RUTGERS–NEW BRUNSWICK
School of Arts and Sciences

2025

From Adoption to Revocation: Understanding The Istanbul Convention Withdrawal in Turkiye

Güzide G. Özalp

Occasional Paper

From Adoption to Revocation: Understanding The Istanbul Convention Withdrawal in Turkiye

On March 20, 2021, Turkiye's withdrawal from the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) marked a significant turning point in the country's engagement with international frameworks aimed at combating violence against women (VAW). As the first nation to ratify the Convention in 2012, Turkiye's leadership signaled a commitment to addressing gender-based violence. However, the decision to withdraw from the Convention under President Recep Tayyip Erdoğan's leadership signaled a broader ideological and political shift driven by a calculated resistance to gender equality advancements, aligning with growing conservative and nationalist trends both within Turkiye and on the international stage.

The Turkish government's justification for the withdrawal asserted that the Istanbul Convention had been "hijacked by a group of people attempting to normalize homosexuality," arguing that this undermined the country's traditional values. In an official statement, the Directorate of Communications stated, "The Istanbul Convention, originally intended to promote women's rights, was manipulated by certain groups to impose their views on sexual orientation and gender identity, which contradicts Turkiye's societal and family values." They also included examples from European countries to demonstrate that they share the same perspective. The statement further emphasized that Turkiye remains committed to combating violence against women through international treaties, national legislation, and policies, including The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and Law No. 6284 (İletişim Başkanlığı, 2021).

Furthermore, President Recep Tayyip Erdoğan has stated that Turkiye's withdrawal from the Istanbul Convention is necessary to protect the nation's values and sovereignty from external ideological influences. Erdoğan argued that the Convention had been transformed into a tool by "marginal groups" seeking to impose their ideological agendas, positioning it as a divisive instrument rather than a framework for combating violence against women (Oksijen, 2021). In his public statements, Erdoğan also emphasized Turkiye does not need "foreign prescriptions" to address domestic issues, asserting that national laws, such as Law No. 6284, provide sufficient protection for women (Oksijen, 2021). By portraying the Convention as an

ideological battleground manipulated by external forces, Erdoğan reinforced the narrative that international agreements pose a threat to Turkiye's cultural and moral fabric, aligning with broader nationalist and conservative sentiments.

The official statements regarding the withdrawal reflect the governmental effort to reframe gender equality as a threat to national identity and social cohesion. The Istanbul Convention's opponents in Turkiye framed their resistance through the lens of *"gender ideology,"* invoking fears that the treaty undermines traditional family values and promotes LGBTQ+ rights. This narrative mirrors broader European trends, where radical right-wing movements have mobilized against the Convention, framing it as an imposition of Western norms incompatible with national identity (Roggeband & Krizsán, 2024). As can be seen in the examples of Hungary and Poland, governments similarly cited "gender ideology" as a key reason for resisting the Convention, arguing that it challenges the concept of the "natural family" and promotes non-traditional gender identities. In 2020, Poland announced plans to withdraw from the Convention, citing its incompatibility with the country's Catholic values and the perceived threat to national sovereignty (Berthet, 2022). These examples reflect coordinated campaigns by conservative actors and religious institutions in different countries to resist perceived "foreign interference" in domestic policies on family and gender norms (Berthet, 2022; Sanders, 2018).

The concept of *norm spoiling*, Sanders (2018), also offers a compelling framework for understanding Turkiye's withdrawal from the Istanbul Convention. Norm spoiling refers to the deliberate efforts of conservative actors to destabilize and delegitimize progressive international norms by advancing alternative, often regressive values that challenge the universality of human rights frameworks (Sanders, 2018). This process does not merely oppose new policies but actively seeks to undermine their credibility by framing them as external threats to national identity, culture, and sovereignty. In Turkiye's case, the Justice and Development Party (AKP) strategically employed this tactic by portraying the Istanbul Convention as antithetical to "Turkish family values." By linking the Convention to the promotion of LGBTQ+ rights and the erosion of traditional gender roles, the AKP used nationalist and conservative factions, reinforcing a populist narrative that positions international agreements as encroachments on national sovereignty.

Berthet (2022) highlights how similar dynamics emerged in the European Union, like in Slovakia and Bulgaria where parliamentary opposition successfully blocked the ratification of the Convention. In Europe, populist actors opposed the Convention by casting it as a tool of Western liberal hegemony that threatened domestic legal frameworks and cultural norms. This broader *"norm under fire"* phenomenon (Berthet, 2022) illustrates how authoritarian-leaning governments weaponize gender norms to fortify illiberal agendas, often using feminist gains as scapegoats for societal anxieties and economic insecurities. Turkiye's withdrawal from the Istanbul Convention exemplifies this trend, serving as a stark case of democratic erosion through the politicization of gender issues. By invoking sovereignty and national values, the government not only rolled back gender equality efforts but also curtailed civic space, consolidating power at the expense of marginalized communities and progressive movements (Baytok, 2021). This intersection of norm spoiling and authoritarian governance underscores the fragility of international human rights mechanisms in the face of rising populism and nationalism.

Despite the declarations by the Turkish government that national laws such as Law No. 6284 and international frameworks like CEDAW provide sufficient protection for women, the 82% increase in suspicious deaths over the past seven years and the murder of 261 women by October 2024 only this year alone reveal deep flaws in the current system (Euronews, 2024; We Will Stop Femicides Platform, 2024). These alarming figures show the gaps in enforcement, prevention, and accountability that national measures alone have failed to address. The Istanbul Convention offers a far more comprehensive framework, mandating preventive action, victim support, and independent monitoring, which surpasses the inconsistently applied domestic legislation. The persistent rise in suspicious deaths reflects not just failures in protection but a systemic lack of investigation and accountability, allowing perpetrators to act with impunity. Reinstating the Convention would reinforce international oversight, compel stronger enforcement of existing laws, and signal Turkiye’s renewed commitment to protecting women’s lives amid escalating violence.

