.3 International Documents' Role Relevant for the Struggle Against Domestic Violence

The recognition of gender based violence/domestic violence was originated by the women's liberation movement in the West, which then spread in different parts of the world (Sabedashvili, 2011:17) Domestic violence was recognized as a public rather than a private issue in the 1970s, it became part of the international human rights discourse in the 1980s (Merry, 2001:83), and finally was included in international documents in the 1990s. This subchapter briefly covers the main elements of that history, and will seek to answer the questions: when and how were women's rights included into human's rights framework? who were the main actors of this struggle? do international documents matter?; how can reframing domestic violence as a human rights violation be influential in the field of domestic violence, its prevention, and intervention? How have women's issues been interwoven with global issues and entered into international discourse?

As Bunch (1990), Merry (2006) and Fraser (2012) note, for years states opposed or ignored to consider women's rights as human rights and were unwilling to ratify women's rights

treaties such as CEDAW. In addition, despite the scope and systematic nature of violence against women and domestic violence, International Human Rights Law failed to recognize it as a violation of women's rights and as a significant issue for global action. Violence against women first time was recognized at the UN World Conference on Women of International Women's Year, 1975, which pushed governments to take action (Wing, Adrien, Katherine, 1997 & Onyango, Oloka, J. 1995, 94, in Qureshi, 2013:187).

Bunch questions the divide between the women's rights and human rights (Bunch, 1990:486). Bunch argues that generally speaking any cruel acts toward a human being is considered as a very serious human rights violation. However, hundreds of women are subject to diverse brutal acts in every aspect of their life, which is unrecognized and unacknowledged as human rights violation for decades. She argues that the classification of women's rights as human rights has policy consequences. Human rights are taken more seriously than women's rights, which imply that women's rights are seen as less important than men's rights, or simply ignored (Bunch, 1990:492). She then states that:

“Significant numbers of the world's population are routinely subject to torture, starvation, terrorism, humiliation, mutilation, and even murder simply because they are female. Crimes such as these against any group other than women would be recognized as a civil and political emergency as well as a gross violation of the victims' humanity. Yet despite a clear record of death and demonstrable abuse, women's rights are not commonly classified as human rights. This is problematic both theoretically and practically, because it has grave consequences for the way society views and treats the fundamental issues of women's lives.” (Bunch, 1990: 486)

Bunch rightly argues that women's rights are violated due to gender discrimination, more clearly, women suffer because they are women. According to the author "gender related abuse has been most neglected and offers the greatest challenge to the field of human rights today" (Bunch, 1990:486). So, the human rights concept ("women's rights as human rights") is the best way to redress gender based violence and make women's voices heard (Bunch, 1990: 487). In addition, she claims that failure to recognize women's oppression as a political issue ends up with the ongoing exclusion of violence against women from the human rights framework.

Fraser (2012) discusses how over time, women's human rights began to include into international treaties where they were previously unacknowledged and unrecognized. She provides the history of declarations and conventions including the Universal Declaration of Human Rights (1948), DEDAW- the Declaration on the Elimination of Discrimination Against Women (1967), and CEDAW – the Convention on the Elimination of All forms of Discrimination Against Women (1979). She calls the process of including women's rights into human rights framework both "evolutionary" and "revolutionary". Evolutionary because of changes in the laws, policies, cultural and social practices, and revolutionary in the sense that the main goal is to achieve equality between man and woman. Another reason why it is important to include women's rights into human rights discourse is that it enables to address women's rights globally. (Copelon, 2003:872 in Qureshi, 2013:191).

As noted above, the first international tool which recognized human rights was the Universal Declaration of Human Rights (1948). It recognizes the human rights of an individual: "the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national and social origin,

property, birth or other status” (Article 2). (United Nations Human Rights - Office of the High Commissioner for Human Rights, n.d.) Although it is not a legally binding document, the Declaration had a great positive impact on national constitutions since its adoption 1948. It gave a basis for enacting national and international treaties, and laws on human rights. Declaration served the purpose of defining the concepts of fundamental freedoms and human rights, which were applicable to most of the countries. The International Bill of Human Rights that is Universal Declaration of Human Rights was criticized for failing to consider women’s rights as human rights. For example, American feminist Catharine MacKinnon questions “are women human?” in order to see whether Declaration guarantees women’s rights as human rights. Mackinnon argues, pointing to Article 1 -- the term “brotherhood”, and Article 23 – the terms of “himself” and “his family” that the Declaration is androcentric (male centric) and does not consider women’s rights as human rights (MacKinnon, 2006:42).

In November 1963, twenty-two Eastern European and developing countries introduced to the UN General Assembly in its 18th session a resolution for a declaration on eliminating discrimination against women. As part of the strong emphasis on Development, the major claim was that women play a crucial role in the development of a country and discrimination prevents the development of a country. In 1967, the General Assembly adopted the Declaration on the Elimination of Discrimination Against Women (DEDAW). It was an international non-binding document, a tool for monitoring and implementing the provisions to eliminate discrimination against women in the local arena. Moreover, the Declaration urged for abolishing all discriminatory provisions based on custom and tradition (Fraser, 2012:78, 82, 84). However, although there was progress in the matter of equal rights, the discrimination against women continued consistently.

Three treaties have been issued between the Universal Declaration of Human Rights and the Declaration on the Elimination of Discrimination Against Women (DEDAW) to progress women's rights: Convention on the Political Rights of Women (1952), the Convention on the Nationality of Married Women (1957) and the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962) (Kıymaz Bahçeci, 2012:31). Although these documents were important to improve women's position and enhance their rights, there was a need for a more encompassing document. This became the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), first proposed in 1972, accepted by the UN General Assembly in 1979, and after twenty country's ratification the Convention entered into force in 1981 (Kıymaz Bahçeci, 2012:45). CEDAW proclaims women's equality before the law and the enjoyment of basic human rights and fundamental freedoms for everyone, without any kind of discrimination including distinction based on sex. CEDAW is one of the UN's international human rights treaties and considered the "international bills of rights for women". It aims to end gender discrimination and provide legal equal rights for women in the local arena (Merry, 2006:74). In addition, CEDAW calls on states to alter culture which is based on gender discrimination.

According to Merry (2006), CEDAW is a very crucial international document. Although it is a law without sanctions and cannot punish those countries that do not comply with CEDAW, it has an impact on social and cultural changes. In addition, and fundamentally, it includes gender equality which obliges states to prepare report, present and discuss this. An important reason why states ratify CEDAW is to be seen as "civilized nation[s] and ... respected member[s] of the international community. Countries all over the world endeavor to present themselves as human-rights compliant, cooperative with the international regime of treaty law."

(Merry, 2006:72, 73) So, even if countries are less likely to alter their own policies, they want to be considered as “respected” country.

Violence against women/domestic violence was not included into the original text of CEDAW. “However, since the 1985 Nairobi Conference to review and appraise achievements of the UN Decade for Women [1976-1985], the UN has encouraged discussion to help break the silence concerning the issue of violence against women” (Pietilä 2002 in Sabedashvili, 2011:18). In 1989, the *Violence against Women in the Family* report was released by the UN. According to Bonita Meyersfeld this was a very crucial step:

“The report established four important factors. First, it described domestic violence as a problem in almost every country, giving it an international profile. Second, domestic violence was cited as one of the most serious causes of ill-health amongst women, thereby linking it to the existing international right to health. Third, the report established that domestic violence was not random but was ‘associated with inequality between women and men, and strategies to perpetuate or entrench that inequality’. Finally, the report initiated a change in the emphasis in international law from protection of the family to protection of individuals *within* the family” (Meyersfeld, 2010 in Sabedashvili, 2011:18).

In 1992, violence against women was added to CEDAW in the form of “General Recommendation No. 19”. It is defined as “violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and any other deprivations of liberty”. General Recommendation No. 19 urges states to curtail relying on customs, religious and traditional considerations in order to avoid their responsibility to comply with CEDAW.

However, General Recommendation No. 19 is not a legally binding document, thus, states can only be asked to include reports about violence against women in their reports (Evatt 1991, Global Justice Report 2007, Culliton 1993, Handbook on the Individual Complaints Procedures of the UN Treaty Bodies: 244. Hainsfurther 2008 in Qureshi, 2013:192). Yet, provisions and related reports in the General Recommendation No. 19 can function to persuade states to do things for political reasons (Culliton 1993 in Qureshi, 2013:192).

The process in the UN increasingly highlighting violence against women (VAW) led to the adoption by the UN General Assembly in 1993 of the Declaration on Elimination of Violence Against Women (DEVAW). This Declaration is based on the principles that were put forth by the CEDAW General Recommendation No. 19, however highlights that countries must: “Exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons” (Fraser 1999 in Sabedashvili, 2011:19).

After the Declaration on the Elimination of Violence Against Women (DEVAW), the first legally binding Convention related to domestic violence was adopted by the Committee of Ministers of the Council of Europe in 2011. The *Convention on Preventing and Combating Violence against Women and Domestic Violence* is a legal framework whose aim is to prevent violence, protect victims, and end abusive act of perpetrator. It criminalizes violence against women including genital mutilation, forced marriage, stalking, sexual, physical and psychological violence against women (Sabedashvili, 2011:20).

Although international documents have not substantially challenged and changed governments’ policies regarding domestic violence, they have at least made states take positive actions, including adopting laws and implementing new policies. In this long struggle women’s

NGOs and activists have played a crucial role. They successfully, though gradually, brought women's rights into the major human rights agenda and have managed to get violence against women/domestic violence to be considered as a violation of women's rights.

1.4 The Situation in Turkey Regarding Domestic Violence Since the 1980s

The main aim of this subchapter is to explore the situation in Turkey regarding domestic violence since the 1980s. Within this discussion, I will focus on the rise of the women's movement in the 1980s in Turkey with regard to feminists and activists' major role in bringing the issue of domestic violence from the private into the public sphere. The ultimate goal is to identify: when and how was the issue of domestic violence brought from the private sphere into the public sphere in Turkey?; how has the women's movement reacted to this issue?; and what is the scope of the problem in Turkey?

The history of the Turkish women's movement can be separated into three phases. The first phase began during the Ottoman Empire in 1839. The second phase began with Mustafa Kemal Ataturk's Republican era, when women were granted with certain rights. The third phase started in 1980, with the end of military rule (Gunduz, 2004:115).

Women in Turkey in this last period began to acknowledge that they have certain problems because they are women, regardless of their educational background, origin and status in the society. They challenged and raised women's issues with the purpose of giving rise to a feminist consciousness and to become free from subordination and oppression (Arat 1994 in Gunduz, 2004:118). Women began to gather and arrange different awareness-raising activities for different women's issues, including sexual abuse, domestic violence, and discrimination against women.

