

An Overview of Women Rights in Turkey: The Impact of Civil Society

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Abstract

Gender equality and women's rights have been in the spotlight of international policymaking. However, in many cases, those efforts are not met with equal results. In Turkey, women continue to face discriminatory behavior and violence in all forms, both in socio-economic and political life. This issue remains largely unsanctioned, encouraging this type of violation of women's basic human rights. In the last decades, Turkey has been in a state of social and political polarization between modernization and secularism and the rise of conservatism and Islamism under the AKP rule and President Erdogan. This ideological conflict deeply affects the concept of gender equality and raises concerns about the protection of the fundamental rights of women. In this case study, we examine the current situation of women's rights in Turkey as well as the impact of civil society in the protection and empowerment of women.

Introduction

Women's rights and empowerment in Turkey were elevated as a result of the prevalence of secularism and modernization that took place during the Kemalist Republic (1923). The Turkish republic is defined by the constitution as a democratic state (in the international bibliography, it is often characterized as an illiberal democracy). The "Justice and Development Party (Adalet ve Kalkınma Partisi, AKP)" with President Recep Tayyip Erdogan, ever since its rise into power in 2002, has established a new wave of conservatism, Islamism and abolishment of Western influence which has reshaped the perception of human rights, and in particular gender equality. While women's rights are guaranteed by international legislation, in Turkey they are questioned by laws that encourage discrimination and patriarchal traditions and practices, thus obstructing women's equal access to their rights.

The first chapter identifies factors that foster gender inequality and stereotypes in education in terms of enrollment, educational attainment, and curriculum. The second chapter examines the

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position of women in the labor market on the basis of the current social, political and economic situation in Turkey. The fourth chapter contains an overview of the violence against women, both psychological and physical. Lastly, the fifth chapter provides a summary of the action and impact of national and international civil society organizations for the protection of women's rights and gender equality.

1. Education

In recent years, the Turkish education system has undergone drastic changes regarding the duration of compulsory education, as well as its structure and curriculum. The AKP's efforts to prioritize religion and minimize the Western influence on the Turkish nation are especially evident in the education sector, where adjustments are constantly implemented in order to achieve consistency with government goals.

On the 30th of March 2012, the Turkish Grand National Assembly enacted the "Fundamental Law on National Education" (no. 6287). The novel legislation for the reform of primary and secondary education launched the so-called "4+4+4" system. The total of 12 years of compulsory education consists of 4 years of primary school, followed by 4 years of middle school and 4 years of high school. After the first 4-year period, during which the children can attain basic knowledge and skills, they must orientate between a general, vocational, or technical middle school.

The education policy under the AKP has been molded by a decisive resurgence of Islamism, combined with a neoliberal and conservative influence. This has aroused controversy around the topic of gender equality and the empowerment of girls to attend at least compulsory education.

1.1. Enrollment and educational attainment

Globally, girls and women do not receive the same level of education as men do. In Turkey, it is not any different; the percentage of women who have completed at least compulsory education is lower than that of men. Although the gap is narrowed compared to previous years, Turkey maintains a considerable level of gender imparity in education compared to other countries. The World Economic Forum's Global Gender Gap Index (2021) ranks Turkey 101st among 156 countries in educational attainment.

Table 1: Literacy and enrollment rates, female and male (2021)

	Female	Male
Literacy rate	93.5	98.8
Enrollment in primary education (%)	87.2	88.6
Enrollment in secondary education (%)	86.0	88.4
Enrollment in tertiary education (%)	112.1	113.4

Source: World Economic Forum, 2021

Regarding the gender gap in the secondary and tertiary levels, it diverges significantly depending on the geographic region and economic status of the population. In the country's urban city centers, such as Ankara and Istanbul, the percentage of males and females in education is almost equal, whereas in the eastern and southeastern part of the country (where usually low-income population resides) the gap is wider.

Specifically, the average for female school attendance in rural areas is 6-8 years, whereas in the urban areas it rises to 8-12 years. Boys receive on average 1-2 additional years of education compared to girls (WIDE, 2013). This is particularly dangerous, as it can result in an early marriage, unemployment and economic dependence, factors that deem girls vulnerable to domestic violence.

