



Nuovi Autoritarismi e Democrazie:
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Turkey, Europe and Women's Rights: The Controversial Debate on the Istanbul Convention

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Abstract

On 20 March 2021, Turkey withdrew from the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence ('Istanbul Convention') with a presidential decree. President Erdoğan's decision and the way in which it was carried out has led to great discontent both within the country and on the international scenario. The main aim of this analysis is to explore the meaning, impact and aftermath of the Turkish government's decision. The article is divided into two parts: the first part analyses the scope and purposes of the Istanbul Convention, and the second part explores Turkey's increasing authoritarianism over the last decade, which offers the framework to interpret its decision to withdraw.

Keywords: Europe – Turkey – Women – Human Rights – Violence.

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1. Introduction

«The Republic of Turkey withdraws from the Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210) done at Istanbul on 11 May 2011, pursuant to Article 80 thereof»¹.

This declaration, contained in a verbal note from the Permanent Representation of Turkey to the Council of Europe, registered at the Secretariat General on 22 March 2021, formalised Turkey's decision to withdraw from the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, known as the 'Istanbul Convention'². Turkey was the first country to sign the Convention in 2011 and subsequently to ratify it on 12 March 2012. Ten years later, the decision to withdraw came through a decree, signed by President Erdoğan on 20 March 2021, without any parliamentary debate³. President Erdoğan's decision and the way in which it was carried out led to great discontent both within the country and abroad.

In Turkey, the decision sparked the immediate reaction of civil society: thousands of women took to the streets in defence of the Convention, expressing their growing dissent towards the President and his party⁴. Women's rights activists, lawyers and opposition politicians denounced Erdoğan's decree, insisting that Turkey cannot legally be taken out of an international convention ratified by Parliament with a Presidential decree⁵.

There were also negative reactions in Europe and on the international scenario. The High Representative of the European Union for Foreign Affairs and Security Policy, Josep Borrell Fontelles, said: «We cannot but regret deeply and express incomprehension towards the decision of the Turkish government to withdraw from this Convention [...]. This decision risks compromising the protection and fundamental rights of women and girls in Turkey [...]. We therefore cannot but urge Turkey to reverse its decision»⁶. Council of Europe leaders reacted to Turkey's announcement with a joint statement: «We thus deeply regret the

¹ <https://www.coe.int/en/web/conventions/search-on-treaties/-/conventions/treaty/210/declarations>.

² On 20 March 2021, Turkey unilaterally withdrew from the Istanbul Convention. Article 80 of the Istanbul Convention permits any party to denounce it by notifying the Council of Europe. <https://www.coe.int/it/web/conventions/full-list/-/conventions/treaty/210>.

³ The Turkish President's decision concerning Turkey's withdrawal from the Istanbul Convention that was taken on the basis of the Presidential Decree No. 9 was published in the Official Gazette on 20 March 2021.

⁴ E. Yalcinalp, *Turkey Erdogan: Women Rise Up Over Withdrawal from Istanbul Convention*, BBC Turkish, Istanbul, 26 March 2021.

⁵ N. Semercioglu, *Turkey's Withdrawal from the Istanbul Convention*, in *Int'l J. Const. L. Blog*, 22 April 2021, at: <http://www.icconnectblog.com/2021/04/turkeys-withdrawal-from-the-istanbul-convention/>.

⁶ Statement by High Representative/Vice-President Josep Borrell on Turkey's withdrawal of the Istanbul Convention: https://eeas.europa.eu/headquarters/headquarters-homepage/95380/turkey-statement-high-representativevice-president-josep-borrell-turkey%E2%80%99s-withdrawal-istanbul_en.

decision of the President of Turkey to withdraw from this Convention widely supported in the country, without any parliamentary debate [...]. We therefore call on the Turkish authorities not to weaken the international system to protect women against violence put in place by the Istanbul Convention»⁷. Even US President Joe Biden, in an official and timely statement, strongly expressed his disappointment: «Turkey’s sudden and unwarranted withdrawal from the Istanbul Convention is deeply disappointing [...]. This is a disheartening step backward for the international movement to end violence against women globally»⁸.

The main aim of this article is to analyse the meaning, impact and aftermath of the Turkish government’s decision. The analysis is based on the following questions: why is the Istanbul Convention so important and what are its main purposes? Why did Erdoğan decide to withdraw Turkey from the Convention and what path has the country taken in recent years that led to such a change?