This paper examines Turkiye’s withdrawal from the Istanbul Convention by analyzing the political, social, and legal dimensions surrounding the decision, with a focus on the prevalence of violence against women (VAW) and the limitations of national legal frameworks. The paper starts with a focus on the current state of violence against women in Turkiye, offering statistical analysis and case studies to highlight the persistent and rising

rates of femicide and gender-based violence. This section reveals the urgent need for comprehensive measures and international oversight, revealing the gaps left by the absence of the Istanbul Convention. The following section delves into Turkiye's national legal framework for combating VAW, with a particular emphasis on Law No. 6284 and its implementation. It evaluates the strengths and weaknesses of national legislation, exploring the disconnect between legal provisions and their enforcement in practice. The paper also reviews Turkiye's engagement with international frameworks like CEDAW, assessing their effectiveness in addressing VAW and the structural challenges that persist despite these commitments.

By comparing national legal efforts with the Istanbul Convention's binding and holistic approach, the paper illustrates why the Convention is indispensable for closing gaps in protection, prevention, and accountability. Through this multi-faceted exploration, the paper argues that the withdrawal from the Istanbul Convention represents not only a rollback of gender equality efforts but also a wider strategy of norm contestation that threatens democratic values and the protection of women's rights in Turkiye.

1. Violence Against Women in Turkiye

Violence against women refers to any act of gender-based violence that causes or is likely to cause physical, sexual, or psychological harm or suffering to women. This includes threats, coercion, or arbitrary deprivation of liberty, whether occurring in public or private life (Declaration on the Elimination of Violence against Women, 1993). Broadly speaking, gender-based violence has escalated dramatically, with rates of domestic violence, femicide, and systemic discrimination against women reaching crisis levels. While numerous factors contribute to this escalation, some of the complex drivers behind violence against women can be identified through the analyses by Flood and Pease (2009). Deep-rooted gender norms and social expectations reinforce male dominance, creating environments where controlling or abusive behaviors are sometimes tolerated (Flood&Pease, p. 127, 2009). Traditional perspectives often emphasize a male-dominated family structure, which can discourage women from challenging harmful behaviors and prevent them from seeking help. Socioeconomic issues, such as unemployment and financial stress, add to the pressures within households, often escalating the likelihood of domestic violence when coping mechanisms are limited. Cultural factors, such as media portrayals that may reduce the importance of gender-based violence or praise patriarchal narratives in society, can normalize or downplay

the severity of such violence (Flood&Pease, p. 129, 2009). While Türkiye has these components in its social, political, and economic landscapes, these issues are compounded by reduced legal protections. The withdrawal from the Istanbul Convention marked a significant step back in the fight against gender-based violence, reflecting how femicides and violence are deeply tied to the political and cultural fabric of the state.

Violence against women should be understood as emerging from the interplay between social norms, legal inadequacies, and political decisions within a state. The current government's 23-year influence, with President Recep Tayyip Erdogan's leadership, on education and social values cannot be overlooked, as these policies have directly shaped a generation's ethos and perceptions of gender roles. President Recep Tayyip Erdoğan's stance on violence against women must be understood within the broader context of the Justice and Development Party's (AKP) instrumentalization of gender issues to consolidate political power. In the AKP's early years, the party adopted liberal reforms to improve women's rights, partly to align with European Union (EU) accession requirements and legitimize its rule in a secular state (Arat, 2021). However, as the AKP transitioned toward an authoritarian regime, its approach to gender equality shifted significantly. Under Erdoğan's leadership, the party promoted a conservative framework emphasizing gender complementarity, which relegated women to traditional roles centered on family and motherhood (Cindoglu & Unal, 2016). This shift not only weakened the institutional framework for gender equality but also sidelined progressive organizations advocating for women's rights, replacing them with institutions propagating the AKP's conservative ideology. This strategic redirection served to entrench patriarchal norms while consolidating political control.

Erdoğan's rhetoric on violence against women reflects duality. While he has publicly condemned gender-based violence, his statements often frame the issue within a conservative cultural narrative that reinforces traditional family structures rather than addressing systemic inequalities (Cindoglu & Unal, 2016). Under the AKP's governance, reforms to address gender-based violence have often lacked effective enforcement, as the government redirected existing laws to align with its conservative ideology rather than addressing structural inequalities (Arat, 2021). This duality shows how the AKP instrumentalized women's rights, initially using them to gain political legitimacy and later reshaping them to consolidate power, contributing to the persistence of violence against women within Turkiye's increasingly authoritarian political system.

The increase in violence against women and the lack of effective enforcement mechanisms to protect victims have not gone unnoticed by NGOs, activists, and the public, who have actively responded to these issues with protests, blogs, and movements on digital platforms. They frame femicides as "political" in Türkiye with their slogans like *"Kadın cinayetleri politiktir"* (Femicides are political) to extend beyond direct government action or inaction. This framing challenges the underlying social norms and systemic factors that perpetuate such violence. As discussed in social debates (Gumuscu, 2024; Kayir& Kalav, 2016; Kurtoglu, 2022; Corradi, 2021), the term “political” here invokes the broader Greek understanding of *polis*, the collective actions and values that shape life in the public realm. It is not limited to laws or government decisions but includes the shared cultural, economic, and ideological structures that govern society. This framing critiques the state’s failure to enact or enforce protective measures and its role in shaping social attitudes through education, policies, and cultural narratives. By invoking the term "political" in its broader sense, these movements are calling for a fundamental rethinking of the structures and values that govern public life, pushing back against a system that prioritizes traditional gender norms over the safety and rights of women.

These actors also use their power to highlight the critical need to produce lasting solutions while also stating alarming numbers of violence against women in Turkiye. According to Esin Izel Uysal, a lawyer and advocate for the We Will Stop Femicides Platform, while violence against women is not a new phenomenon, it has become increasingly brutal, with younger victims and perpetrators (Topcu, 2024). In the first nine months of this year (2024) alone, the platform recorded 295 murders of women by men and 184 suspicious deaths. The overall figures for 2023 indicate that there were 315 murders and 248 suspicious deaths, where cases of women falling from balconies or committing suicide under mysterious circumstances are classified as suspicious. The rise in suspicious deaths is particularly concerning, with an 82% increase from 2017 to 2023. Violence often occurs within the home, but incidents on the streets are also on the rise. Uysal noted that a significant portion of perpetrators, 65%, killed women because they sought to separate or refused to marry (Topcu, 2024). The We Will Stop Femicide Platform reports a total of 3,185 women killed by men between 2008 and 2019 and at least 1,499 between 2020 and September 2024, with femicides increasing each year (Echols, 2024). The issue of domestic abuse is also growing, with more than 1.4 million women reporting experiences of violence between January 2013 and July

2024, according to data from the Turkish Family and Social Services Ministry (Turkish Minute, 2024).