Domestic violence in Turkey was ignored for decades as it happens behind closed doors. It is so deeply situated and internalized in the patriarchal society that the state considered it normal or a private family issue instead of a crime. It was only after a court case in 1987, in which a judge, Mustafa Durmus, in Cankiri rejected a woman's claim for divorce by stating that a little "whip on the back and a child on the belly is of no harm to women". After this rejection more than a thousand women broke their silence and appeared outside of their homes for the first time to support women against male violence - domestic violence, beatings, and sexual harassment. This protest on 17 May 1987 became the stimulus for various actions, protests and demonstrations in different parts of Turkey, in which women questioned the problems that they faced because they are women. The "Women's Solidarity March against Violence" was one of them. Another demonstration was in the Yogurtcu Park in Istanbul, also in 1987, in which 2500 women gathered under the slogans "We don't want the paradise of violence", "Women! Solidarity against violence", "There is no legal violence"; "Violence is the reason to escape from home". A third example is the campaign on October 4, 1987 in the Kariye Museum in Edirnakapi in Istanbul, which included people's songs and theatre shows (Purple Roof Women's Shelter Foundation, n.d.). These demonstrations were only few of many events in the 1980s whose aim was to express women's solidarity and to struggle against male violence. A group of women who called themselves feminists began to meet and discuss together feminist literature - mainly from the US, Britain and France. Women in these "awareness raising groups" challenged the patriarchal relations and gender roles which are imposed on women and assign them to the private sphere. The first feminist paper of this period (of course there were feminist publications earlier in the twentieth century) was issued in 1983, in *Somut dergisi* (Concrete journal). Very significant was the signature action on March 8 (International Women's Day) in 1986. On that

day, 7,000 signatures were submitted to the Turkish Parliament by a group of women to put pressure on the Turkish government to implement CEDAW, after Turkey had signed the Convention in 1985 (Moralioğlu, n.d.)

In 1989 the “Purple Needle Campaign” was held at Taksim Square in Istanbul, protesting against sexual abuse. This was a campaign suggested by a group of feminists against sexual harassment using the slogan “Our Bodies Belong to Us, Say No to Sexual Harassment”. These needles were the symbol of protection against male sexual abuse. With the help of these needles women could walk safely in the streets and in case of abusive act they would use them. The message was addressed to men in order to make them feel embarrassed about their abusive acts. In January of the same year, a telephone helpline was created for the victims of domestic violence offering legal and practical support. In the meantime, various publications, magazines, journals, and books were published. Independent feminist women’s magazines “Pazartesi”- (Monday), “Kaktus” (Cactus, a socialist feminist magazine), and “Amargi” were founded. In 1987, Duygu Asena’s book *Kadının adı yok* (Woman has no name) was published, which became one of the best-known feminist novels about gender and sexual politics in Turkey. *Bagir! Her Kes Duysun!* (Shout and Be Heard) was another book about women’s experience with domestic violence (Moralioğlu, n.d.).

The first independent women’s NGO dealing with violence against women/domestic violence, Mor Cati, the Purple Roof Women’s Shelter Foundation in Istanbul, was established in 1990, followed by the Women’s Solidarity Foundation in Ankara in 1991. These two women’s organizations were the initiative of more than 60 women’s organizations in 34 cities where feminists struggled to make violence visible, to develop techniques for solidarity and support women who suffer violence by their partners. They not only protected women from their abusive

partners but also aimed to empower and encourage them for a life without violence. Shelters on the one hand were a safe place for victims of domestic violence, on the other hand they were a place where feminists created non-hierarchical relationship and advanced their political goals (Ekal, 2011).

Women's movements had an important role in the cancellation of two discriminatory articles against women in the Turkish Civil and Penal Codes in 1990. Women held a campaign in 1990 against the decision that was made by the Penal Code about women who practice prostitution. They demanded the abolition of Article 438 in the Penal Code, which reduced the penalty for rape of a sex worker. Another campaign was held in the same year against Article 159 of the Turkish Civil Code which demanded that women should get their husband's consent to go paid work outside of the home (Ilkcaracan, n.d.).

Thanks to the work of the women's movement since the 1980s, it is now recognized that domestic violence is a very serious problem in Turkey and data have been collected. In 2009, the Ministry of Justice conducted a survey on domestic violence. It showed that in 2003, 83 women, in 2004, 164 women, in 2005, 317 women, in 2007, 1.011 women and in 2008, 806 women were killed by their partners in the domestic sphere (Today's Zaman, 2012).

The concept of domestic violence was first legally recognized in Turkey in law No. 4320 on the "Protection of the Family" (1998), which is seen as one of the positive steps in Turkey in the struggle to combat and overcome violence against women. Now all family members-children, parents of women victims of domestic violence can also apply to the law No. 4320 (1998) in addition women who were abused by their partners. Furthermore, not only the victims of domestic violence were legally under the protection of the state, but also drastic measures

were taken against the perpetrators who had harmed the victims. So the state on paper guarantees the safety of the victims of domestic violence who apply for help and aims to limit the violent acts of abusive partners. The law No. 4320 on the “Protection of the Family” was put into force in 1998 and in 2007 an amendment has been made to the law No. 4320 (1998) in order to expand the definition of perpetrators and make it applicable for divorced and/or separated couples. The amendment was put into the force in 2008 (Ilkkaracan and Amado, n.d.). However, law No. 4320 (1998) was not effective in practice (CEDAW/ C/ TUR/ 937 and 938). Women were unaware about the law No. 4320 (1998) and their legal rights, and most importantly, careless and insensitive attitudes of the courts, police and gendarmerie resulted in victims’ belief that the state will not be able to protect them from domestic violence.

In March 2012, Turkey passed a new Law, No. 6284, on the “Protection of the Family and the Prevention of the Violence against Women” to respond to the ineffectiveness and problems with implementing the previous law. In comparison with the previous law No. 4320 (1998), the 2012 law shows improvements relating to the protection of victims of domestic violence, such as: family courts² can classify shared houses as “family houses” and notify the land registration office as well. In this case, the perpetrator will not be able to sell the property against the woman’s will or to transfer battered woman. Women can decide to leave the house. According to the new Law No. 6284, perpetrators of domestic violence are kept away from the home for one month in order not to harm women victims of domestic violence. The new regulations also provide state assistance for victims of domestic violence including a new residence, financial aid, legal and psychological help, and police protection” (Official Newspaper, 2012).

² Family Courts has been established in 2003 in order to oversee cases related to the law No. 4320 (1998) regulating domestic violence

The women's movement in Turkey has been quite active since 1980. They managed to make the state recognize domestic violence as a public issue as a result of their successful campaigns and demonstrations. Although the Turkish state has made several legal and social changes in the legislation regarding domestic violence as a result of the pressure exerted by the women's movement and human right activists, domestic violence continues to be major social problem.

1.5 Feminist Scholars Work About the Struggle Against Domestic Violence in Turkey

This subchapter briefly outlines feminist scholars' work about domestic violence. The work of these scholars illuminates the emergence of the acknowledgment of domestic violence and the feminist struggle to push and urge the government to take measures and eradicate domestic violence. The questions that guide me here include what, exactly, have feminist scholars written about the struggle against domestic violence in Turkey?; what have they written about the role of the women's movement in Turkey?; what, in their view, has been the impact of international documents? Finally, what are the main gaps in this literature? This will lead me to identify the major gaps in the Turkish feminist scholars' work, which will then allow me to formulate my own questions for this thesis.

Bora and Gunal (2002) discuss the feminist movement in Turkey since 1980s. This work clearly lays down Turkish women's different activities regarding the public as well as the private sphere. They discuss the law No. 4320 on the "Protection of the Family" which was passed in 1998 and about the amendment which was made to the Penal Code (2004) about criminalization of domestic violence. However, the authors also emphasize that the government's efforts to take strict measures are insufficient and there is a need to allocate funds for shelters and women's NGOs.

Karagoz (2008) discusses the Turkish women's movement, challenge of the private/public dichotomy, men's hegemony and domination over women. The 1980s was a period when women began to meet at home in order to talk about women's issues and problems that they face because they are women and challenge gender roles and these issues were brought into parliament in 2000s. The author gives information about various achievements of the women's movement but also points out that the movement became less active in the 2000s. Sallan Gul (2011) divides the Turkey's women's movement struggle regarding domestic violence into three periods. The 1980s were the period when domestic violence was brought into the public sphere by the women's movement and feminists' successful campaigns and demonstrations. The second period was the 1990s, when women began to establish social services including consultation and shelters for battered women. The third period, the 2000s, was the decade in which several legal changes were made as a result of women's activists' effective struggle.

Sunday, Yuksel, Koc, Akadli Ergocmen and Turkeyilmaz (2009) explore domestic violence in Turkey, its causes and consequences. Turkish women they claim not only face domestic violence by their partners but also from their family members as well. Domestic violence is very pervasive in Turkey. Importantly, 86 % of women victims of violence consider domestic violence as not justifiable. However, only 8% of victims of domestic violence seek help from the government when they face domestic violence. In addition, patriarchal and traditional norms, and gender stereotypes impede the struggle to eliminate domestic violence.

Kosgeroglu (2009) also discusses the reasons and consequences of domestic violence. Domestic violence is not an individual but a social problem: the domination of men over women and power relationships are at the center of the problem. It is also deeply situated in various

institutions, which makes it even more difficult to combat domestic violence. Kosgeroglu argues that it is significant to increase the social services for victims of domestic violence as well as provide rehabilitation services for the perpetrators. Actions should be taken in the national arena to educate people about domestic violence and how to combat it. In addition, it is also crucial to provide and promote positive images of women in the media and to provide programs for educating public about the negative consequences of domestic violence.

Domestic violence is a very severe problem in Turkey like in almost every country. Turkish women in every aspect of life are subject to violence and treated as inferior, subordinate human beings. Various books have been published in Turkey regarding domestic violence. In these books the prevalence, types, reasons, consequences of domestic violence were discussed. Although it is now accepted that domestic violence is not a private issue and legal and other measures have been taken, this problem remains pervasive.

1.6 Conclusion

This chapter has reviewed the literature about the struggle of the women's movement in Western countries to get domestic violence acknowledged as a social/public rather than a private issue; the development of international documents that contribute(d) to the struggle against violence against women in general; the situation in Turkey regarding domestic violence and the women's movements struggle against it; and finally Turkish scholars' work about domestic violence. The literature review shows that domestic violence is one type of gender based violence that is addressed toward women within the domestic sphere. The problem was first named as such by the women's movement in the United States and Britain in the 1960s and 1970s, and became discussed in Turkey in the 1980s, after the end of the military dictatorship. In the 1980s Turkish women gathered at the streets to challenge patriarchal norms and unequal

rights between the sexes. They particularly focused on violence against women and domestic violence.

Turkish scholars have contributed to the struggle against domestic violence with their publications that explore the issue from diverse perspectives. As US scholar Katalin Fabian has argued for postcommunist countries, local and global (or, national and international) forces intertwined in the struggle against domestic violence and, in particular, made government undertake action. The literature on Turkey, however, has not consistently focused on the national and international impact, asking how these influences led to major social and policy changes with regard to domestic violence. Therefore, my thesis does focus on the role of national and international influences on the Turkish government, leading it to make social and policy changes with reference to domestic violence. But since this is a very big topic, I will specifically focus on some of the major positive steps (Ch. 2) and persistent problems (Ch. 3) regarding the struggle against domestic violence in Turkey since the 1980s. The aim is to shed light on and better understand, what substantial positive changes Turkey has made in its policy and legislation regarding domestic violence over the last 30 years, and which problems in this field Turkey could not solve. Thus, I ask what are the reasons that Turkey has taken certain positive steps, yet still does not seriously or effectively address other challenges regarding domestic violence in the domestic arena.