2. *The Istanbul Convention: scope and purposes*

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (‘Istanbul Convention’) was an important development to protect women against violence. It was also significant in the development of international law. The Istanbul Convention requires States to protect women against violence⁹. The goals it proposes are broad, ambitious and relevant, as defined in art. 1: «a) protect women against all form of violence, and prevent, prosecute and eliminate violence against women and domestic violence; b) contribute to the elimination of all forms of discrimination against women and promote substantive equality between women and men, including by empowering women; c) design a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence; d) promote international co-operation with a view to eliminating violence against women and domestic violence; and e) provide support and assistance to organisations and law enforcement agencies to effectively co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence»¹⁰.

According to the Convention, violence against women «is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in,

⁷ <https://www.auswaertiges-amt.de/en/newsroom/news/-/2449202>.

⁸ Statement by President Biden on Turkey’s withdrawal from the Istanbul Convention: <https://www.whitehouse.gov/briefing-room/statements-releases/2021/03/21/statement-by-president-biden-on-turkeys-withdrawal-from-the-istanbul-convention/>.

⁹ J. Niemi, L. Peroni, V. Stoyanova, *Introduction. The Istanbul Convention as a Response to Violence against Women in Europe*, in J. Niemi, L. Peroni, V. Stoyanova (eds.), *International Law and Violence against Women. Europe and the Istanbul Convention*, Routledge, London and New York, 2020, p. 1. The Convention was adopted by the Committee of Ministers and opened for signature in Istanbul on 11 May 2011; it entered into force on the 1st of August, 2014.

¹⁰ <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008482e>.

physical, sexual, psychological or economic harm or suffering to women» (art. 3). The specific forms of violence mentioned in the Convention are the following: physical and psychological violence, coercion and arbitrary deprivation of liberty, sexual violence and harassment, stalking, forced marriages, female genital mutilation, abortion and forced sterilisation, and sexual crimes committed in the name of so-called ‘honour’ (artt. 33-42)¹¹. Furthermore, it is established that the implementation of the Convention by the contracting parties «shall be secured without discrimination on any ground such as sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, disability, marital status, migrant or refugee status, or other status» (art. 4. point 3).

The Convention offers guidance to States and their respective national authorities to give an adequate multidisciplinary response to violence through the four pillars (four Ps): prevention of violence, protection of survivors and reparation, prosecution of perpetrators, and integrated and co-ordinated policies¹². These four Ps constitute the structure of the Convention itself, its meaning and its aims¹³.

Finally, as an international instrument, the Convention promotes and provides a legal basis for international cooperation in the protection of victims, in the investigation and prosecution of crimes covered by the Convention and in the enforcement of judgments (art. 62)¹⁴. The Convention also establishes a specific monitoring mechanism (‘GREVIO’) in order to ensure effective implementation of its provisions by the parties (artt. 66-68).

The Istanbul Convention has already had a remarkable impact in Europe, which is supported by the implementation and monitoring system of the Convention¹⁵. Yet a decade after its birth, the Convention was overwhelmed by disinformation campaigns and unexpectedly became a battleground between progressive and conservative forces¹⁶. Particularly in Central and Eastern Europe, the Convention has received strong political resistance; it has been seen as a threat to traditional family structure and ‘family values’ and has become the target of nationalist, conservative and populist rhetoric¹⁷.

¹¹ *Ibidem*.

¹² <https://womenlobby.org/IMG/pdf/ic-2.pdf>.

¹³ <https://www.coe.int/en/web/gender-matters/council-of-europe-convention-on-preventing-and-combating-violence-against-women-and-domestic-violence>.

¹⁴ J. Niemi, L. Peroni, V. Stoyanova, *Introduction. The Istanbul Convention as a Response to Violence against Women in Europe*, cit. pp. 8-10.

¹⁵ *Idem*, p. 11.

¹⁶ <https://www.gmfus.org/blog/2021/04/30/istanbul-convention-framework-crisis>.