Furthermore, Turkiye also suffers in advancing gender equality. According to the World Economic Forum's Global Gender Gap Report for 2023, Turkiye ranks 129th out of 146 countries in the Global Gender Gap Index, placing it 10th— the lowest— in Eurasia and Central Asia. Regarding specific indices, Turkiye ranks 99th in the Educational Attainment Index, 133rd in the Health and Survival Index, 100th in Economic Participation and Opportunity, and 118th in the Political Empowerment Index (UN Women, 2024). As of 2023, the proportion of women in the Turkish Parliament stands at 19.90%, while men make up 80.10% of the legislative body (UN Women Report, 2024). According to the European Institute for Gender Equality (EIGE), in 2023, women hold 18% of board member positions and 12.1% of executive roles in senior management in Turkiye (UN Women Report, 2024).

The drastic statistics on femicides and gender inequality in Turkiye show the urgent need for national action to address these issues. To fully grasp the significance of a need for new national action, it is important to examine Turkiye's current legal framework and its obligations under international treaties. Analyzing these regulations will highlight the gaps the Istanbul Convention left behind and how it represented a critical mechanism for addressing gender-based violence and promoting equality in Turkiye.

2. Turkiye and The International Legal Framework on Violence Against Women

Under Article 90 of Turkiye's Constitution, ratified international treaties are incorporated into national law and take precedence over conflicting domestic provisions (Grand National Assembly of Turkiye, 2019). However, in practice, this principle is not consistently applied. The lack of complete alignment between domestic legislation and international human rights standards, coupled with shortcomings in implementing social policies on women's rights and combating violence against women, continues to impede progress in this critical area.

2.1. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted by the United Nations General Assembly in 1979, is a comprehensive international treaty dedicated to advancing women's rights and achieving gender equality. Often referred to as an international bill of rights for women, CEDAW outlines measures for

eliminating discrimination against women in various areas, including education, employment, healthcare, and political participation (Committee on the Elimination of Discrimination against Women, 1979). Its primary aim is to ensure that women enjoy equal rights and opportunities as men, addressing both direct and indirect forms of discrimination. By obligating state parties to implement policies and legislation that promote gender equality, CEDAW seeks to dismantle systemic barriers and cultural practices that perpetuate gender-based disparities, thereby fostering an environment where women can fully exercise their fundamental freedoms and human rights.

Turkiye was one of the first countries to ratify CEDAW (1986). Turkish women and NGOs played a transformative role in the process surrounding Turkiye's engagement with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Turkiye signed the convention just before the 1985 Nairobi World Conference on Women, and emerging feminists soon organized their first public campaign in 1986 to ensure its implementation (Arat, 2001). Activists like Şirin Tekeli led efforts to explain the convention's significance, aiming to prevent it from being treated as a mere symbolic document. A petition campaign gathered 6,000 signatures, including contributions from housewives, workers, professionals, and public figures, showcasing a broad spectrum of support (Arat, 2001). Although many signatories had not studied CEDAW in-depth, the campaign sparked women to demand their rights, making a bold statement for gender equality in a politically restrictive era following the 1980 coup. Subsequent feminist actions, such as marches against domestic violence, the founding of the Purple Roof Women's Shelter Foundation (*Mor Cati Vakfi*), and campaigns for legal reforms, further cemented the momentum CEDAW had sparked. The convention enhanced public awareness of women's issues and provided a framework that legitimized feminist demands and expanded activism in the country (Tekeli, 1989). To this day, the CEDAW Convention and its expert committee play a crucial role in raising awareness in Turkiye about the challenges women face and providing actionable recommendations to address and mitigate these issues.

On the other hand, Turkiye still faces significant challenges in fully implementing its commitments under the convention. These challenges are reflected in gaps between legislation and enforcement, deeply rooted societal attitudes, and the ongoing increase in gender-based violence. Despite the convention's comprehensive provisions addressing violence against women, gaps in enforcement, monitoring, and accountability hinder their full

realization. In Turkiye, efforts to align national legislation with these international commitments have been uneven, with some progress overshadowed by regressions in key areas, which can be seen in the evaluation of the CEDAW Committee reports.

The CEDAW Committee typically reviews each State Party's implementation of the Convention every four years (Article 18, Convention on the Elimination of All Forms of Discrimination against Women), which allows states to open themselves to criticism and pressure from international actors. While the Committee's Eighth Periodic Report on Turkiye (2022) acknowledges some advances, such as legislative reforms to combat violence against women and promote gender equality, it also highlights significant gaps in implementation and systemic issues. Key concerns include the rise in gender-based violence, limited access to justice for survivors, and insufficient mechanisms for enforcing anti-discrimination laws (the Committee on the Elimination of Discrimination against Women, 2022). The withdrawal from the Istanbul Convention in 2021 is noted as a regression, raising questions about Turkiye's political commitment to international gender equality standards. Persistent disparities in women's political participation, employment, and education signal challenges in addressing structural inequality (the Committee on the Elimination of Discrimination against Women, 2022). The report draws attention to the need for Turkiye to strengthen its institutional frameworks, allocate resources, and ensure meaningful engagement with civil society.

The Committee also expressed its concern over the persistence of deeply rooted discriminatory stereotypes and the continuation of official statements that excessively emphasize women's traditional roles as mothers and wives in the family and society (the Committee on the Elimination of Discrimination against Women, 2022). It noted that such an approach constitutes an underlying cause of violence against women. The Committee highlighted the ongoing presence of patriarchal attitudes among state authorities and within society while observing with concern that the principle of gender equality is increasingly being replaced by the defined concept of "gender justice," which means that gender roles are given by God and naturally fit together. The Committee also recommended the adoption of necessary legal amendments to criminalize domestic violence and femicide explicitly. It also urged strict enforcement of protection orders, investigation of law enforcement officials and judiciary personnel for negligence in recording complaints and holding them accountable for failing to take or implement protective measures.