Chapter 2: Positive Developments in the Struggle against Domestic Violence in Turkey due to National and International Influences

2.1 Introduction

As the previous chapter has shown, domestic violence is a highly pervasive and serious problem in Turkey, and one that affects women regardless of their educational, social, and economical background. Feminists, women's NGOs and human rights activists, on the one hand, and pressure exerted on Turkey as a consequence of it having signed and ratified international treaties and agreements, on the other hand, have pushed Turkey to recognize domestic violence as a problem that the state has to deal with it. As a result, Turkey since 1990 has passed several policy and legal changes aimed at eradicating domestic violence and enhancing women's status and rights. This chapter will identify some of the Turkish state's major positive social and policy changes with reference to domestic violence as a result of these national and international influences. Particularly, it will focus on the General Directorate on the Status and Problems of Women, established in 1990 (2.2), and on two laws – law No. 4320 on the “Protection of the Family” (1998) (2.3) and law No. 6284 on the “Protection of the Family and Prevention Violence against Women” (2012) (2.4). This chapter will specifically try to address and explain 1) when and how the national and international influences pushed the Turkish government to take positive action; 2) what contributions these positive legal and policy reforms have made; and 3) most importantly, why these positive actions have taken.

In addition to using the publications of Turkish scholars, my analysis of the major legal and policy changes in Turkey regarding domestic violence against women in Chapter 2 (the positive steps) and Chapter 3 (the major ongoing problems) will mainly be based on CEDAW-

related documents. CEDAW, as discussed in Chapter 1, is one of the UN's international human rights treaties; its overall aim is to end women's discrimination, and as a Convention it is a legally binding document. It was adopted in 1979 by the UN General Assembly and came into force in 1981.³ The state parties are responsible to implement the principles set forth in CEDAW and to end discrimination in the national arena. Violence against women was not included in the original text of CEDAW, but was added to CEDAW in 1992 in the form of "General Recommendation No. 19".⁴ Turkey signed CEDAW in 1985 with reservations (Article 9, 15, 16, 29)⁵ and the Turkish Parliament approved the Convention and it put into effect in 1986.⁶

States that have ratified CEDAW must submit country reports to the CEDAW Committee, initially after a year, then every four years. In addition, the CEDAW Committee allows NGOs to present alternative information in so-called Shadow reports. This method allows the CEDAW Committee to get reliable as well as independent information from NGOs on issues that are often times overlooked or downplayed in the official state reports, in which states, by definition, try to present themselves in a good light.⁷ The CEDAW Committee studies the state and Shadow reports and then gives an official response to the state report, in which it prepares

³ CEDAW, Overview of the Convention. (n.d.). Retrieved May 3, 2013, from Division for the Advancement of Women, Department of Economic and Social Affairs website: <http://www.un.org/womenwatch/daw/cedaw/>

⁴ CEDAW, General recommendations made by the Committee on the Elimination of Discrimination against Women. (n.d.). Retrieved May 3, 2013, from Division for the Advancement of Women, Department of Economic and Social Affairs website: <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>

⁵ CEDAW, Declarations, Reservations and Objections to CEDAW. (n.d.). Retrieved May 3, 2013, from Division for the Advancement of Women, Department of Economic and Social Affairs website: <http://www.un.org/womenwatch/daw/cedaw/reservations-country.htm>

⁶ Convention on the Elimination of All Forms of Discrimination against Women. (1979). Chapter IV, Human Rights, 8. Retrieved May 3, 2013, from United Nations Treaty Collection website: http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en

⁷ A Note About Shadow Reports. (n.d.). Retrieved May 8, 2013, from The Advocates for Human Rights website: http://www.stopvaw.org/a_note_about_shadow_reports

recommendations which are called concluding observations and/or concluding comments. The Committee in the concluding comments emphasizes major achievements, problems, obstacles that member state came across in the implementation of CEDAW, identifies main concerns and gives recommendations for further action. The Committee urges member state to respond to the issues raised in the concluding comments in the next state report.⁸

2.2 The General Directorate on the Status and Problems of Women (1990)

One of the obligations that states take upon them when they ratify CEDAW is to establish a so-called “national machinery” to initiate and coordinate gender equality policies. In Turkey, this is the called the “General Directorate on the Status and Problems of Women.” This subchapter will focus on the General Directorate’s work regarding domestic violence against women. The major aim is to explore why Turkey decided to establish the General Directorate on the Status and Problems of Women; what contributions the General Directorate has made in the struggle against violence against women in general, and domestic violence in particular; and, consequently, what are the grounds to consider this is as one of Turkey’s positive steps in dealing with domestic violence.

The General Directorate on the Status and Problems of Women (GDSPW), established in 1990 as a result of the CEDAW requirements, was attached to the office of the Turkish Prime Minister.⁹ It is a coordinating institution with the goal “to protect and promote women’s rights; to improve women's social, economic, cultural, and political status; and to ensure that women enjoy equal rights and opportunities in all walks of life.” (Burcak, n.d.) As a major part of its job,

⁸ Role of CEDAW Committee. (n.d.). Retrieved May 7, 2013, from IWRAP Asia Pacific CEDAW Knowledge Resource website: <http://www.iwraw-ap.org/committee/role.htm>

⁹ The General Directorate on the Status and Problems of Women was linked to the Prime Minister’s office when it was established in 1990, however it attached recently into the Ministry of Family and Social Services in 2011.

the General Directorate on the Status and Problems of Women conducts and finances research projects, creates networks between the public and private institutions, local administrations, and women's NGOs and through the mass media tries to raise consciousness about women's issues. The Directorate on the Status and Problems of Women consists of four departments: Educational and Social Affairs; Economic Affairs; Documentation, Publications, and Statistics; and Foreign Affairs (Burcak, n.d.). Especially important for our purposes, the General Directorate is also in charge of dealing with the struggle against violence against women/domestic violence; in that context, it develops policies and national action plans for governmental services to eradicate violence against women/domestic violence.

The General Directorate on the Status and Problems of Women was founded in 1990 before the AKP Party's establishment (2001). However, AKP's policy on prioritizing family over women can be seen in the context of the General Directorate on the Status and Problems of Women. In 2011 Prime Minister Erdogan announced that the current "Ministry for Women and Family" would change its name to the "Ministry of Family and Social Policies", a change that is representative of a step backward in the struggle to combat gender equality and domestic violence against women. Most importantly, the General Directorate on the Status and Problems of Women will also be attached to the Ministry of Family and Social Policies as a department. Removing the term "women" from the name of the Ministry is not a simple change rather it echoes a reduced emphasis on women's human rights and attempt to promote equality and freedom for women victims of domestic violence. The former ministry including the General Directorate on the Status and Problems of Women directly dealt with the women's issues, however, the new ministry will dedicate to the issue of children, the aged, and the families of soldiers who die during the military service, the disabled as well as family and women's rights.

Yet the extent to which the Ministry of Family and Social Policies will deal with substantially women's issues is under question (Human Rights Watch, 2011). So AKP in its legal policy again emphasizes its ideology by considering family more important than women.

The Turkish state in its combined second and third country reports (1997) to the CEDAW Committee indicated the international influences on the establishment of the General Directorate on the Status and Problems of Women. The state in its report mentioned that, although the General Directorate on the Status and Problems of Women had a limited budget and staff, a draft law for restructuring it and for allocating more money and personal to it was being prepared. It added that the General Directorate on the Status and Problems of Women played a great role in preparing a draft law whose aim was to change discriminatory provisions in the Turkish Civil Code and to lift the Turkish reservations to CEDAW. To achieve the latter, a campaign had been held and more than a hundred thousand signatures were signed and presented to the Ministry of Justice in order to consider this draft law. The "Civil Law Commission" was formed within the ministry with the obligation to prepare a draft law for make amendments in the Turkish Civil Code (CEDAW/C/TUR/CO/2-3).

In addition, the General Directorate on the Status and Problems of Women since 1994 funded and operated an "Information Center" that provides legal and psychological services to victims of domestic violence. The General Directorate since 1990 increased the involvement and interest of other Ministries --such as the Ministry of Health, the Ministry of Agriculture and Rural Affairs, the Ministry of Public Works, the Ministry of Industry and Commerce -- in women's issues. This achievement was possible as a result of collaboration between the General Directorate and women's NGOs (CEDAW/C/TUR/CO/2-3).

Among the activities undertaken by the General Directorate on the Status and Problems of Women to deal with domestic violence was to provide reliable statistical data (Ucar, 2009:5). Thus, the General Directorate initiated several nationwide research projects. These studies were significant steps, as they provided overall information about the recent situation and the prevalence of domestic violence in Turkey. They also gave a clear picture of the positive steps and ongoing problems of the Turkish laws in the struggle against domestic violence, they showed how social and policy changes had affected the efforts to eradicate domestic violence, how public and private organizations dealt with this issue; and lastly, they showed Turkish men's and women's views on domestic violence. As a result of this research, the General Directorate on the Status and Problems of Women better knew what to focus on and how to prepare strategies, programs and projects in order to better combat domestic violence against women/domestic violence.

The Directorate General on the Status and Problems of Women also tried to raise public awareness about the violence against women through the media. Research had established that the media negatively influenced public opinion by representing violence against women as normal, and often even excusable. Another problem was that the media represented the perpetrator's perspective. Thus women who acted against traditional norms were depicted as culprits. The Directorate General on the Status and Problems of Women promoted various programs to raise awareness and support research about women's representation in the media, the media's condoning of violence against women and its negative effects on women's status (CEDAW/C/TUR/CO/2-3).

The Women's NGOs in their combined second and third Shadow reports (1997) welcomed the establishment of the General Directorate on the Status and Problems of Women

and its activities and role in implementing the CEDAW Convention. However, the Shadow report also indicated the General Directorate's lack of budget and insufficient decision-making power to work effectively on eliminating discrimination and domestic violence (CEDAW/C/SR.318 and 319).

The CEDAW Committee in the same line appreciated the General Directorate's efforts and commented that the General Directorate lacked corresponding bodies in the local arena, which prevented women there from benefiting from its services (CEDAW/C/TUR/CO/2-3).

The Women's NGOs' Shadow report (1997) further indicated that the majority of Turkish women lacked information about their legal rights in the public as well as private sphere, whereas knowledge about their rights was a requirement for a better struggle against domestic violence:

“Until today the few measures taken towards the fulfillment of the requirements of the Convention in Turkey have revolved, for most part, around constitutional and legal reforms. While the Turkish legal system does require some reforms for greater gender equality, the main obstacle in the way of women's human rights is the lack of women's awareness of what their rights are and the absence of effective means for their enforcement. A meaningful implementation of CEDAW in Turkey requires wide-spread, concrete action programs to support and empowers women in dealing with the discrimination that they face in their everyday lives. Article 2 of the Convention calls for such concrete measures towards the elimination of discrimination against women in all spheres of family and public life...” (CEDAW/C/SR.318 and 319)

The CEDAW Committee clearly agreed with this criticism: in its response to the Turkish state it expressed concern that, although domestic violence was pervasive in Turkey, women and girls were not enough aware of their legal rights and did not know how to protect themselves from abusive partners. The Committee added that the juridical or educational measures were not effective, and that there was insufficient measure to prevent and eradicate domestic violence in both rural and urban areas (CEDAW/C/TUR/CO/2-3).