¹⁷ M. de La Baume, *How the Istanbul Convention Became A Symbol of Europe’s Cultural Wars. The Effort to Reduce Violence Against Women, Once Relatively Uncontroversial, Has Become A Proxy for Growing European Political Divisions*, in *Politico*, 12 April 2021 <https://www.politico.eu/article/istanbul-convention-europe-violence-against-women/>.

Turkey also fits into this scenario. The Turkish government, despite initial enthusiasm, expressed growing opposition to the provisions of the Convention over the last few years, and finally reached the recent decision to withdraw. Turkey will officially exit the Convention on the 1st of July, 2021.

3. Turkey: from signature to withdrawal (2011-2021)

In order to understand Turkey's decision to withdraw, we need to reconstruct the path of increasing authoritarianism that it has taken over the last decade.

In 2011, President Erdoğan presented Turkey's participation in the Istanbul Convention as proof of the government's attention to the defence of women and human rights. Until then, the Turkish government, led by the *Justice and Development Party (Adalet ve Kalkınma Partisi, AKP)* since 2002, had aspired to present itself as a 'model' of compatibility between Islam, democracy and secularisation, in a period of significant economic growth and rising 'soft power' potential in foreign policy¹⁸. This was the framework that allowed Erdoğan's government to sign the Istanbul Convention.

However, shortly thereafter, some important changes began to take place, both in internal and external relations. The AKP's third electoral victory made the party's leadership even more 'self-confident', not least because it further increased the concentration of political power in AKP's hands. The party exercised tight control over the economy, the civil service, the judiciary and the media. Meanwhile, the party's interest in completing the process of internal democratisation diminished.

At the same time, some events were destined to have a strong impact on the Turkish government. The so-called 'Arab Springs' created new challenges for Turkey's emerging soft power potential. Turkey's excessive involvement in the internal dynamics of countries in the Mediterranean and Middle East, along with its inability to play the role of a reliable regional mediator, weakened Turkey's ability to present itself as a 'model' of Islamic-democratic compatibility¹⁹.

On the domestic front, the events of Gezi Park, and the protest movement of Taksim Square in 2013 were the most visible signs of growing dissatisfaction within the country. The repressive behaviour of the Turkish police, along with Erdoğan's growing authoritarianism, fuelled discontent within Turkish civil society, which unsuccessfully sought pluralism and democracy, respect for minorities, individual freedom, the preservation of public spaces, freedom of press and speech, and non-interference in the religious choices of citizens²⁰.

¹⁸ C. Cerami, *Rethinking Turkey's Soft Power in the Arab World: Islam, Secularism, and Democracy*, in *Journal of Levantine Studies (JLS)*, Vol. 3 No. 2, 2013.

¹⁹ Z. Öniş, *Turkey and the Arab Spring: Between Ethics and Self-Interest*, in *Insight Turkey*, Vol. 14 No. 3, 2012.

²⁰ C. Cerami, *Il movimento di protesta turco e la "battaglia delle idee": cittadinanza, spazi pubblici e democrazia*, in B. Airò, M. Zaccaria (a cura di), *I confini della cittadinanza nel nuovo Medio Oriente*, Viella, Roma, 2015.

From that moment on, Erdoğan defined and consolidated his own authoritarian path. On 10 August 2014, Erdoğan, who had previously been the Prime Minister of the Turkish Republic, won the Presidential elections with the aim of replacing parliamentary democracy with a presidential system. Turkey moved towards a form of ‘illiberal democracy’, in which, although the formal institutions of democracy existed, they were led by a majority (whose constituent element is religious conservatism) that monopolised power²¹. The 2016 coup attempt and the purge that followed allowed Erdoğan to take greater control of the armed forces, the economy, the bureaucracy, the judiciary and the media. The constitutional referendum in 2017 and the presidential elections in 2018 brought a new system of power to Turkey: the Head of State acquired almost unlimited powers and the office of prime minister was eliminated. Erdoğan also forged an electoral alliance with the ultra-nationalist far-right MHP party. Meanwhile, faced with a growing economic crisis and a gradually more aggressive foreign policy, he defined an increasingly authoritarian, Islamist and conservative agenda.

This is the scenario that led to a series of criticisms of the Istanbul Convention, and that resulted in the decision to withdraw from the treaty. Women’s rights have become the latest battleground in Erdoğan’s war to obtain the support of the more conservative electorate²². Islamic and conservative religious groups are close to President Erdoğan and necessary in difficult times. The government defends its position by arguing that the Convention had become a divisive element within Turkish society. The text is accused of questioning the values of the ‘traditional’ family and of promoting LGTB culture, in reference to a semantic controversy linked to the concept of ‘gender’.