These persistent challenges and the Committee's urgent recommendations show the gap between Türkiye's formal commitments to international frameworks like CEDAW and the reality of its implementation. This disconnect becomes even more apparent when analyzed through the lens of Finnemore and Sikkink's (1998) *Norm Life Cycle theory.* While Türkiye was among the early adopters of CEDAW, the past years have shown a troubling pattern of selective norm alignment, where these selective approaches gave way to strategic resistance. *The first stage of norm emergence* (Finnemore & Sikkink, 1998) in Türkiye, which gained momentum with the ratification of CEDAW, was significantly influenced by pressure from both the international community and domestic feminist movements. At that time, the convention ignited women's rights activists, who leveraged CEDAW to push for legal reforms and raise public awareness about gender-based violence and discrimination. However, the transition to *the second stage, the norm cascade* (Finnemore & Sikkink, 1998), where widespread social acceptance should follow, has faced substantial barriers such as entrenched patriarchal norms, conservative political discourses, and selective enforcement by state institutions. While legal reforms were enacted, the persistence of patriarchal attitudes and the inconsistent enforcement of these laws indicate a resistance to fully embracing the spirit of CEDAW.

This resistance becomes even clearer in *the third stage of norm internalization* (Finnemore & Sikkink, 1998), where norms are expected to be embedded into social values and state practices to the point of being uncontested. Here, Türkiye's selective reinterpretation of CEDAW principles under the guise of "gender justice" rather than "gender equality" reflects an intentional deformation to maintain traditional gender hierarchies. This shift is not just a matter of wording; it strategically limits the transformative impact of CEDAW by aligning it with conservative cultural values that emphasize the family unit over individual rights. By focusing on "gender justice," the state weakens the more progressive aspects of gender equality, framing it as something that can coexist with patriarchal norms rather than as a challenge to them. Türkiye's selective approach to convention breaks down CEDAW's potential. Such selective adaptation reflects a deeper struggle within Türkiye's stance on women's rights and violence against women.

2.2. ***The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)***

The Istanbul Convention, officially known as the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, was a significant milestone in protecting women's rights. Signed in Istanbul in 2011, it was the first legally binding treaty focused on preventing gender-based violence in Europe. Originating from the Council of Europe, the convention emerged following a campaign conducted across Europe from 2006 to 2008 aimed at combating violence against women, with a particular focus on domestic violence. To draft this important convention, the Ad Hoc Committee for Preventing and Combating Violence against Women and Domestic Violence (CAHVIO) was established, a process that took two years to complete. Turkiye played a leading role in its formation and was the first country to ratify it, signaling a strong commitment to addressing violence against women at the time (Güneş & Ezikoğlu, 2023). Turkiye's leadership in these efforts was highlighted when it hosted the official signing ceremony in Istanbul on May 11, 2011.

The AKP government's endorsement of the Convention was significantly influenced by the *Opuz v. Turkey* ruling from the European Court of Human Rights (ECHR) in 2009. In this landmark case, the court found Turkiye guilty of failing to protect Nahide Opuz, who had endured years of domestic abuse (European Court of Human Rights, 2009). This ruling exposed serious flaws in Turkiye's handling of domestic violence cases, damaging the country's international reputation. As a result, the AKP faced pressure to demonstrate a genuine commitment to protecting women's rights (Direk, 2023). By supporting the Convention, the AKP sought to mitigate these criticisms and restore public trust without compromising its broader political agenda. Also, at that time, Turkiye was actively seeking closer ties with the European Union, making human rights a central focus in its bid for EU accession. The *Opuz* decision came at a critical moment, pushing the government to take corrective measures to align with European standards. Therefore, by swiftly ratifying the Istanbul Convention, the AKP aimed not only to decrease domestic tension but also to repair its international image. This move was part of a broader effort to showcase Turkiye as a reform-oriented nation committed to upholding human rights.

Yet, the AKP was careful not to alienate its conservative base. By framing the Convention strictly as a tool for combating violence, Erdoğan and his administration avoided engaging with its broader implications for gender equality. This selective emphasis was crucial for mitigating concerns among conservative factions who feared the treaty might disrupt

traditional family values (Krizsán et al., 2024). The government's messaging reassured these groups that the Convention's focus was on protection, not on redefining social norms. This approach highlights the AKP's pragmatic balancing act. The adoption of the Convention was more about managing reputational damage and aligning with international expectations than a genuine commitment to social transformation. The government's support was carefully calibrated, using the Convention to gain domestic and international legitimacy while limiting its impact on conservative social structures. Despite the AKP's focus on political maneuvering, ratifying the Istanbul Convention established critical legal standards for protecting women. This move brought essential protections against gender-based violence into the national spotlight, signaling a recognition of the urgency to address these issues, whether or not it was intended to challenge deeper social norms.

As stated above, this treaty is the first legally binding international instrument specifically designed to combat violence against women. The convention's comprehensive approach is rooted in the recognition that violence against women is not merely a private matter but a severe human rights violation and a form of gender discrimination that reflects deeply entrenched social inequalities. The convention sets out a clear and ambitious agenda with multiple interrelated objectives. It aims to prevent all forms of violence against women, protect victims, prosecute perpetrators, and eliminate structural inequalities that perpetuate gender-based violence. The convention establishes an obligation for member states to adopt a *"zero tolerance"* approach toward such violence, thus making it clear that preventing violence is not only a legal duty but also a societal imperative (Council of Europe, 2010). Importantly, it recognizes the need for a coordinated response, emphasizing that violence against women is a societal issue that requires the involvement of multiple sectors, including law enforcement, social services, healthcare, and the judiciary.

A cornerstone of the Istanbul Convention is its *preventive measures*, which are designed to address the root causes of violence by challenging social norms and stereotypes that legitimize violence against women (Council of Europe, 2010). States are required to implement educational programs at all levels to promote non-violence, mutual respect, and equality between men and women. These measures extend beyond traditional awareness campaigns to include integrating gender sensitivity into the training of professionals, such as police officers, social workers, and healthcare providers, who are often the first responders to incidents of domestic violence. In addition to prevention, the convention mandates robust

protection mechanisms for victims (Council of Europe, 2010). This includes ensuring access to immediate and specialized support services, such as shelters, hotlines, and counseling. The convention requires states to provide victims with free legal assistance, psychological support, and economic aid to help them rebuild their lives after escaping abusive environments. The emphasis is on a victim-centered approach that respects the dignity, autonomy, and safety of survivors. This approach is critical in addressing the long-term psychological trauma that victims often face and in empowering them to reclaim control over their lives.