1.2. Religious studies

The 2012 reform has vastly reintegrated religion and morality lessons in the curriculum. By the early age of 9, students must orientate between different fields of studies, among which are religion studies conducted in Imam Hatip schools. Imam Hatip are secondary vocational institutions that conduct religious studies and train Islamic worship leaders. The number of schools turned into Imam Hatip has skyrocketed in recent years, along with the number of students participating in them. Between 2012 and 2018, the number of Imam Hatip middle schools increased from 537 to 1,485 and the number of enrolled students went from 268,245 to 503,978 (Eğitimsen Report, 2017-2018). This has disproportionately impacted girls and women. The number of girls enrolled into religious schools exceeds the number of boys. According to official MoNE statistics, in the academic year, 2020-2021 roughly 47% of the students in religious middle schools are boys and 53% are girls. Imam Hatip schools are an attractive option, especially to conservative and religious families, and, as a result, most girls opt for them to please them. However, even as a graduate, Islam does not allow for a woman to work neither as an *Imam* (a worship leader) nor as a *Hatip* (preacher). This means that

profession relevant to their studies is teaching religion at schools. Naturally, this position is very competitive and cannot absorb a large number of graduates.

1.3. Fields of study and gender stereotypes

Another form of gender imparity in Turkey persists in the tertiary level, where women are underrepresented in certain fields of study. The science, engineering, manufacturing and construction sectors remain clearly male-dominated, with almost double the percentage of male than female attendants. Business administration, law and services also display more male than female attendants, while the arts, humanities, education and health sectors are represented more by women. Like in many other countries, in Turkey the perception of "men's and women's jobs" continues to exist and affects people's decisions regarding their educational and professional orientation.

Table 2: Enrollment in tertiary education by field of studies, female and male (2020)

Education and skills attainment, %	Female	Male
STEMS	14.24	26.01
Agriculture, forestry, fisheries &veterinary	2.29	2.87
Arts & humanities	13.77	8.07
Business, Administration &Law	36.55	39.98
Education	13.58	7.37
Engineering, Manufacturing &construction	7.45	19.41
Health &welfare	8.88	4.25
Information & communication technologies	1.59	2.94
Natural sciences, mathematics& statistics	5.20	3.66
Services	2.91	4.74
Social sciences, journalism &information	7.84	6.71
Vocational training	24.35	27.30
Ph.D. graduates	0.34	0.51

Source: WEF, 2020

On the other hand, schools foster traditional gender roles. The principle of gender equality is integrated neither in the curriculum, which remains profoundly the same comparing to the rapidly changing structure of the education system nor in the new printed textbooks. Although after the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) some

improvements were made, textbooks still feature traditional gender roles and stereotypes by barely mentioning women's rights and by removing relevant content that existed before (Aratemur Çimen & Bayhan, 2018).

Despite all those discriminatory factors, especially on the tertiary level girls worldwide are turning the tables. The number of women tertiary graduates is rising significantly and is steadily surpassing that of men. In Turkey, 54.6% of women are expected to graduate tertiary education before the age of 30, compared to 43.6% of men (OECD, 2021a). This is quite promising for the achievement of parity in higher education and the labor market for future generations.

2. Labor

Among upper-middle-income countries worldwide, and especially from the ECA region, Turkey shows the lowest percentage of female labor force participation. Even though the gender gap in labor has been reduced by half (World Bank, 2018), according to OECD Labor Force Statistics (2020), the participation of women still lacks. More specifically, the percentage of men in the Turkish workforce does not deviate significantly from the OECD average (in 2017 men's participation was approximately 70% and, two years later, it remains almost unchanged at 68,2%). However, it is not the same for women. Female employment indicators for 2017 show a deviation of 20% between OECD countries and Turkey (OECD, 2018). The unemployment rate for women in the labor force increased gradually from 11,8% in 2014 to 16,4% in 2019 (OECD, 2020b). These inequalities were exacerbated by the COVID-19 pandemic. Women that were already working fewer hours than men on average, experienced higher levels of job loss, unpaid leave, remote working and domestic work (UN Women, 2020).