In subsequent years, the General Directorate made great efforts in order to promote training programs for security forces, health personnel and public servants, in collaboration with women's NGOs. One example is that fourteen spot videos and three short movies were prepared. In addition, trainings for police officers were held in 2006 to raise their sensitivity in dealing with violence against women/domestic violence. The Ministry of the Interior and the General Directorate on the Status and Problems of Women in 2006 signed a protocol about this, and 40.000 police officers took the training course. In April 2009, a training program was provided for the judiciary staff members including prosecutors, judges and social services, and 364 staff members – judges and prosecutors who work in family courts -- participated in the training program. Besides, conferences, gender and media workshops were prepared, as well as a “Combat Domestic Violence Manual”. The Manual presents the legal rights and services for women victims of domestic violence. Educational and training programs were conducted for representatives of provincial institutions, municipalities, media organizations, and universities, with 2,663 participants. Besides, a “Protocol on the Role of Healthcare Professionals in Combating Domestic Violence against Women and Applicable Procedures” was signed between the General Directorate on the Status and Problems of Women and the Ministry of Health. Based

on this protocol, training for health professionals and managers in 81 provincial directorates as provided, and 424 healthcare employees were educated in this training in Ankara, Izmir, Trabzon and Gaziantep (Ucar, 2009:13).

The Advisory Council of the General Directorate began its work after the issuing of the “Organization Law and Duties of the General Directorate on the Status and Problems of Women No. 5251” (Article 15) in 2004. Five Women’s NGOs work within the Advisory Council and these representatives are selected by the General Directorate on the Status and Problems of Women for three years, and the Council has a meeting at least once a year. The aim of the Advisory Council for the Status of Women is to serve as an apparatus to include gender issues into all governmental programs and plans (UN Women – United Nations Entity for Gender Equality and the Empowerment of Women, n.d.).

The General Directorate on the Status and Problems of Women has also contributed significantly to a number of legal changes. First, it actively participated in the process 2000-2001 of amending the Civil Code, so that it ensures equality between men and women within the family. The amendment to the Civil Code was accepted in 2001 and came into effect in 2002. The major changes were the eradicating of discriminatory provisions in the law about the family and gender roles. The new Civil Code on the paper gives women equal rights within the household, and the clause which made men head of the family has been removed. In addition, the Directorate General distributed information and organized nationwide meetings in cooperation with women’s NGOs about the 2002 changes in the Civil Code. The Directorate General also played an active role in proposing to make changes in the Constitution based on the unequal rights of men and women before the law. The new article 10, accepted in 2008 says: “Women

and men have equal rights. The state takes all necessary measures to provide gender equality, including special temporary measures.” (CEDAW/C/TUR/4-5)

The Directorate General on the Status and Problems of Women also participated actively in preparing a brochure with information about law No. 4320 (1998) “On the Protection of the family,” whose aim was to combat domestic violence, and spreading the brochure throughout the country. Besides, the Directorate General monitored the implementation of law No. 4320 (1998). As a response to the problems in the implementation of that law, the Directorate General proposed changes to it (CEDAW/C/TUR/4-5).

In 2009, the General Directorate on the Status and Problems of Women conducted a large research project on “Domestic Violence against Women in Turkey.” This study covered rural and urban areas including 12 Turkish regions and revealed that violence against women by husbands and partners was highly prevalent in Turkey, including physical and sexual violence within the domestic sphere. According to this study there was not a great difference in the prevalence of physical violence between urban and rural areas: 38% out of overall ever married women in urban areas were exposed to violence, and 43% of this group in rural areas. Another important finding was that 3 out of 10 educated women (high school or higher education) had been exposed to domestic violence by their partners. What is more, 49% of women did not seek help as they did not consider the violence as a problem (National Research on Domestic Violence Against Women in Turkey, 2009).

To sum up, the establishment in 1990 of the General Directorate on the Status and Problems of Women, as a consequence of Turkey having ratified CEDAW, was an important step. Since its establishment, the General Directorate has organized several training programs meant to enhance gender-sensitivity; it has promoted and provided programs against violence against

women and domestic violence; and it has created a network between public and private organizations. In addition, law enforcement officials as well as women victims of violence in counseling centers were educated about the issue of gender roles and violence against women. Despite the General Directorate's limited budget, it has been an important factor in promoting women's status and enhancing their rights in general, and addressing violence against women, including domestic violence, in particular. However, AKP Party with changing the Ministry of Women and Family into the Ministry for Family and Social Services limited the national machinery's aim to work substantially on women's issues as it was linked to the new ministry. So, national machinery's major aim to work on directly women's issues and domestic violence now are limited and undermined.

2.3. Law No. 4320 on the “Protection of the Family” (1998)

Women's NGOs and human rights activists lobbied for 20 years in order to make Turkey pass a law on domestic violence. This subchapter focuses on law No. 4320 on the “Protection of the Family,” which was passed to tackle and curtail domestic violence in Turkey. My major objective here is to find out when and how was law No. 4320 on the “Protection of the Family” (1998) adopted; which preventive and protective provisions did the law grant; and why did Turkey decide to adopt a law on domestic violence?

Initially, when domestic violence was brought into the public sphere in the west with the slogan of “Personal is Political!” women's NGOs and human rights activist as a first step developed three approaches: firstly, they focused on to provide services such as shelters for battered women in order to separate them from abusive partners; second approach was to punish the perpetrators, and third based on the educating programs in which women were taught that they have rights and abusive partners were taught that to hit the spouse is a crime. However, after

some time human rights activists came to realize that this method is not sufficient and that there is a need for state intervention in the form of passing law (Merry, 2008:48, 50)

To begin with, the adoption of the law on domestic violence and legalizing crime against women within the domestic sphere is crucial for the Turkish country where gender roles and discrimination against women are deeply situated. As Fabian argues, it is difficult for states to name domestic violence as such because legally criminalization of domestic violence means to challenge gender roles, which threatens the power relationship within the domestic sphere as well as in the context of state (Fabian, 2010:26). So Turkey has made a positive step with criminalization of domestic violence legally.

The law No. 4320 on the “Protection of the Family” (1998) was adopted before the foundation of AKP (2001). However, the amendment was made in 2007 to the law No. 4320 (1998) as a result of national and international impact on the AKP ruling Party.

Despite the fact that Turkish government in its combined second and third country reports (1997) emphasized that violence against women in the private sphere was very widespread in Turkey, there were no comprehensive legislative changes in order to better protect women victims of domestic violence against their abusive partners. Problems remained the same, including the determination and punishment of the crimes because “family matters” were considered “private issues” and remained outside of regulatory mechanisms (Gulcur 1992 in Hennecke, 2007:23). It is no surprise, therefore, that the CEDAW Committee in 1997 expressed its deep concern about the inadequacy of the legal measures to combat domestic violence:

“The Committee was concerned that neither its general recommendation 19 on violence against women nor the Declaration on the Elimination of Violence against Women,

adopted by the General Assembly in its resolution 48/104 of 20 December 1993, had been taken into consideration... The Committee was particularly concerned that juridical or educational measures that may have been undertaken by the State in pursuance of article 5, paragraph (a), in the context of violence within the family, had not been effective.”(CEDAW/C/TUR/CO/2-3)

As a result of the national and international pressure, Turkey on 17 January 1998 enacted law No. 4320 on the “Protection of the Family”. Turkey’s 2005 CEDAW report emphasized that the CEDAW Committee’s concluding recommendations to Turkey’s previous report (1997) had been influential in pushing the government to make legislative changes and criminalize violent acts toward women within the home. Law No. 4320 (1998) enables several punitive measures against offenders such as “forcing them to leave the house, confiscation of arms owned by the offender, payment of temporary alimony, ban on disturbing the family through the means of communication devices, and prohibiting the destruction of the possessions of other family members. If the perpetrators violate these measures they can be penalized with from 3 to 6 months of imprisonment” (CEDAW/C/TUR/4-5). The victims or any other person can complain about domestic violence cases to the police. According to the report, after the enactment of law No. 4320 (1998) the number of reported cases increased. For example, from 1 January to 31 December 1999, the courts received 7613 cases on domestic violence, and 7449 of them by 2005 had been finalized (CEDAW/C/TUR/4-5).

The CEDAW Committee in its response to Turkey’s 2005 country report expressed its approval with Turkey having adopting law No. 4320 (1998):

“The Committee notes with appreciation that the State party has undertaken significant law reform since the consideration of its combined second and third periodic reports (CEDAW/C/TUR/2-3) in 1997, aimed at the promotion of gender equality and elimination of discrimination against women, and at achieving compliance with its obligations under the Convention, including in regard to combating domestic violence (the Law on the Protection of the Family 1998)...The new Law on the Protection of the Family of 1998 addressed for the first time the question of domestic violence, and judges and prosecutors had been trained about its provisions...” (CEDAW/C/TUR/CO/4-5)

The major significance of law No. 4320 (1998) was its easy implementation. Before law No. 4320 (1998), when domestic violence cases were considered under the Turkish Penal Code, the procedure was long and discouraging. Victims of domestic violence were required to file a criminal case against abusive partners and gain reports from the police and doctor. The perpetrators were punished and sentenced if a domestic violence court case concluded in favor of women. One of the negative sides of the Penal Code’s treatment of cases of domestic violence was that it left women without financial support and the stigma that they had sent their partners into jail. However, law No. 4320 (1998) allows women protection in the home without the need to leave the home in case of domestic violence; instead partners’ access to the home is restricted. In addition, this law enables any third party to apply to the court directly without the victim having to go to the police and doctor to get a report about the case. So it makes the procedure much faster. The most important thing is that before law No. 4320 (1998) the situation was discouraging for women victims of domestic violence who were uneducated and/or economically dependent on partners to seek help, because they were left by themselves in case the perpetrator

was sentenced to prison. Law No. 4320 (1998) obliges perpetrators to financially support their spouse and children if necessary (Gulcur, 1999:2). In addition, for the first in Turkish legislative history, law No. 4320 provides the possibility of protection orders. Early intervention in cases of domestic violence through protective/preventive provisions provides the best way to assist victims and other members of the family to prevent perpetrators abusive acts. An investigation can be initiated without the need of a victim's complaint if the security forces find that an abuser violates a protection order. Besides, the public prosecutor sends the information and relevant documents to a Family Court upon being informed about a domestic violence case (Sural, 2003:20-21).

Although it was a big step for the Turkish government to criminalize cases of domestic violence under law No. 4320 (1998), data showed that domestic violence just continued. According to data about domestic violence the Turkish National Police released, in 2001, 2 deaths and 2836 injuries occurred out of 4586 cases; in 2002, 4 deaths and 3150 injuries out of 5142 cases; in 2003, 2 deaths and 3529 injuries out of 5682 cases, and in 2004, 5 deaths and 3548 injuries out of 5284 cases were recorded (Erdem, 2012:186). The Turkish government in the country report (2005) recognized the situation; it mentioned that, as a result of criticism and the problems with implementing law No. 4320 (1998), a draft proposal for the amendment of law No. 4320 (1998) had been prepared (CEDAW/C/TUR/4-5). In 2010 the Turkish government reported about the amendment, which passed in 2007 and entered into force in 2008. The positive changes reported included the interpretation of violence from a broader perspective, and the inclusion of family members living under the same roof to benefit from law No. 4320 (1998). Perpetrators of violence could apply to a healthcare institution for treatment and application was free of charge. Turkey's 2010 CEDAW Report also mentioned that the adoption of the

amendment to law No. 4320 and the regulation about its implementation were prepared and submitted as a result of cooperative work of the General Directorate on the Status and Problems of Women and Women's NGOs (CEDAW/C/TUR/4-5).