Furthermore, the convention has an *integrated approach,* which includes mechanisms for monitoring and enforcement (Council of Europe, 2010). The convention established GREVIO (Group of Experts on Action against Violence against Women and Domestic Violence) to oversee its implementation. GREVIO is tasked with evaluating how well states comply with their obligations, conducting country visits, and making recommendations for improvement. This accountability mechanism ensures that the convention does not remain merely a symbolic commitment but translates into tangible changes in national laws, policies, and practices (Council of Europe, 2010). This approach leads the way to another important aspect of the treaty: *state accountability and due diligence* (Council of Europe, 2010). It obligates state parties to prevent violence, investigate incidents, and prosecute offenders proactively. This means that governments are not only responsible for protecting citizens from violence perpetrated by state agents but also have a duty to address violence by private actors. The convention's due diligence standard requires states to act with sufficient diligence to prevent and address violence, ensuring that failures to do so can result in international liability. This principle is vital in holding governments accountable for systemic failures to protect women and can be leveraged by activists and non-governmental organizations to demand better policies and enforcement.

The *legal framework* established by the Istanbul Convention is particularly comprehensive in its focus on prosecution. It criminalizes various forms of gender-based violence, including physical, sexual, and psychological abuse, as well as newer forms of abuse like cyber harassment (Council of Europe, 2010). The convention also addresses forced marriage, female genital mutilation, stalking, and forced abortion or sterilization, reflecting its broad understanding of the diverse forms of violence women face. By mandating that signatory states criminalize these acts and ensure that law enforcement agencies are equipped to

respond swiftly and effectively, the convention aims to create a deterrent effect while also ensuring justice for victims.

After ratification, the convention laid the foundation for developing Law No. 6284 in Turkiye to align the country's domestic policies with the principles set forth by the Convention. While Law No. 6284 emerged directly from the convention to support and reflect Turkiye's effort to implement its obligations, it was interestingly presented by the government after the withdrawal as sufficient law to provide comprehensive support and protection for women, positioning it as a replacement for the Istanbul Convention.

3. Turkiye's National Legislative and Policy Framework

3.1. 6284

Law No. 6284, titled "The Law on the Protection of Family and Prevention of Violence Against Women," was enacted in Turkiye on March 8, 2012, with the primary objective of providing robust legal protection against domestic violence. This law was introduced as part of Turkiye's commitment to the Istanbul Convention, with the aim of addressing gender-based violence more effectively. The law seeks to protect not only women but also children, family members, and victims of stalking, emphasizing a comprehensive approach to combatting various forms of violence, including physical, psychological, sexual, and economic abuse (Grand National Assembly of Turkiye, 2012).

The fundamental aim of Law No. 6284 is to safeguard individuals who are either at risk of or have already been subjected to violence, ensuring swift and effective protective measures. One of its critical features is that it prioritizes immediate protection based solely on the victim's statement without requiring further evidence. This provision reflects a significant shift toward prioritizing victim safety over procedural formalities, thereby reducing delays that could put individuals at greater risk (Grand National Assembly of Turkiye, 2012). The law emphasizes a fair, effective, and rapid response aligned with principles of gender equality and human rights. It ensures that protective measures are taken in a manner that upholds human dignity and prevents discrimination under the guise of traditional family values (Grand National Assembly of Turkiye, 2012).

Among the key provisions of Law No. 6284 are protective measures aimed at ensuring the safety of victims. For instance, Article 3 empowers civilian authorities to provide shelters, temporary financial aid, and psychological counseling to victims. These protective measures

can be initiated immediately, even in the absence of concrete evidence, based on the potential risk to the individual. In situations where a life-threatening danger exists, temporary protection can be granted by law enforcement officials, who are authorized to act swiftly to prevent imminent harm (Grand National Assembly of Turkiye, 2012). Judicial authorities also have broad powers under Law No. 6284 to issue further protective orders. These measures can include changing the victim's place of residence or workplace, restricting the perpetrator's access to the victim, and even altering the victim's identification details if necessary to ensure safety. Article 4 allows judges to mandate these changes to protect victims from ongoing threats, illustrating the law's flexibility in responding to different levels of risk (Grand National Assembly of Turkiye, 2012).

Preventive measures are also directed at controlling the actions of perpetrators. The law includes provisions that prevent perpetrators from approaching the victim's home, workplace, or any place where the victim might be present. It also restricts the perpetrator's ability to contact the victim through any means, whether direct or indirect. Article 5 allows authorities to impose these restrictions swiftly, especially in cases where delays might increase the risk to the victim (Grand National Assembly of Turkiye, 2012). These preventive measures can also include confiscating weapons or enforcing substance abuse treatment if the perpetrator is deemed to pose an ongoing threat.

The implementation of this law also has encountered numerous challenges that have hindered its effectiveness. Several factors contribute to these difficulties, reflecting deeper socio-political and systemic issues within Turkiye. One of the major challenges is the conservative socio-political climate under the ruling Justice and Development Party (AKP), as mentioned above, which emphasizes the preservation of traditional family values. The government's prioritization of family unity over individual rights has led to an inconsistent application of Law No. 6284, especially in cases where officials perceive protective measures as potentially threatening to familial harmony (Ayhan, 2017; Ibicioglu & Duruturk, 2022). This ideological conflict often results in reluctance among law enforcement and judicial authorities to fully enforce protective measures, especially if the victim is not legally married to the abuser. As a result, even though the law is designed to provide immediate protection, victims frequently face resistance when seeking help.

