

Law & Women's Agenda in Turkey: Top Issue Is Gender Based Violence

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It is not an exaggeration to say that the year 2020 has been a very challenging year for the women's movement in Turkey, even without the severe consequences of the COVID-19 pandemic, which added to the everyday problems of women in terms of social reproduction work, gender based violence and poverty.

One of the main issues brought in the agenda of women is the TCK 103 (Turkish Penal Code, Article 103) problem, in other words, a proposed motion to pass an amnesty for the perpetrators of sexual abuse of minors. This whole issue roots back to 2016 when deputies of the ruling party AKP managed to include the motion into the reform package that was designed then, as a "temporary amnesty" which would include the perpetrators who committed this crime before 16 November 2016, and "if the victim marries the offender, and if the crime is committed without force, threat, or any other restriction on consent."

Of course, this outrageous motion was protested in almost every city and women filled the streets with the demand of withdrawal of the motion. First of all, as women's movement is quite aware, there's no such thing as "temporary" in Turkish legal system. Such a motion will definitely set an example for the future and a law that would let go the child abusers "who did it for one time." Secondly, this whole issue has been revolving around a "culturally normal" argument which is exactly what feminists have been fighting for decades, because we are absolutely fed up with the fact that domination over women, different forms of gender based discrimination and violence are justified and normalized all over the world by this very argument of culture, which, as we know, is not something written on the stone. Culture changes; culture has to change. In fact, this transformation is the very thing women's struggles around the world try to realize.

Third, since the marriage with the offender is a precondition of the amnesty and same sex marriage is illegal in Turkey, this motion would normalize early and forced marriage and rape of girls while abuses against boys remain punishable, which is a definite violation of the equality principle in the Turkish Constitution. And last but not least, seeking consent in a sex crime against children is... Well, we simply refuse to even think about it.

This scandalous motion that had been brought to Turkish parliament in 2016 was withdrawn with the votes of the opposition parties after the riots of women all over Turkey. However, the story did not end there after this win on women's side. In 2020, the same motion was proposed again and the issue remains to be one of the main struggle fields in the agenda of women's movement; except, this year we are stronger than before. The platform established against this motion which gathered more than 300 women and LGBTI organizations is more overarching than ever. It's still quite a challenge to keep the fight against a mentality that occupies the absolute majority of the Parliament and vastly dominates every sphere of life including media; however, women's movement does not give any sign of pullback. In fact, the recent debate around the İstanbul Convention seems to increase the support to women's movement, even from the AKP voters, according to the latest polls. [\[1\]](#)

The abovementioned debate around the İstanbul Convention is now the main agenda in Turkey in terms of women's rights not only because violence against women goes up enormously (especially throughout AKP rule since 2002), but also because the oddity of the debate itself because the party who signed the Convention and the party who started the debate around the demand of withdrawal from the Convention is the very same AKP.

A quick look at some numbers may give an idea about the increase in gender based violence in Turkey: Only in the first term of AKP government, femicides skyrocketed by 1400%! Only in July 2020, 36 women were murdered by men. As a woman working at a women's organization, let me just mention that the social workers have been buried under violence cases. So, it's only natural to ask this question: Why does a government who repeats that "they will fight against violence" at every occasion tries so hard to withdraw from a Convention of which sole purpose is to eliminate gender based violence? Why does it even become a subject of debate in a country there's at least one femicide almost every day? The answers from the AKP wing are shaped around "family values" (you know, women may keep being tortured as long as the holy families are not broken) and "preventing Convention's secret agenda of 'promoting homosexuality'" (well, we are running out of creative ways of explaining there's no such thing).

These issues are not new. These are the steps in AKP's agenda since it came into power. The steps towards a Turkey that gender equality has no place, as openly mentioned by many AKP representatives since 2002. But this is not a struggle women will back down, because where will it stop? What will happen after the withdrawal? Turkey's national law on violence against women (6284) which has a reference to Istanbul Convention is and will be under as well. Then what? Civil Law? Penal Code? Equality Principle? Constitution? We know that gender equality cannot be solely associated with and debated around the legal sphere. We also know that we have worked very very hard to gain every single right as women in Turkey and the legal sphere is only one, but a very important front of the struggle.

As of today, women seems to have the upper hand in terms of the social support whereas the number of seats in the Parliament tells a completely different story. The agenda will remain hot in the coming weeks. And women will remain alert and ready.

Sanem Öztürk

P.S.

• IVP. Friday 4 September 2020:
<http://www.internationalviewpoint.org/spip.php?article6799>

Footnotes

[1] See "AK Parti'nin yüzde 49.7'si İstanbul Sözleşmesi'ni savunuyor" (49.7 percent of the AK Party defends the Istanbul Convention):
<https://www.gazeteduvar.com.tr/gundem/2020/07/25/ak-partinin-yuzde-49-7si-istanbul-sozlesmesi-ni-savunuyor/>