The CEDAW Committee acknowledged that Turkey had taken a significant step by amending law No. 4320 (1998). The Committee pointed to:

“the progress achieved since the consideration of the State party's combined fourth and fifth periodic report in 2005 (CEDAW/C/TUR/4-5 and Corr.1), including the legislative reforms that have been undertaken and the adoption of a wide range of legislative measures, policies and programmes to promote gender equality and eliminate discrimination against women. Specific reference is made to the amendments to the Penal Code to combat violence against women, the amendment to the Law on the Protection of the Family, which includes legal protection for family members living apart or legally separated...” (CEDAW/C/TUR/CO/6)

The adoption of law No. 4320 on the “Protection of the Family” (1998) can be considered one of the positive steps in Turkey's dealing with domestic violence. It is a significant step, because until the enactment of the law No. 4320 (1998) the perpetrators considered that their wives are their object or possession and perpetrators of domestic violence had such an attitude that they can bear and harm their wives and nobody can interfere. However, legalization of the crime of domestic violence and prevention of violent act with the help of legal provisions served the purpose of make perpetrators to acknowledge that they do not have right to commit domestic violence. The protective/preventive orders are provided for the victims of domestic violence

which make perpetrators to understand they do not have authority and power over women as before. This is the case which was taken place in two court cases on domestic violence which perpetrators acknowledge that after the protective/preventive provisions women became more knowledgeable about their rights and protected themselves from their abusive partners legally with the help of law No. 4320 (1998).

To conclude, as Turkey indicated in its 2005 CEDAW report, it was the combined internal – women’s NGOs -- and external -- the CEDAW Committee’s -- impact and pressure that made the state pass law No. 4320 (1998). The passing of this law has been considered one of Turkey’s positive steps because it was for the first time that a law was adopted with the aim to eradicate domestic violence and to protect battered women. Turkey, mainly the ruling AKP subsequently also acknowledged the problems in the law’s implementation and passed an amendment in 2007, again as a result of local and international influence. Women victims of domestic violence now are legally entitled to protection in the home, perpetrators can be penalized and protective orders issued to prevent violence; moreover, after the amendment, the law applies to all family members and to legally separated women.

2.4. Law No. 6284 on the “Protection of the Family and Prevention of Violence against Women” (2012)

Despite the adoption of law No. 4320 (1998) and its subsequent amendment, many problems remained, and human rights activists and women’s NGOs emphasized the inadequacies of and problems with law No. 4320 (1998). In 2012 Turkey adopted law No. 6284 on the “Protection of the Family and Prevention of Violence against Women.” This subchapter focuses on law No. 6284 (2012), and will ask what was the major factor(s) that made the Turkish state

adopt law No. 6284 (2012); why there was there a need to adopt law No. 6284 (2012); what are the scope and context of law No. 6284 (2012); how does it differ from law No. 4320 (1998); how is law No. 6284 (2012) supposed to help victims of domestic violence; and what might be the reasons for considering the adoption of law No. 6284 (2012) as a positive step in the struggle against domestic violence (keeping in mind the short period that it has existed, which makes it impossible to draw firm conclusions)?

The enactment of the law No. 6284 on the “Protection of the Family and Prevention Violence Against Women” can be considered one of the positive steps that AKP Party has taken since its foundation. It is impossible to draw conclusion about the extent to which the law No. 6284 (2012) is successful to protect women victims of domestic violence. However, there was a hot debate that although women’s NGOs and human rights activists proposed the name of the law No. 6284 (2012) as “Preventing Violence against Women and Individuals of the Family”, the name of the law No. 6284 (2012) was changed into “Protection of the Family and Prevention Violence Against Women”. Women’s NGOs were disappointed that family again is protected above women as a result of the AKP’s conservative ideology which prefers to protect family and keep women within the family union (Ozdemir, n.d.).

The starting point, for law No. 6284 (2012) were the problems with law No. 4320 (1998). The women’s NGOs, for example, in 2010 reported that:

“Law No. 4320 on protection orders against domestic violence has still not been amended in accordance with international standards. Although the law has been in effect for a decade now, it is still not common practice and involves bureaucratic procedures that forestall efficient implementation. The absence of preventive and protective state policies

and action plans, and a lacking support mechanism in the form of shelters, also diminish the deterrent force of the law. The scope of Law No. 4320 or the protection order must be expanded and made available to all women, regardless of marital status. All instances of differential treatment of women based on marital status should be abolished.” (CEDAW/C/SR.937 and 938)

The new law, No. 6284, on the “Protection of the Family and Prevention of Violence against Women” aimed to protect women, children, and family members who are exposed to and/or under threat of violence. Importantly, in comparison with law No. 4320 (1998), in law No. 6284 (2012) the definitions of violence, violence against women, domestic violence, and perpetrators have been broadened. Law No. 6284 (2012) defines violence as “all kinds of physical, sexual, psychological, verbal or economical attitudes and behaviors that occur in society, public or private areas including the acts resulting in getting the person harmed physically, sexually, psychologically or economically or resulting in suffering or the acts resulting possibly in suffer, threat and pressure for this or the acts that hinders the freedom arbitrarily.” The definition of domestic violence is “all kinds of physical, sexual, psychological or economical violence occurred among the victim of violence, person who commits the violence and people in the family or at home deemed as the family member, even though these persons do not occupy the same home.” Violence against women is defined as “all kinds of attitudes and acts which are defined as violence in this law and which are applied to women just because they are women or which lead to human rights infringement of women with gender based discrimination that affects women.” Perpetrators are defined as “the persons who are, directly or indirectly, exposed to the acts and behaviors described as violence in the law or those persons

who are under risk of these acts or the persons who are affected by violence or those who are under risk of being affected. “ Violent act is defined “as the persons who resort to acts and behaviors defined as violence in the law or those persons who are likely to resort those.” (Erdem, 2012:187)

Because of these comprehensive definitions, it is considered that the 2012 law can be more effective than the 1998 one. Law No. 4320 (1998), for example, was limited to family members who lived “under the same roof,” and excluded domestic violence inflicted by former spouses. This led divorced or estranged husbands who had the right to contact with their children, in some cases to disturb and act violently against their former wives (Arin, 2003:190). These issues have been taken into consideration in law No. 6284 (2012). Law No. 6284 (2012) also authorizes civilian authorities, in addition to judges, to deal with domestic violence cases, so that the procedure for court cases can be finalized faster (Official Newspaper, 2012).

In law No. 6284 (2012) protective/preventive measures are granted for victims of domestic violence as well as their children including shelter in the current or another location, temporary financial help, psychological, legal, social and occupational services, protection in case of life-threatening danger, a certain amount of money not exceeding half of the net minimum wage to the children who are not older than 16 years, day care centers for the children of victims of domestic violence paid from the budget of the ministry for two to four months in order to enable women to look for a job. In addition, in law No. 6284 (2012) allows battered women to change their work place if judge considers it necessary and change their identification and relevant documents if battered women are in life-threatening danger and other measures are insufficient (Esen, 2012:26).

All in all, the adoption of law No. 6284 (2012) appears to be a significant step in the struggle against violence against women/ domestic violence, though, as said, it is too early to tell how the law works in practice. Prime Minister Erdogan, AKP's founder, adopted the law No. 6284 (2012) in response to national and international pressure. However, changing the name of the law No. 6284 on the "Preventing Violence against Women and Individuals of the Family" to the law No. 6284 on the "Protection of the Family and Prevention of Violence Against Women" signaled the AKP's ideology on considering women as a member of the family rather than individual. There are several positive changes within the scope and context of law No. 6284 (2012) which the previous law, No. 4320 (1998), failed to consider. Law No. 6284 (2012) provides comprehensive definitions of the terms relating to domestic violence. What is more, the concept of "under the same roof" has been removed so that it also applies to women who live separate from their (former) partners. If the judge deems it appropriate, a battered woman's place of work, accommodation, and even identification can be changed in a life-threatening situation. Although law No. 6284 (2012) is too recent to judge its implementation in practice, it certainly grants more protective/preventive provisions to victims of domestic violence in comparison with the previous law No. 4320 (1998).

2.5. Conclusion

Violence against women/domestic violence is one of the major problems in Turkish society, as it is around the world. Hundreds of Turkish women victims of domestic violence suffer from violent acts by their partners every day. Turkey has become aware of the severity of the problem and has made the important step of treating domestic violence as a public rather than a private matter and potentially a criminal offense. This chapter has discussed three major positive policy and legal changes with reference to domestic violence against women. They were

the establishment of the General Directorate on the Status and Problems of Women (1990), and the adoption of law No. 4320 on the “Protection on the Family” (1998) which was a positive step that has taken before the foundation of the AKP (2001) and law No. 6284 “Protection of the Family and Prevention of the Family” (2012) which passed by Prime Minister Erdogan as a result of national and international pressure. One of my questions was when and how the state took these actions and why Turkey was taken positive steps in the struggle domestic violence against women. These actions were taken in response to first the pressure exerted by women’s NGOs and human rights activists, who since 1980 struggled to make the state engage with this issue. The second influential factor was that Turkey is a party to the CEDAW Convention. So, double pressure, internal and external, led to the Turkish state taking these important steps.

With establishing the General Directorate on the Status and Problems of Women the Turkish state complied with a crucial CEDAW requirement. I have outlined the extensive work of the General Directorate on the Status and Problems of Women in trying to combat domestic violence and making people aware of its effects. Thus, by adopting these policy and legal changes, the Turkish state in my view *has* taken substantial steps, which at the same time allow it to show that it respects the norms of the international community for dealing with these issues. However, it is undeniable that the AKP was always influential since its foundation in its policy to protect family and consider women as a member of the family rather than individual. So, the AKP impeded the national machinery’s major work on women’s issues, discrimination and domestic violence against women with attaching the General Directorate on the Status and Problems of Women to the newly established (2011) Ministry for the Family and Social Policies; thus, limiting national machinery’s major aim to deal with the women’s issues and promote women’s human rights.

The establishment of national machinery for gender equality and the adoption of laws are of great importance, or even, in the case of these laws, necessary preconditions to combat domestic violence. However, we also know, and this chapter has hinted at this, that these steps are not enough to eliminate women's discrimination and violence against women in particular. The next chapter will focus on some of the key remaining problems in the struggle against domestic violence in Turkey.

Chapter 3: Persistent Problems and Challenges in the Struggle against Domestic Violence in Turkey since 1980

3.1. Introduction

As Chapter 2 has argued, Turkey since 1990 has implemented some positive legal, and policy changes to combat domestic violence. However, not only has domestic violence remained a problem of immense proportions, but Turkey has also been half-hearted or unwilling to make a number of changes or provide sufficient services for battered women. This resistance, I argue, is not due to a lack of resources, since Turkey's economy has been growing enormously in the last decade or so, and, along these lines, the country's economy is expected to grow 3,5 % this year (BBC News, Business Report, 2013). Instead, the resistance is based on ideological grounds: the AKP, the governing party, for a number of years now has been developing conservative politics and is "Islamicizing" the country. The AKP's economic, health (the anti-abortion proposal) and other policies clearly aim at prioritizing the family and the nation, and do not support women's individual freedom or human rights as understood in CEDAW. This chapter will discuss major three domains in which Turkey was unwilling in making substantial changes or provide enough resources to diminish domestic violence: 1) the Turkish Penal and Civil Codes, 2) inadequate

budget allocation to shelters and 3) lack of consciousness- raising programs about domestic violence for public officials, the judiciary, law enforcement personnel, health-service providers and the general public. Each subchapter identifies the main problems and tries to explain them along the lines indicated above.