Another significant problem is related to the lack of resources and infrastructure to support victims adequately. The law mandates the provision of shelters, psychological counseling, and financial assistance to victims. However, in practice, there are insufficient shelters, particularly in rural areas, and many shelters impose restrictive criteria that exclude women with older male children or those with disabilities (Kaya Kizilirmak, 2020). This gap in resources leaves many victims with no viable options for escaping abusive situations, ultimately undermining the effectiveness of the law. The bureaucratic procedures associated with Law No. 6284 further exacerbate its implementation issues. While the law allows for protective measures to be taken based on the victim's statement alone, in practice, victims often report that authorities demand additional evidence. This is contrary to the intent of the law, which aims to prioritize immediate protection over procedural formalities (Ibicioglu & Duruturk, 2022; Sarihan, 2015). Such bureaucratic delays can endanger victims, as timely intervention is crucial in cases of domestic violence. Furthermore, the inadequate training of law enforcement and judicial authorities on the provisions and spirit of Law No. 6284. Many officials lack gender sensitivity training, which is essential to properly understanding and addressing the nuances of domestic violence cases (Ibicioglu & Duruturk, 2022). This gap in training leads to a lack of empathy and proper handling of cases, which discourages victims from seeking help.

Additionally, the withdrawal of Turkiye from the Istanbul Convention in 2021 has further impacted the implementation of Law No. 6284. Although the government insists that the domestic law remains sufficient, the withdrawal has signaled a weakening of the country's commitment to combatting gender-based violence (Kaya Kizilirmak, 2020; Sarihan, 2015). This has emboldened conservative factions, leading to an even more inconsistent application of protective measures, as local authorities may feel less pressure to comply with the standards previously upheld under the international framework. Also, there is a significant problem with the lack of data transparency and accountability. The Istanbul Convention required detailed data collection on domestic violence, but since Turkiye's withdrawal, data on incidents of violence against women have become increasingly inconsistent and difficult to access. This lack of reliable statistics makes it challenging to assess the effectiveness of Law No. 6284 and identify areas where improvements are needed (Kaya Kizilirmak, 2020).

3.2. Other related national legal measures

a) Penal Code

In 2004, Türkiye adopted significant reforms to its Penal Code with the goal of aligning its criminal law with European Union (EU) and international standards. Article 3 of the Penal Code explicitly prohibits discrimination based on several grounds, including gender. These reforms introduced several progressive changes, such as the prohibition of virginity tests and the imposition of stricter penalties for polygamy. The revised Penal Code also provides detailed guidelines for courts to address honor killings, mandating life sentences for those convicted of such crimes. Additionally, it formally recognizes marital rape as a criminal offense, though it requires a complaint from the victim to initiate prosecution.

(b) *4th Judicial Package*

On March 2, 2021, President Recep Tayyip Erdoğan introduced Turkiye's "New Human Rights Action Plan" (2021), ironically just before the withdrawal from Istanbul Convention, developed through consultations with various ministries, public institutions, civil society organizations, and the business sector over two years. The plan laid out a roadmap for judicial reforms with the stated objectives of strengthening judicial independence, ensuring fair trial rights, enhancing transparency, and safeguarding individual freedoms. The plan outlined nine main goals and nearly 400 activities, focusing on areas such as personal security, freedom of expression, and the protection of privacy (Ministry of Justice, 2021) This was seen as part of Türkiye's efforts to align its legal framework with international standards, particularly in response to criticisms over its human rights record.

In this action plan, they also introduced the "4th Judicial Package". This package aims to strengthen penalties for perpetrators of domestic violence in Türkiye. It introduces stalking as a criminal offense, with prison sentences ranging from six months to two years. The reform also mandates aggravated life imprisonment for intentional killings of women and classifies intentional injury against women as a "catalog" offense, making it grounds for pretrial detention (Ministry of Justice, 2021). The "4th Judicial Package," while seemingly a step forward in Türkiye's legal response to violence against women, reveals significant gaps when analyzed in depth. Although the reforms impose harsher penalties for offenses like stalking and deliberate physical harm against women, they lack a gender-sensitive approach essential for effective protection. The focus remains primarily on punitive measures rather than comprehensive prevention and protection strategies. This aligns with Amnesty International's critique (2021) that such amendments are insufficient in reversing Türkiye's withdrawal from

the Istanbul Convention, which had established a more holistic framework for combating gender-based violence.

The 4th Judicial Package in Turkiye falls short by restricting protections to cases involving marital or familial contexts, thus excluding non-domestic perpetrators. For instance, while it increases penalties for crimes like "intentional killing" and "injury" against current or former spouses, it does not extend the same protections to women outside these relationships (Amnesty International, 2021). Furthermore, it lacks mechanisms for consistent enforcement, focusing more on harsher punishments without addressing systemic barriers related to judicial independence (Amnesty International, 2021). This limited approach is at odds with the Istanbul Convention's comprehensive protections, underscoring the need for the convention itself and deeper reforms.

Even though national laws exist in the country to protect women from violence, their limited enforcement and inconsistent application reveal the deep disconnect between Turkiye's formal commitments to international frameworks and the realities on the ground. The ratification of CEDAW and the adoption of the Istanbul Convention marked significant steps toward aligning national legislation with global gender equality norms, yet the persistent rise in femicides and suspicious deaths shows the structural deficiencies in translating these obligations into practice. This reflects what Krook and True (2010) describe as the *complex and uneven pathways of norm diffusion*, where international norms are adopted but struggle to take root due to local contestation, institutional inertia, and sociopolitical resistance. In Turkiye, adapting global norms to local context has often resulted in *selective appropriation* that undermines the transformative potential of international agreements (Acharya, 2004). This selective application ultimately weakens the intended impact of these legal frameworks due to the layering of international norms atop pre-existing domestic structures without fundamentally altering underlying power dynamics (Sarıgil, 2018).

The withdrawal is the evidence of how partial and inconsistent localization of global norms leaves international agreements vulnerable to reversal, particularly in contexts where state actors view such norms as politically inconvenient. Despite initial progress in aligning national legislation with the Istanbul Convention, the lack of institutional mechanisms to enforce and normalize these standards created an environment in which backlash against gender equality could thrive (Sarıgil, 2018). By promoting alternative discourses, such as

“gender justice, the Turkish government actively shaped a *parallel normative framework* that undermined the core principles of the Convention (Krook & True, 2010). The international norms, when inadequately embedded at the local level, can be discarded in favor of nationalist and populist agendas, perpetuating the conditions that sustain violence against women.