On 22 March 2021, Turkey’s Communication Directorate published a statement providing the ‘official’ reasons for withdrawal:

The Istanbul Convention, originally intended to promote women’s rights, was hijacked by a group of people attempting to normalize homosexuality – which is incompatible with Turkey’s social and family values. Hence the decision to withdraw. Turkey is not the only country who has serious concerns about the Istanbul Convention. Six members of the European Union (Bulgaria, Hungary, Czechia, Latvia, Lithuania and Slovakia) did not ratify the Istanbul Convention. Poland has taken steps to withdraw from the Convention, citing an attempt by the LGBT community to impose their ideas about gender on the entire society²³.

The ‘official’ motivation offered by the Turkish government has opened up a further field of controversy, attracting not only the protests of women and

²¹ Z. Öniş, *Monopolizing the Centre: The AKP and the Uncertain Path of Turkish Democracy*, in *International Spectator*, Vol. 50 No. 2, 2015.

²² L. Boulton, *Erdogan Sacrifices Women’s Protection in Appeal to Conservatives. Turkey’s President Seeks to Boost His Power as The Economy Suffers Under His Mismanagement*, in *Financial Times*, 25 March 2021.

²³ <https://www.iletisim.gov.tr/english/duyurular/detay/statement-by-the-directorate-of-communications-on-turkiyes-withdrawal-from-the-istanbul-convention>.

women's movements but also those of the entire LGBT community and a growing segment of Turkish civil society²⁴. President Erdoğan decided to ride the wave of the unprecedented campaign against the ratification of the Istanbul Convention on the basis of the so-called 'war of gender', used by right-wing and religious fundamentalists, and conservative groups²⁵. Yet this motivation seems to be misplaced in the light of the Convention text²⁶. The Istanbul Convention is the Council of Europe's key international treaty to combat violence against women and domestic violence and has served as a model to protect women more effectively, increase funding to support victims, and create help lines and shelters. Turkey's withdrawal from the Istanbul Convention and its justification for doing so have the potential to strengthen the disinformation campaign in Central and Eastern Europe²⁷. Erdoğan therefore fits into this political debate, fuelling the controversy and using women's rights as a 'bargaining chip' to gain support from the more conservative electorate, in a moment of political, economic and social difficulties.

The year 2023 will mark the centenary of the Turkish Republic and a double date: the presidential and legislative elections that Erdoğan cannot afford to lose. He will use all his cards to strengthen his conservative electorate. Meanwhile, femicide and domestic violence in Turkey are at an alarming level. According to the World Health Organisation, nearly 40% of women in Turkey experience violence at partners' hands, compared to around 25% in Europe²⁸. The 2021 data, marred by the COVID-19 pandemic, records a further escalation of domestic violence against women, due to movement restrictions, social isolation and economic insecurity²⁹. As writer and women's rights activist Elif Şafak wrote, by withdrawing from the Istanbul Convention, the Turkish government defies rule of law, human rights and gender equality, and wages war against women³⁰.

²⁴ <https://www.amnesty.org/en/latest/news/2021/03/turkey-targeting-of-lgbti-people-to-justify-quitting-convention-on-combating-violence-against-women-is-dangerous/>.

²⁵ K. Sekowska-Kozłowska, *The Istanbul Convention in Poland: between the 'war on gender' and legal reform*, in J. Niemi, L. Peroni, V. Stoyanova (eds.), *International Law and Violence against Women. Europe and the Istanbul Convention*, cit.

²⁶ According to art. 3 c), gender is defined as «socially constructed roles, behaviors, activities and attributes that a given society considers appropriate for women and men». For a legal discussion of the issue, see: J. Niemi, A. Verdu Sanmartin, *The Concept of Gender and Violence in the Istanbul Convention*, in J. Niemi, L. Peroni, V. Stoyanova (eds.), *International Law and Violence against Women. Europe and the Istanbul Convention*, cit.; V.R. Scotti, *The Debate on the Istanbul Convention in Turkey: A Populist Reinterpretation of the Principle of Gender Equality*, IACL-AIDC Blog, 18 February 2021, <https://blog-iacl-aidc.org/gender/2021/2/18/the-debate-on-the-istanbul-convention-in-turkey-a-populist-reinterpretation-of-the-principle-of-gender-equality>.