3.2. The Penal Code and the Civil Code

This subchapter will focus on the Turkish Penal and Civil Codes as one of the ongoing problems of the Turkish state in dealing with domestic violence against women. The major aim is to outline the problem and understand why Turkey resists to make changes in the Penal and Civil Codes with regard to domestic violence.

Historically, the Turkish government has made two main improvements in women's legal status in Turkey. The first was in the 1920s, during the early years of the Turkish Republic, when Turkish women received civil rights after the abolishment of Sharia (religious law of Islam) and the introduction of a new Civil Code, based on the Swiss Civil Code. The second major change was in 1934, when Turkish women obtained political rights. Although these changes gave full citizenship to women, there were still restrictions as to women's rights and status in comparison to men, which made them legally subordinate within family law (part of the Civil Code) and the Penal Code. Penal Code gave women inferior position and men were legally considered the head of the family and held a superior position, which impeded women from enjoying full equal rights within the private sphere (Ucar, 2009:3).

Women's NGOs and human rights activists since 1980 with different campaigns have struggled to make the state to remove the major problems and deficiencies in the Turkish Civil and Penal Codes. They not only were successful in making country to take certain actions in the

national arena with their campaigns and demonstrations but also urged the state to ratify and implement international treaties as such CEDAW which helped to exert pressure on the Turkish state. Turkey ratified CEDAW but made reservations to the CEDAW Convention's provisions because Turkish Civil Code had many violations with regard to women's status within the private sphere. Women's NGOs and human rights activists highlighted women's human right violations within the Civil and Penal Code, including unequal rights within the marriage, divorce, property ownership and employment (European Stability Initiative 2007 in Ucar, 2009:3). Pinar Ilkkaracan¹⁰ in her work (2007) discusses the process of women's NGOs campaign for making the country to change the discriminatory provisions in both the Civil and the Penal Code. She clearly depicts how difficult it was for the Turkish government to make amendments in the Civil and Penal Codes. Based on her work as well as on related CEDAW documents, I argue that Turkey, more notably, The ruling AKP resists to make certain positive legal and social policy changes on domestic violence due to its conservative ideology on family; yet if the AKP has made certain positive steps on women's issues it is because of its political interests.

The state in its combined second and third country reports (1997) to the CEDAW Committee stated that some of the articles of the CEDAW Convention were contradictory to the Turkish Civil Code. The state report (1997) mentioned that the Turkish Civil Code has a discriminatory approach toward women within the household, limiting their rights there and putting them into secondary place. The report (1997) then added that women's NGOs and the General Directorate on the Status and Problems of Women were together working on this issue. They had prepared a draft law to make changes in the relevant articles of the Turkish Civil Code.

¹⁰ A researcher and human rights activist, as well as co-founder of two NGOs- Women for Women's Human Rights (WWHR)- New Ways and the Coalition for Sexual and Bodily Rights (CSBR)

Their aim was to get Turkey to lift its reservations on CEDAW. The state report also mentioned that a hundred thousand signatures were collected to support the lifting of the reservations and that a “Civil Law Commission” was formed in the Ministry of Justice in order to deal with this issue, so that the process was under its way (CEDAW/C/TUR/2-3).

The Women’s NGOs in their combined second and third Shadow reports (1997) listed the problems with the Turkish Civil Code:

“Article 152 of the Turkish Civil Code: The husband is the chief of the family... (violation of Article 16, Paragraphs c, d and f); Article 153 of the Turkish Civil Code: The wife takes the husband’s family name... The home is taken care of by the wife. (violation of Article 16, Paragraphs g and c respectively); Article 154 of the Turkish Civil Code: The family union is represented by the husband... (violation of Article 16, Paragraph c); Article 155 of the Turkish Civil Code: For the ongoing requirements of the home, the wife is equally entitled to represent the family along with the husband. The husband, on the other hand, shall be responsible for all her actions as long as she does not go beyond her authorities (that would be known by the third parties). (violation of Article 16, Paragraph c)” (CEDAW/C/SR.318 and 319).

As can be seen from this information about clauses in the Turkish Civil Code, it gave women an inferior position and men a superior one, which it is a violation of women’s human rights as well as violation of the CEDAW Convention. Unequal rights for women within the family and traditional gender roles are major factors in women’s discrimination; they lead to violation of women’s rights by men who exert power over women and inflict sexual, pshychological, and physical abuse.

Women's NGOs in the combined second and third Shadow reports (1997) further argued that Turkey was unwilling to lift the reservations:

“The Government of Turkey ratified the CEDAW in 1985 with reservations on Articles 9, 15, 16 and 29. The option of ratification of the Convention with reservations is meant to serve as a temporary measure until the necessary steps are taken towards its implementation. In the 11 years since the ratification of the CEDAW by Turkey, the Government has not undertaken the necessary legal reforms to enable the lifting of these reservations, which means that they have acquired a permanent nature... The Government of Turkey needs to take immediate action for legal reforms, and lift the reservations. In particular, those articles of the Turkish Civil Code relating to the rights and responsibilities of men and women in the family, where the husband is deemed ‘the chief of the family union’ need to be reformed towards greater gender equality in the spirit of Articles 15 and 16 of the Convention. (see pages 2-3 of the NGO Country Report)” (CEDAW/C/SR.318 and 319).

The report continued that since Turkey ratified CEDAW in 1985, only two legal reforms relating to gender equality had been made. One of them was Article 159 of the Civil Code, which made women's right to work dependent on her husband's permission, which was amended by the Constitutional Court in 1990. The other was Article 438 of the Penal Code, which decreased two thirds of punishment for rape if a woman is a prostitute, which was annulled by the Turkish Grand Assembly in 1990 (CEDAW/C/SR.318 and 319).

The CEDAW Committee's response to the Turkish state's report (1997) also clearly mentioned that Turkey still resisted to lift the reservations:

“The Committee was deeply concerned about the reservations of Turkey to article 15, paragraphs 2 and 4, and article 16, paragraphs 1 (c), (d), (f) and (g). It was also concerned with the prolonged discussions and the resistance to the reform of the Civil Code, although it appreciated that efforts had been made in that context by the General Directorate, women members of Parliament and the Ministry of Justice. The Committee urged the State party to facilitate and hasten that process so that the Law on Citizenship, the Civil Code and the Criminal Code could be brought into conformity with the articles of the Convention.” (CEDAW/C/TUR/CO/2-3)

With the changes in the Civil Code, not all problematic legal provisions or clauses had been abolished, however. The CEDAW Committee in response to Turkey’s sixth periodic country report (2010) stated its concern with regard to the case that discriminatory provisions continued in both the Civil and the Penal Code:

“While welcoming the many legislative measures undertaken to eliminate discrimination against women, the Committee remains concerned that not all discriminatory provisions in the Penal and Civil Code have been abolished nor amended, thus impeding full implementation of the Convention...” (CEDAW/C/TUR/CO/2-3)

Pinar Ilkkaracan (2007) discusses women’s NGOs long campaign for amendments to the Penal Code. The major problem with the Penal Code was that it “constructed women’s bodies and sexuality as belonging to their families, fathers, husbands and society; [therefore, women’s NGOs wanted to have] eliminate[d] all articles in the old Penal Code that constituted violations

of women's human rights, particularly sexual and bodily rights; and to ensure progressive definitions of sexual crimes.”(Ilkcaracan, 2007:3) According to Ilkcaracan, since its introduction in 1926, the Turkish Penal Code underwent its first reform in 2004; however none of the amendments dealt with women's human rights or the issue of sexuality. The campaign held by the women's NGOs focused on sexual violence and violence against women. However, the only change with reference to women was the already mentioned abolishment of the one-third of sentence reduction to the rapist who violated a sex-worker. (Ilkcaracan, 2007:7).

Ilkcaracan, shows how the AKP as well as other conservative parties in the Parliament opposed reform of the Penal Code. Few amendments were made due to successful campaigns of women's NGOs including the amendment on women's bodily autonomy and sexuality. However, these amendments were as a result of Turkey's being a candidate for the European Union in 1999. Turkey in its candidacy for the European Union was required to prepare a national program in order to comply its legal, political and economic system with European Union requirements. So, this was the opportunity for the women's NGOs to initiate a group and prepare gender equality program on Turkish Penal Code in order to make the country to reform it (Ilkcaracan, 2007:24).

In terms of the question the extent to which Turkey is impacted by the national and international pressure, according to Fabian (2010), states make certain changes if these changes match their political interests. In the Turkish case, I argue that the state has made certain changes in Civil and Penal Codes when it has political interests. For example, AKP resisted criminalizing adultery during Turkey's candidacy to the European Union. In 2004, hundreds of women marched in front of the parliament with the slogan of “Our Bodies and Sexuality Belong to Ourselves!” Turkey's resistance to adopt the draft law on criminalization of adultery created

crises between Turkey and European Union. Erdogan accused the European Union that it has no right to interfere Turkey's internal affairs. The European Commission responded sharply that if the draft law on criminalization of adultery would not adopt soon, the European Union would not negotiate with Turkey. The situation was threatening for Turkey as there was new economic crisis and markets fell during this debate. Turkey has no choice other than to accept the draft law on criminalization of adultery. Erdogan accused the Women's NGOs and human rights activists calling them "a marginal group that does not have any right to represent the Turkish woman" and accused those who marched with the slogan saying that: "there were even those who marched to Ankara, carrying placards that do not suit the Turkish woman. I cannot applaud behavior that does not suit our moral values (*ahlak*) and traditions...A marginal group cannot represent the Turkish woman." He meant that women who demand right for their bodies and sexuality are immoral and not worth to be Turkish women (Ilkcaracan, 2007:24, 25).

In conclusion, Turkey has made legal changes on the paper of the Civil and Penal Codes as a result of the pressure exerted by women's NGOs and the CEDAW Committee. However, AKP, ruling party resists taking further action to change the Civil and Penal Codes with regard to domestic violence, because it wants to keep women within the family and housewife rather individual human beings. When the draft law about the amendment of the Civil Code was presented into the Parliament, it was refused Islamist parties in the Parliament and they were against to accept the draft law arguing that granting women full equality would create "anarchy and chaos in the family and thus threaten the foundations of the Turkish nation" (Ilkcaracan, 2007:6). These statements in my view express the prevailing conservative view.

3.3 Inadequate Budget Allocation for Shelters

This subchapter will discuss the ongoing problem of inadequate budget allocation for shelters in Turkey. The question I will try to answer is why the Turkish state does not allocate sufficient financial support for shelters for victims of domestic violence.

Shelters and counseling centers have been a major focus of women's NGOs and human right activists' struggle since the 1980s, when they brought domestic violence issue into the public sphere. It is obvious that women who are exposed to violence by their partners need a safe place in order to be away from the abused. However, there are still an insufficient number of shelters for victims of domestic violence in Turkey, despite the national and international influences on the state.