4. Conclusion

The withdrawal of Turkiye from the Istanbul Convention constitutes not merely a regression in the combatting against gender-based violence but also reveals substantive deficiencies in the government's rationale for this decision. The Istanbul Convention established a comprehensive, legally binding, and systematically monitored framework that surpasses the protections presented by domestic legislation or international instruments to Turkiye already party to. Critiques mention that the Turkish government’s reliance on domestic legal instruments, notably Law No. 6284, and adherence to CEDAW, fails to achieve the same degree of enforceability, oversight, and accountability embedded within the Istanbul Convention (Baytok, 2021). Feminist scholars and advocacy groups also emphasize that although Law No. 6284 is legislatively robust, its inconsistent application and the absence of holistic enforcement mechanisms perpetuate vulnerabilities among women facing violence (Eslen & Ziya, 2022). This contradiction highlights the weaknesses in the government's claim that domestic laws are enough, exposing deeper problems that prevent meaningful progress.

The official justification for Turkiye’s withdrawal, framing the Convention as a threat to traditional family values and an imposition of foreign ideologies, lacks empirical substantiation. The Istanbul Convention, in its explicit articulation, prioritizes the prevention of violence, the safeguarding of victims, and the prosecution of offenders, devoid of any prescriptive agenda to disrupt national cultural paradigms or familial structures. The government's framing of the Convention as an ideological confrontation detracts from the pressing reality of rising femicide rates and escalating instances of domestic violence. Turkiye’s withdrawal aligns with broader nationalist and conservative discourses, privileging political narratives over the imperatives of safeguarding women's rights. It sets a dangerous precedent by allowing political interests to undermine gender equality and weaken safeguards against gender-based violence.

The re-ratification of the Istanbul Convention emerges as an indispensable imperative for bridging the systemic gap within Turkiye’s legal and policy landscape concerning violence

against women. In contrast to domestic legal frameworks, the Convention necessitates the implementation of comprehensive preventive strategies, victim-centered protective services, and external oversight mechanisms that translate legal commitments into pragmatic outcomes. GREVIO, the Convention's monitoring body, provides a critical external evaluative function, fostering accountability that remains unattainable within the confines of domestic legislative instruments. Without recommitting to the Istanbul Convention, Turkiye avoids obligations under international law, reinforces systemic violence, and signals that safeguarding women's rights is subordinate to political priorities.

References

1. Acharya, A. (2004). How ideas spread: Whose norms matter? Norm localization and institutional change in Asian regionalism. International Organization, 58(2), 239-275. https://doi.org/10.1017/S0020818304582024
2. Amnesty International. (2021, September 15). *TÜRKİYE: 4. YARGI PAKETİ YARGI SİSTEMİNDEKİ DERİN KUSURLARI GİDERMEKTE YETERSİZ KALIYOR*. TÜRKİYE: 4. YARGI PAKETİ YARGI SİSTEMİNDEKİ DERİN KUSURLARI GİDERMEKTE YETERSİZ KALIYOR. https://www.amnesty.org.tr/public/uploads/files/Rapor/EUR4447262021TURKISH.pdf
3. Arat, Y. (2001). Women's Rights as Human Rights: The Turkish Case. *A Symposium on Human Rights in Turkey*, *3*, 27-34. https://link.springer.com/article/10.1007/s12142-001-1003-9
4. Arat, Y. (2021). Democratic Backsliding and the Instrumentalization of Women's Rights in Turkey. *Politics & Gender*, *18*(4), 911 - 941. https://doi.org/10.1017/S1743923X21000192
5. Ayhan, T. (2017). Protecting the Woman or the Family? Contradiction Between the Law and Its Practice in Violence Against Woman Cases in Turkey. *Marmara University Journal of Political Science*, *5*(1), 137-162. 10.14782/sbd.2017.52
6. Baytok, A. (2021). *Withdrawal and reactions: Turkiye's departure from the Istanbul Convention.*
7. Berthet, V. (2022). *Norm under fire: Support for and opposition to the European Union's ratification of the Istanbul Convention in the European Parliament.*
8. Cindoglu, D., & Unal, D. (2016). Gender and sexuality in the authoritarian discursive strategies of 'New Turkey. *n European Journal of Womens Studies*, *24*(1), 39-54. https://www.researchgate.net/publication/310760543_Gender_and_sexuality_in_the_authoritarian_discursive_strategies_of_'New_Turkey
9. Committee on the Elimination of Discrimination against Women. (1979). *Convention on the Elimination of All Forms of Discrimination against Women*. https://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article21
10. the Committee on the Elimination of Discrimination against Women. (2022, June 15). *Experts of the Committee on the Elimination of Discrimination against Women Commend Türkiye on Legislation on Gender-Based Violence, Ask Questions about the State Party's Withdrawal from the Istanbul Convention and Early Marriage*. ohchr. Retrieved November 17, 2024, from

https://www.ohchr.org/en/press-releases/2022/06/experts-committee-elimination-discrimination-against-women-commend-turkiye

11. CORRADI, C. (2021, November 22). *Femicide, its causes and recent trends: What do we know?* European Parliament. Retrieved November 16, 2024, from https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/653655/EXPO_BRI(2021)653655_EN.pdf
12. Council of Europe. (2010, May 11). *Council of Europe Convention on preventing and combating violence against women and domestic violence*. Council of Europe. https://www.coe.int/en/web/conventions/full-list?module=treaty-detail&treatynum=210
13. Direk, Z. (2023, December 21). On Turkey's withdrawal from the Istanbul Convention. *Zeitschrift für Vergleichende Politikwissenschaft*, *17*, 413-432. https://link.springer.com/article/10.1007/s12286-023-00588-2
14. Echols, W. (2024, October 17). *Turkey's ruling party uses misinformation to downplay scope of femicide*. VOA News. Retrieved November 17, 2024, from https://www.voanews.com/a/turkey-s-ruling-party-uses-misinformation-to-downplay-scope-of-femicide-/7826624.html
15. European Court of Human Right. (2009, June 9). *The case of Opuz v. Turkey*. HUDOC. https://hudoc.echr.coe.int/tur?i=001-92945
16. Eslen-Ziya, H. (2022). *Establishing networked misogyny as a counter-movement: The analysis of the online anti-Istanbul Convention discourse in Turkiye*.
17. Euronews. (2024, October 8). *Türkiye'de son yedi yılda şüpheli kadın ölümleri yüzde 82 arttı*. Retrieved from https://tr.euronews.com.
18. Finnemore, M., & Sikkink, K. (1998). International Norm Dynamics and Political Change. *International Organization*, *52*(4), 887-917.
19. Flood, M., & Pease, B. (2009). FACTORS INFLUENCING ATTITUDES TO VIOLENCE AGAINST WOMEN. *TRAUMA, VIOLENCE, & ABUSE*, *10*(2), 125-142.
20. Gazete Oksijen. (2021). *Cumhurbaşkanı Erdoğan'dan İstanbul Sözleşmesi açıklaması: Marjinal kesimlerin ideolojik kavga aparatı.* Retrieved from https://gazeteoksijen.com.
21. General Assembly resolution 48/104. (1993). *Declaration on the Elimination of Violence against Women*. ohchr. Retrieved November 16, 2024, from https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-elimination-violence-against-women
22. Grand National Assembly of Turkiye. (2012, March 8). *6284 Law to Protect Family and Prevent Violence against Woman*. 6284 Law to Protect Family and Prevent Violence against Woman. https://www.lawsturkey.com/law/law-to-protect-family-and-prevent-violence-against-woman-6284
23. Grand National Assembly of Turkiye. (2019). *Constitution of the Republic of Turkiye*. Constitution of the Republic of Turkiye. https://www.anayasa.gov.tr/media/7258/anayasa_eng.pdf
24. Gumuscu, S. (2024, October 23). Violence Against Women in Turkey is Political: Here is Why. *Wilson Center*. https://www.wilsoncenter.org/blog-post/violence-against-women-turkey-political-here-why