In the last decade, OECD statistics about female participation in the labor force have shown an upward trend, especially for women between 20-54 years of age where the increase is about 10%. This is partly due to the larger participation in education and academic training. Overall, the inverse relationship between female labor force participation and income per capita, common in most countries, indicates that Turkey has not picked up on a consistently positive trend so as to ensure the attachment of women to the labor market and participation rates, comparable to countries with similar income levels (World Bank, 2018).

2.1. Labor Law

In the last decades, women's employability seems to be enhanced by the Turkish Labor Law (2004). Specifically, in accordance with Article 74, female workers are entitled to maternity leave

for a total period of sixteen weeks -eight weeks before and eight weeks after confinement. In the case of multiple pregnancies, two weeks are added before delivery. Female employees have the flexibility, upon a medical report, to take their maternity leave before or after delivery as they want. A total of sixteen weeks of maternity leave is not included in the annual paid leave. Last but not least, female employees are entitled to breastfeeding leave for one and a half hours a day until the child reaches the age of one.

Even if the Labor Law provides a good framework for the participation of women in the labor market, female employment is still obstructed by other factors that foster inequalities in the workforce.

2.2. Female unemployment

Socio-Cultural Structure

Worldwide, the main reason for women's limited participation in the workforce is that they are traditionally the primary caregivers. It has been estimated that in all G20 countries women spend much more time doing domestic chores and looking after the family members than men do. Characteristically, when the unpaid care work of women in Turkey is 5 hours and 30 minutes per day and in the Republic of Korea is 3 hours and 8 minutes, men's devoted time is 2 hours and 52 minutes per day in Australia and only 31 minutes in India. (OECD, 2019). As Taşdemir (2021) notices, women's unemployment rises mostly because of the socio-cultural structure and especially patriarchal social structure. Those standards encourage gender inequality as women are expected to wed and bear children by a very young age, and therefore refrain from joining the labor market.

Socio-Economic Structure

Another reason why imparity in labor persists is the rural-urban socio-economic divide. In Turkey, there are regional differences, which means that a higher percentage of women in rural areas are employed than in urban city centers. Specifically, women are mostly occupied in agriculture and farming, even if the work is mostly unpaid ("unpaid family workers" as Tasdemir (2021) named them). This explains why in urban, industrialized areas women's employment rates are lower than those in low-income, rural areas, with considerably higher rates. This problem was highlighted by the vast rural-to-urban migration in the 1980s when one in three women migrated from rural areas to the cities. As most of these women were unskilled workers, after migrating, a considerable part of them was left out of the market in urban areas and, as a result, withdrew from their economic activity. On that account, modern women invest in their education and have ambitions for the

improvement of their personal skills and professional development as a way to make a career and stay in the labor market (World Bank, 2018).

The Need for Cheap Labor Supply

Over the last decades, the economic structure has impacted female labor force participation. Tolunay (2014) explains that more than half of the Turkish women population do not have an independent income, and 32,56% of female workers are employed for part-time work (World Economic Forum, 2021). The role of women in Turkey, he continues, is to be at home as a reproduction machine of cheap male labor force delivered to the global market. Unemployed women can also maintain the wages of men's labor low, as the high ratio of female unemployment contributes to the general unemployment rate and, as a result, the wages remain lower. The same thing can be observed in reverse; the price of women's labor remains low in part-time and informal production because of high numbers of male unemployment. As a result, a vicious circle is maintained, with high percentages of female unemployment and independent-unprotected women at the mercy of men in labor, and hence of domestic violence.

Therefore, in order for Turkey to maintain its place as a cheap labor supplier, the position of women has to be preserved or deteriorated, as a response to the sharp global competition. This is mainly the reason why Turkey purposely preserves gender inequalities and encourages traditional gender roles, so as to achieve economic growth by maintaining a cheap labor force.

In conclusion, with the indicators described above, we get a clearer image of the reasons why gender inequalities remain in the labor market. Turkey preserves the traditional role of women in order to achieve economic growth, in contrast to other neoliberal economies, where women participate more in the workforce, contributing this way to their country's sustainable development. Turkey's socioeconomic structure restricts women's employment and development in many aspects of their lives, starting from early upbringing and education and leading up to their employability.