AKP Party in its first term during the 2002-2007 had an incredible high economic success. At the same time exports increased from US \$ 45 billion to US \$107 billion in 2007 (Aral, 2001:58). So I argue that the lack of shelters for the victims of domestic violence was not based on the fact that Turkey has strict budget and can not allocate enough money for the establishment of the shelters and assist women victims of domestic violence, instead AKP ruling Party is against to establish shelters because it wants to keep women within the family union rather than to break it with providing shelters for the battered women. So the establishment of shelters can threaten family union as women victims of domestic violence will leave their family for the shelters where they will learn about their legal rights, and will not want to return to their former life and family as they are more knowledgeable about their rights. AKP, thus does not favor for the establishment of the shelters in order to keep women within the family, considering family more important than protecting women from violence.

Turkey in its combined second and third country reports (1997) provided basic information about the social services, in particular the Women's Information Centers, about research and publication centers, and about shelters for victims of domestic violence. In addition, the report stated that, although the services available for survivors of domestic violence had improved, the nature and quality of services for advice and shelters for battered women were still insufficient (CEDAW/C/TUR/2-3). The report listed the social services available for victims of domestic violence and divided them into three groups: voluntary, local and governmental services. The Women's Solidarity Foundation in 1993 established the first shelter; the Purple Roof Association in 1995 opened a shelter in Istanbul, which gives legal and social aid to battered women. These shelters received financial aid from the State Ministry responsible of Women, Family and Social Services. The Istanbul Commission of Women's Rights and the Association of Turkish Jurist Women until the end of June 1996 provided 120 women with legal services (CEDAW/C/TUR/2-3).

In terms of *how* the report discussed social services for victims of domestic violence, it provided more detailed and statistical information about the state-run shelters in comparison with the shelters run by women's NGOs and those run by Local Governments. Moreover, there was no detailed information about the financial support the state gives to shelters run by women's NGOs. Further, the state report's discussion about shelters only listed them and provided statistical information about the victims who applied to these shelters, but did not discuss the quality of these shelters or their distribution across the country. The information in the report shows, though, that the majority of the shelters were situated in cities (CEDAW/C/TUR/2-3).

Women's NGOs' Shadow report for 1997 mentioned that the number of the shelters was inadequate and that especially, more shelters were needed in rural areas. Besides, the legal aid services should be assessable to more women:

“The number and resources of government- and privately-run services in the area of legal aid and shelters for women are far from adequate (this is also noted in the draft of the Third Country Report to CEDAW). Currently, there are only two private- and seven government-run shelters servicing women subject to domestic violence in Turkey, all of them located in urban centers of the economically developed western regions. In light of the fact that the female population in Turkey is approximately 30,000,000, nine shelters alone can hardly meet the need in the area of domestic violence against women. The Government of Turkey needs to make a serious commitment to the establishment of more shelters in all parts of the country. (see pages 4-5 of the NGO Country Report) The few existing services and women's shelters are concentrated in the big cities located in the economically more developed regions of Western Turkey, and even in these areas, they fall short of meeting the demand. Legal aid services and shelters need to be provided also in the economically less-developed regions of the country including the rural areas...” (CEDAW/C/SR.318 and 319).

The CEDAW Committee in the response to Turkey's combined second and third country reports (1997) urged the state to fund shelters: “Serious efforts were required to address violence against women, especially domestic violence... Battered women's shelters should be established and provided with adequate financial and human resources.” (CEDAW/C/TUR/CO/2-3)

In addition to the legal aids services, shelters and training programs women's NGOs emphasized the need for SOS-lines for women victims of domestic violence and rape. SOS-lines

are important because they provide quick and immediate help for victims of violence, while keeping their identity secret. The women's NGOs also noted that these lines are the only effective and reliable means of gathering information about the forms and extent of violence against women which can serve as basis for effective policies and strategies:

“As far as SOS lines for women violence and rape victims are concerned, at present there is none in Turkey. The function of SOS lines differ from shelters in that they provide easy and quick access to support for women under immediate threat of violence, and they also serve as an alternative for women who want to seek some guidance and help without necessarily identifying themselves. They require much less resources for establishment and maintenance than shelters. Moreover, they serve as maybe the only effective and reliable means of gathering data on the extent and forms of violence against women, and hence prepare the basis upon which effective policies and strategies can be formulated.”
(CEDAW/C/SR.318 and 319)

In its 2005 CEDAW report, the Turkish government described the existing support and mechanisms for victims of domestic violence. It mentioned that two women's shelters which had been opened by NGOs were closed as a result of limited financial support. Further the report mentioned an increase in the number of NGO counseling centers from three to eight between 1995 and 2000. The report continued to say that Provincial Directorates offered counseling services in 81 provinces, as did the General Directorate on the Status and Problems of Women. Social Services and Child Protection Agency (SHCK) provided services such as safe places for battered women in so-called guest houses. The report added that the number of guest houses regulated by SHCK (8 out of 9) was limited, but that they offered sanctuary and therapeutic

services to 3,139 women and 2,609 children. One guest house was regulated by the Istanbul municipality. Besides, the report noted that other services such as community centers, family consultation centers, daycare centers, orphanages, rehabilitation centers, and retirement houses also provided services, including financial support, to battered women and girls. The report emphasized that shelters for women victims of violence were a new initiative in the country and that efforts were being made to increase the number of shelters. Finally, SOS-lines existed in 21 provinces, giving psychological, legal and financial advice to abused women (CEDAW/C/TUR/4-5).

Women's NGOs' 2005 Shadow report argued that Women's Shelters and Community Centers were at risk in terms of receiving less financial aid from the state under the new Public Administration Reform Process. Legislative changes in the Parliament echoed the transformation of the state's role from a social State into merely an administrative body. In this context, the majority of public services, including education, health and social services, were transformed from state institutions to local governments. This issue created huge controversy within civil society. The concern and critique was that the state was weakening its responsibility for public services:

“From a gender perspective, the Public Administration Draft Law has the additional implication that, through transfer of the Women's Shelters and Community Centers onto local governments, the State also undermines its responsibility for provision of crucial social services to women for eradication of violence against women and of gender discriminatory practices. It is extremely alarming that under this reform process, the allocation of funds from the Central Government budget for the Women's Shelters and Community Centers will be

entirely discontinued. Yet it is not clear as to how local governments will be able to come up with the necessary stable flow of funds for sustenance of the existing institutions and opening of new ones. Rather it can be foreseen that provision of sustained funding on a local basis will in most cases become more difficult.” (CEDAW/C/SR.677 and 678)

So, women’s NGOs were deeply concerned about the transfer of Women’s Shelters and Community Centers from the central state to local governments. The report also indicated that there were no guidelines for the proper management of these institutions. Furthermore, the situation of the shelters would be uncertain due to frequent administrative changes and changes of the political objectives of local governments after every election. Women NGOs argued that the establishment and operation of Women’s Shelters and Community Centers should remain under the guidance of the Central Government. In addition to this, local governments should be allowed or even obliged to open and operate new shelters and centers. (CEDAW/C/SR.677 and 678)

Women’s NGOs further argued, referring to the previous (1997) state report, that the fact that there were nine shelters Turkey with a population of 70 million people was very alarming. Several women’s organizations working on the issue of domestic violence had applied to the government with the request of establishing shelters, but there had been no answer from the government (CEDAW/C/SR.677 and 678)

In its sixth periodic country report (2010), the Turkish government indicated that there were 25 guest houses falling under the responsibility of the General Directorate of Social

Services and the Child Protection Agency. The report further stated that 24 guest houses were provided by Governorships, Municipalities and Districts. and that in 2008 there were 49 guest houses in Turkey in total. The report (2010) added that there were indeed insufficient shelters in the country, which was why Municipality Law No. 5393 was passed in 2005; it obliges municipalities with a population of over 50.000 people to open shelters for battered women (CEDAW/C/TUR/6)

Women's NGOs in their 2010 Shadow report (2010) emphasized the lack of sufficient shelters for victims of domestic violence:

“The first official nationwide research study on domestic violence with a representative sample was published in 2009. The study, similar to earlier, smaller-scale studies, revealed that domestic violence continues to be alarmingly prevalent at 39 percent. Despite this fact, currently there are only 52 regular and only one interim station-type shelters for women survivors of domestic violence in Turkey. Furthermore, although the Prime Ministerial Circular No. 2006/17 outlined the necessary measures and responsible institutions to combat violence against women (VAW), since the state lacks an integrated, comprehensive policy on this issue, budgets of the institutions charged with combating VAW have not been allocated accordingly.” (CEDAW/C/SR.937 and 938)

With regard to Municipality Law (No. 5393), the Women's NGOs noted the absence of measures to penalize municipalities that did not comply with the law. Moreover, they were concerned that shelters were operated with a “gender blind” staff:

“However, since there are no tangible penalties for municipalities that do not, there were 52 shelters across Turkey as of August 2008, with a total capacity of 1,115 women and

children. Very few of the municipal women's shelters employ qualified staff with a background in social work, psychology, law and health, and capable of responding effectively to the legal, social, educational and health needs of women and children. Shelters are often operated by staff without a gender perspective, and there is no monitoring mechanism established to ensure they are run efficiently.” (CEDAW/C/SR.937 and 938)

The CEDAW Committee's response to Turkey's sixth country report (2010) echoed these concerns about the lack of shelters for battered women:

“The Committee further recommends that the State party establish additional counseling and other support services for victims of violence, including additional shelters, and ensure that adequate resources are allocated in order to implement the necessary measures in this regard. The Committee requests the State party to enhance its cooperation with non-governmental organizations working in the area of violence against women.” (CEDAW/C/TUR/CO/6)

To conclude, Turkey in its country reports to the CEDAW Committee unsurprisingly emphasized the effort made to deal with domestic violence, especially by providing shelters for the victims of domestic violence. However, the women's NGOs Shadow reports and the CEDAW Committee's answers to Turkey's country reports clearly demonstrate that Turkey does not allocate sufficient funds for the shelters. As I argued it is not because of Turkey's thin state budget rather the state's unwillingness to provide shelters for the battered women is due to its

conservative ideology on protecting family rather than women's human rights. Even though the state takes an action for dealing with domestic violence this act is superficial and/or incomplete. For example, Municipality Law No. 5393 was passed to meet the demand for shelters in the country, while there are neither strict provisions nor any guidelines about how this law should be implemented. In addition, there are no any penalties for municipalities who avoid their responsibility. In addition, lack of proper staff in the shelters and their gender blindness are further problems that the state should address. So, my analysis has shown that Turkey is unwilling to allocate sufficient financial support for the shelters because the state wants to keep women within the family rather provide safe place when battered women need to be away from the violent actions of perpetrators. It does engage with domestic violence as a result of the women's NGOs and international impact, but does not comprehensively try to solve the problem.

3.4 Lack of consciousness-raising programs about DV for public officials, the judiciary, law enforcement personnel, health-service providers and the general public

This subchapter will discuss the last problem in Turkey's dealing with domestic violence, namely the lack of consciousness-raising programs about domestic violence for public officials, the judiciary, law enforcement personnel, health-service providers and the general public in Turkey. The question will be addressed why the Turkish state does not educate the public in general and women victims of domestic violence in particular about the issue of gender based violence/domestic violence, even though feminist activists already in the 1980s put the issue on the public agenda.