25. Gunes, A., & Ezikoglu, C. (2023). Legal and Political Challenges of Gender Equality and Crimes Against Women in Turkey: The Question of Istanbul Convention. *Women & Criminal Justice*, *33*(1), 14-27. https://doi.org/10.1080/08974454.2022.2040695
26. Guney, G. (2022). One Step Forward, Two Steps Back: An Analysis of Turkey's Implementation of the Istanbul Convention in Addressing Gender-Based Domestic Violence. In D. Davies, P.-H. Lee, & G. Guney (Eds.), *Towards Gender Equality in Law: An Analysis of State Failures from a Global Perspective* (pp. 133-149). Springer International Publishing. https://link.springer.com/chapter/10.1007/978-3-030-98072-6_7
27. Ibicioglu, G., & Duruturk, B. (2022). Bireysel Başvurularda Ailenin Korunması ve Kadına Karşı Şiddetin Önlenmesi Kararlarının İncelenmesi. *İstanbul Hukuk Mecmuası*, *80*(3), 753-783. https://dergipark.org.tr/pub/ihm http://mecmua.istanbul.edu.tr/tr/_
28. İletişim Başkanlığı. (2021). *Türkiye'nin İstanbul Sözleşmesi'nden çekilmesine ilişkin açıklama*. Retrieved from https://www.iletisim.gov.tr.
29. Kaya Kizilirmak, C. (2020). 6284 Sayılı Ailenin Korunması ve Kadına Karşı Şiddetin Önlenmesine Dair Kanun'da Öngörülen Mülki Amir Tarafından Verilecek Koruyucu Tedbirler. *İstanbul Hukuk Mecmuası*, *78*(3), 1139-1168.
30. Krizsan, A., Roggeband, C., & Zeller, M. C. (2024). Who is Afraid of the Istanbul Convention? Explaining Opposition to and Support for Gender Equality. *Comparative Political Studies*, *0*(0), 1-41.
31. Krook, M. L., & True, J. (2010). Rethinking the life cycles of international norms: The United Nations and the global promotion of gender equality. European Journal of International Relations, 18(1), 103-127. https://doi.org/10.1177/1354066110380963
32. Kurtoglu, E. (2022, July 19). *"Politiktir" demek ne demektir?* Serbestiyet. Retrieved November 16, 2024, from https://serbestiyet.com/gunun-yazilari/politiktir-demek-ne-demektir-97959/
33. Ministry of Justice. (2021, March 2). *İnsan Hakları Eylem Planı*. İnsan Hakları Eylem Planı. https://rayp.adalet.gov.tr/resimler/1/dosya/insan-haklari-ep02-03-202115-14.pdf
34. Öztunalı Kayır, G., & Kalav, A. (2016). Woman Killing is Political and What Should Be Done To Prevent Femicide? *International Conference on Knowledge and Politics in Gender and Women's Studies*, 519-527. https://www.researchgate.net/publication/302917897_Woman_Killing_is_Political_and_What_Should_Be_Done_To_Prevent_Femicide
35. Roggeband, C., & Krizsán, A. (2024). *Gender backlash in Europe: Contesting feminist norms and the Istanbul Convention*..
36. Sanders, M. (2018). *The violent implications of opposition to gender norms: Norm spoiling and the Istanbul Convention*.
37. Sarihan, B. B. (2015). VIOLENCE AGAINST WOMEN IN THE CODE NUMBERED 6284. *The Macrotheme Review*, *4*(8), Special Issue IV.
38. Sarıgil, Z. (2018). Selective diffusion: Global norms, local dynamics, and Turkey's gender equality reforms. International Studies Quarterly, 62(1), 218-229. https://doi.org/10.1093/isq/sqx089

39. Topcu, E. (2024, October 19). *Turkey faces spate of brutal murders of women – DW – 10/19/2024*. DW. Retrieved November 17, 2024, from https://www.dw.com/en/no-end-to-femicides-in-turkey/a-70542846
40. Turkish Minute. (2024, September 10). *Over 1.4 million women in Turkey have reported domestic violence since 2013*. Turkish Minute. Retrieved November 17, 2024, from https://www.turkishminute.com/2024/09/10/over-1-4-million-women-turkey-reported-domestic-violent-since-2013/
41. UN Women. (2024). *Gender Statistics 2023 | Publications | UN Women – Europe and Central Asia*. UN Women Europe and Central Asia. Retrieved November 17, 2024, from https://eca.unwomen.org/en/digital-library/publications/2022/12/gender-statistics-turkiye
42. We Will Stop Femicides Platform. (2023). *2023 Yıllık Veri Raporu.* Retrieved from https://kadincinayetlerinidurduracagiz.net.

RUTGERS–NEW BRUNSWICK
School of Arts and Sciences

MA Program in Political Science–United Nations and Global Policy Studies
Department of Political Science
Rutgers University–New Brunswick

unstudies.rutgers.edu