²⁷ <https://www.gmfus.org/blog/2021/04/30/istanbul-convention-framework-crisis>.

²⁸ A.J. Yackley, *Turkey Withdraws from Treaty Protecting Women Against Violence. Erdoğan Issues Decree to Leave Pact That Aimed to Reduce High Rates of Domestic Abuse*, in *Financial Times*, 20th March 2021.

²⁹ <https://www.amnesty.org/en/latest/news/2021/03/turkey-targeting-of-lgbti-people-to-justify-quitting-convention-on-combating-violence-against-women-is-dangerous/>.

³⁰ https://twitter.com/Elif_Safak, 20 March 2021.

4. *Conclusions*

During the plenary session of the European Parliament, which opened on 26 April, the President of the European Commission Ursula von der Leyen commented on the meeting between the EU and Turkey held on 6 April (dominated by the controversy that arose following the sofa-gate)³¹. Von der Leyen's speech was an opportunity to talk about the importance of the Istanbul Convention ('a ground-breaking legal text and an inspiring document'), and the revival of the values of equality and gender equality.

As also recalled by von der Leyen herself, ten years after the birth of this important treaty, even in Europe some countries have not yet ratified the Convention, as well as the EU itself as a whole:

I used the meeting in Ankara to reiterate my deep concerns about Turkey withdrawing from the Convention. The withdrawal of one of the founding members of the Council of Europe is a terrible signal. To be credible, however, we must not only criticise others. To be credible, we also have to act at home [...]. Several EU Member States have still not ratified the Convention. And others are thinking about quitting. This is not acceptable. Violence against women and children is a crime. We must call it a crime and it must be punished as such. This is why I want the EU itself to join the Istanbul Convention. This remains a priority for my Commission³².

For the European Union, defending women's rights and fighting violence in all its forms is a battle of civilisation, which does 'not only concern the status of women, but the status of democracy'³³ and the most authentic essence of European values, in search of a form of interaction that is participatory, inclusive and oriented towards the aspiration of an 'open society'. A society in which everyone – regardless of race, nationality, gender or sexual orientation – can enjoy the benefits of freedom.

Erdoğan's choice has added a further element of confrontation with and distrust of Europe. However, the battle of Turkish women is also a European battle, in which the role and participation of civil society is crucial. Civil society groups remain an important component of democratic resilience and the EU should support prodemocracy movements in the face of authoritarianism.

In recent years, the EU has focused on maintaining interest-based relations with Turkey, centred on migration, the economy, and foreign and security policy.

³¹ 'Sofa-gate' is the diplomatic incident that relegated the President of the Commission Ursula von der Leyen to the sofa, while the President of the European Council Charles Michel took a seat next to the Turkish leader Erdoğan. See: A.J. Yackley, M. Peel, *EU-Turkey in Blame Game Over 'Sofa Gate' After Ursula Von Der Leyen Left Standing. Dispute Over Protocol Prompts Charges of Sexism at Meeting*, in *Financial Times*, 8 April 2021.

³² https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_21_1965.

³³ *Ibidem*.

However, a sustainable positive agenda should include not only interest-driven issues, but also rule-based relationships and societal dimensions that consider the multiplicity of political and social actors³⁴. The EU's failure to express a clear policy of condemnation of Turkish authoritarianism strengthens the assertiveness of Turkey. Above all, the ambiguous European attitude ignores an important segment of Turkish civil society that claims European support and determination in condemning Turkey's authoritarianism. The EU shouldn't limit itself to a 'realpolitik' policy towards Turkey, ignoring European founding values and its own democratic, inclusive and pluralist nature.

³⁴ N. Arisan-Eralp, S. Aydın-Düzgit, A. Eralp, E. Fuat Keyman, Ç. Nas, *Turkey-EU Relations Before the March Summit: The Way Forward?*, in *IPC Policy Brief*, March 2021, p. 4, <https://ipc.sabanciuniv.edu/Content/Images/CKeditorImages/20210323-23035184.pdf>.