The state in its CEDAW country reports lists plenty of programs which aim to raise awareness of public in general and women in particular on gender roles, women's human rights and domestic violence. However, the state neither goes into detail and provides information about the outcome of these programs nor discusses about the quality and location of them. It is obvious that most of the programs as stated in the state reports were provided in the central part of the cities, while women victims of domestic violence in the rural areas where gender roles are more deeply situated are unaware of these programs. So, the AKP superficially completes its obligation as a result of national and international impact. It provides programs but does not give information extent to which these programs were successful and how much battered women acknowledged their rights. The AKP is unwilling to raise awareness of women about their rights, I argue based on my analysis of CEDAW related documents, is because the state does not want to challenge the gender roles and equality between the partners within the house as well as in the state. So, even if the AKP ruling Party provides several awareness rising programs for the public in general and for the battered women in particular there is no any information w about the effectiveness of these programs.

The state in its 1997 country report to the CEDAW Committee mentioned that education programs were provided for the law enforcement officers, health personnel and other public officers in order to raise their sensitiveness toward domestic violence and better serve battered women. For example, a training program called "Our Friend at the Police Station" ran from February 12 until May 6, 1996. The report (1997) also argued that local institutions and government and non-governmental organizations promoted and strengthened public awareness about the negative effects of violence on women (CEDAW/C/TUR/2-3).

The Women's NGOs 1997 Shadow report emphasized the necessity of gender trainings for judges, public prosecutors, lawyers and members of the police and of educational programs to raise the general public's gender sensitivity:

“Among other concrete measures needed in addressing violence against women are gender training of judges, public prosecutors, lawyers and police forces, as well as consciousness raising of the general public. Gender training of the legal authorities is crucial in eliminating violations of women's human rights and ensuring fair treatment of women violence victims. So far, no such gender training of authorities has taken place in Turkey. Educational programs for the gender sensitization of the general public are also needed to create a positive and enabling environment for women to be able to stand up for the enforcement of their rights.” (CEDAW/C/SR.318 and 319)

The CEDAW Committee in its 1997 recommendation to Turkey indicated the same (CEDAW/C/TUR/CO/2-3).

In 2005, the Turkish government reported that since 1998 courses on women's human rights had been held; in addition, women's NGOs prepared and held an annual Congress on shelters for women to raise awareness, in which members from governmental organizations participated. Also, in 28 provinces bar associations provides education and counseling activities, and in 1999 the Turkish Bar's Women's Commissions Network was established in order to work more effectively (CEDAW/C/TUR/4-5).

The Women's NGOs in their 2005 Shadow report called on the state to promote awareness raising programs, and again the CEDAW Committee underlined these concerns:

“The Committee recommends continuous training for public officials, especially law enforcement officials, the judiciary and health-care providers so that they are fully sensitized to all forms of violence against women and can adequately respond to it. The Committee also invites the State party to undertake sustained awareness-raising measures through the media and public education programmes to reinforce the notion that such violence is socially and morally unacceptable, and constitutes discrimination against women.” (CEDAW/C/SR.677 and 678)

In 2010, Turkey presented information about a recent consciousness-raising program on domestic violence. A Protocol had been signed in 2006 between the General Directorate on the Status and Problems of Women and the General Directorate of Security on training 40,000 police members about domestic violence, gender equality, ways to properly treat victims of domestic violence, and the implementation of law No. 4320 (1998) and other relevant laws. Another program called “Promoting Gender Equality” had been provided in 2007-2008. This project was implemented by the General Directorate on the Status and Problems of Women and it contained from 2 parts: “Strengthening Institutional Capacity” and “Combating Domestic Violence Against Women”. Training programs were also prepared for members of the Presidency of Religious Affairs called “Duties, Authorities and Responsibilities of the General Directorate on the Status and Problems of Women”, “The New Turkish Civil Code from the Perspective of Women Rights”, “Custom and Honor Killings” and “Gender Equality”. In 2008 a project named “The Role of the Health Personnel in Combating Violence Against Women and Applicable Procedure Project” was agreed between the Ministry of Health and the Directorate on the Status and Problems of Women. In addition, in 2004 the “Stop Violence Against Women Campaign” was prepared within the cooperation of the Directorate on the Status and Problems of Women and

United Nations Population Fund. Governmental and non-governmental organizations cooperated in the implementation of this project, which including the preparation of badges bearing “Stop Violence Against Women” that were handed to members of the Parliament, of men’s cloths with the same logo, and two films spots with the participation of famous people (footballers) (CEDAW/C/TUR/6).

The Women’s NGOs in their 2010 Shadow report warned about the fact that Counseling Centers, tied to the Directorate on the Status and Problems of Women which was under structural reform, were at great risk either to be closed or to be located to social centers (CEDAW/C/SR.937 and 938).

The CEDAW Committee’s response to the Turkish state’s 2010 report equally stressed the need of awareness-raising programs on the issue of violence against women and domestic violence:

“The Committee recommends that awareness-raising and advocacy campaigns be developed and implemented, involving parliamentarians, civil society and the general public, including religious and traditional leaders, in order to enhance understanding of the provisions of the Convention and support for the principle of gender equality and the prohibition of discrimination. It further calls on the State party to ensure that the Convention, its Optional Protocol, the Committee’s general recommendations, and related domestic legislation are made an integral part of legal education and the training of judicial officers, including judges, lawyers and prosecutors, so as to firmly establish in the country a legal culture supportive of women’s equality and non-discrimination.” (CEDAW/C/TUR/CO/6)

The NGOs Shadow 2010 report (2010) more generally warned that Turkish women's rights and freedoms were under threat. First, it indicated that the 2010 country report did not adequately cover developments after the previous report (2005), that previous information was simply repeated and that since 2005 no substantial steps had been taken to enhance women's status and reduce domestic violence:

“The Country Report does not adequately cover developments after the Fourth and Fifth Combined Review, and previous data and comments are repeated in places. Many of the state's answers to the List of Issues and Questions raised by the Committee fall short of providing concrete responses to questions on future plans and efforts to eradicate discrimination against women, and instead reiterate many short term projects already underway.” (CEDAW/C/SR.937 and 938)

Then, it emphasized that even if there were some positive political and social change in women's status, there was an increasingly traditional and conservative approach from the state, mainly by Prime Minister Recep Tayyip Erdogan and his AKP (Justice and Development Party),

“The increasing conservatism in Turkey during the reporting period poses a threat to women's ability to enjoy their rights and freedoms. The already acquired legal rights of women are subject to backlash and efforts that aim to eradicate existing discrimination are usually met with resistance. Even positive actions by the government have conservative undertones, and include loopholes that may infringe on existing rights and freedoms. Constitutional amendments on positive discrimination measures for gender equality, for instance, classify women with —groups in need of protection as if they were a minority or a vulnerable group. Furthermore, the Social Security and General

Health Insurance Law, adopted in 2008, stripped women of their existing social security rights and fell behind the progressive Civil Code. In reference to Question 10 on the List of Issues and Questions raised by the Committee, there is increasing emphasis on the normative family structure of the nuclear and the extended family, with a neatly separated, gender-based division of labor, and women as the caretakers of these structures. Political and social discourses have also echoed this rising conservatism on occasion, as evidenced in the Prime Minister's statement that —each family should have at least three children...” (CEDAW/C/SR.937 and 938)

To sum up, this subchapter discussed further issues related to domestic violence that Turkey could not and/or resisted to solve, regardless of the national and international pressure. Turkey in each periodic CEDAW report described the state's efforts to promote and provide awareness- raising programs regarding domestic violence. However, women's NGOs' Shadow reports and the CEDAW Committee's answers clearly stated the opposite, arguing for the ineffective and incomplete work in this field. They showed that Turkey does not and/or only partly accomplishes its main obligations toward the CEDAW Convention. The major point is that the state, mainly the Prime Minister, is trying to resist granting women equal rights within the family, even though this is part of the international and national papers that the state signed. However, this policy remains on paper, but is not practiced in real life.

3.4 Conclusion

This chapter has identified and discussed three main examples of persistent problems in the Turkish state's dealing with violence against women and domestic violence. The chapter tried to find answers to the questions why Turkey remains resistant to making adequate changes in the Penal and Civil Code with regard to domestic violence, to allocating sufficient funds for

the establishment of shelters, and to raise public awareness about domestic violence. After having analyzed the country reports, women's NGOs Shadow reports and the CEDAW Committee's recommendations to the state, I conclude that Turkey does not effectively deal with women's issues, particularly violence against women/domestic violence. The reason is not Turkey's lack of economic budget to fund for the establishment of the shelters as the establishment of shelters provide place where women leave their house and become more knowledgeable about their rights. In addition, there is awareness raising programs that the state provides for the public and battered women. However, there is no clear information how successful of these programs on raising awareness of gender equality and women's issues. In terms of Civil and Penal Codes, as indicated in Ilkkaracan's work as well as women's NGOs Shadow reports Turkey has not made substantial changes on women's issues as the AKP based on its conservative ideology and does not want to challenge gender roles and power relationship within the household. Even if the equality confirms within the legal documents, the equal rights has not practiced in the real life. Thus, the state has made legal and social changes with regard to domestic violence, but only after sustained national and international pressure. Although Turkey in its reports professes to recognize the seriousness of the problem of domestic violence, it does not deeply and substantially deal with it. It lists all its efforts but without going into meaningful analysis or detail. What the state does, in short, is superficially to comply with its obligations so that it can be seen as a "respected country." (Merry, 2006:73) As indicated in the Shadow report (2010) a conservative approach to the family structure will impede the process of women getting equal rights, and reproduces men's superiority. Thus, unequal power relationships will keep in place men's power over women. In that case there will not be any serious progress in eliminating violence against women in general, or domestic violence in particular.

Conclusion

This thesis has focused on the main positive steps and ongoing problems of the Turkish state since the 1980s in implementing legal and social policy changes to eradicate domestic violence in the country. The major research questions this thesis has tried to answer are: 1) what are the main *positive* legal and policy changes regarding domestic violence in Turkey since the 1980s, and how can we explain these legal and social policy achievements? 2) What are the main *problems* in Turkey's attempts to deal with domestic violence, and how can we explain these ongoing problems?

My main sources were documents related to Turkey having ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). As Chapter 2 has argued, Turkey's taking a number of significant steps in the struggle to eradicate violence against women was due to intertwined national and international forces: the ongoing struggle of women's NGOs within Turkey, and pressure from the CEDAW Commission – often reinforcing the critical comments made by the NGOs. Chapter 3 has focused on the problems, finding that Turkey has been half-hearted or unwilling to make a number of changes or provide sufficient services for battered women. This resistance, I argued, is not due to a lack of resources. Instead, it is based on ideological grounds: the AKP, the governing party, for a number of years now has been developing conservative politics and is “Islamicizing” the country, as also indicated by the NGOs in their Shadow reports. The AKP prefers women to be within the family union and to keep the family “unbroken” rather than to protect women's against violence and promote women's human rights as individuals. The Turkish state, so it seems, signs international treaties and agreements on women's issues and against domestic violence not necessarily because it is

concerned about women's status within the private and public sphere, but because the state wants to be considered a "respectable country" in the international arena.

Thus, in Turkey, where a traditional and conservative ideology is deeply situated, this traditional gender ideology in recent years has been reproduced and institutionalized in and through laws and social policies. This means that women's issues, protection of women's human rights and prevention of violence against women/domestic violence will not be prioritized unless the state moves away from its policy based on considering women as members of the family rather than individuals, thus keeping the women within the family unit and private sphere.

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