3. Political Empowerment of Women

The political participation of women in Turkey is still very limited. Women still have a long way to go for acquiring a ministerial position or a position in the Parliament (11,8% and 17,3% of women respectively) when the vast majority of the members are men (88,2% and 82,7% respectively). In this sector, Turkey scores 0,218/1,00 according to the Global Gender Gap Index, which shows that it is far from parity (World Economic Forum, 2021).

Nationwide or on a local level, women face many challenges when trying to seek public office. Among those challenges is the fact that their names tend to be placed at the bottom of the ballot, which inhibits their election. They also get less media coverage than men, where instead of focusing on their skills they instead focus on irrelevant factors such as their personal life, marital status and family (World Bank, 2018).

4. Violence

4.1. Trampling on the self-determination of women's bodies

In the last few years, women's rights, in terms of the self-determination of their bodies, are being trampled increasingly day by day. For more than a decade, the AKP has made outrageous statements about how many children a woman should have, abortions by rape, and even about childbirth by cesarean section, trying to further increase its influence on women's bodies. Specifically, in March 2008, thirteen years before Turkey's exit from the Istanbul Convention, Prime Minister Recep Tayyip Erdogan announced that "every woman must give birth to at least three children", disregarding all current socio-economic conditions (Tolunay, 2014: 9).

Even though abortion in Turkey has been legalized since 1983 (Gürsoy, 1996), in a statement during the Fifth International Congress of Parliamentarians on the Implementation of the ICPD (International Conference on Population and Development), the President of Turkey said that "I see abortion as murder... There is no difference between killing the child in mother's womb and killing her after the birth." (Unal & Cindoglu, 2013: 22). On May 31, 2012, Ayhan Sefer Üstün, President of the National Assembly's Human Rights Commission and a party lawmaker, argued that abortion was a crime worse than the rape itself and said that women who had been raped must give birth to their children (Tolunay, 2014).

In any case, abortion is limited in practice, despite the legality of the procedure. Most public hospitals carry this procedure out within the first eight weeks of pregnancy, even though the law stipulates that they can be carried out up until the tenth week. Moreover, to prevent women from going through with it, doctors refrain from using general anaesthesia during the operation, which makes it inhumane and vindictive. From the age of 18, women are entitled to abortion. However, doctors who operate within a system of premiums, choose not to conduct them, as the bonus for these operations is low. They also require the presentation of marriage certificates, thus significantly limiting this practice for unmarried women. At the same time, they subject them to a form of psychological "warfare" by submitting them to listening to the baby's heartbeat and giving them a period of 2 to 3 days to think again about their choice. Through this, doctors are

trying to influence women to give up abortions, even though the Association of Turkish Doctors states that this practice is immoral and constitutes psychological violence that affects women's mental health (Tolunay, 2014).

The absurd rhetoric of President Recep Tayyip Erdoğan continued on May 26, 2012, during a meeting of the party's women's subdivision, when he spoke out against cesarean sections, stating that "I am a prime minister who opposes cesarean births, and I know all this is being done on purpose. I know these are steps taken to prevent this country's population from growing further. I see abortion as murder [...]" (Unal & Cindoglu, 2013: 22). In July 2012, following the absurdity, the "Caesarean law" was enacted for the limitation of cesarean sections by choice, except in cases of great medical need (Dumas, 2016; Zeldin, 2012).

Eventually, at every opportunity, the government tries to control women's bodies through the reproductive process, while strengthening the already existing patriarchy. Specifically, the Ministry of Health sends circulars to all laboratories that provide pregnancy tests, requiring the names and mobile phone numbers of women whose test is positive. This information is passed on to their family doctors and, afterward, either to their husbands, if they are married, or to their fathers, if they are celibate; this process violates not only women's personal data and their rights but blatantly encourages violence and honor killings (Tolunay, 2014).

In their entirety, the positions of the Turkish state, about the self-determination of women's bodies regarding reproduction, abortion whether by rape or not, the cesarean section, and the protection of their privacy constitute an attempt of absolute control and subordination of women's bodies to the deeply patriarchal and conservative Turkish society.

4.2. Violence and femicides

According to the United Nations Declaration on the Elimination of Violence against Women (1993), violence against women is defined as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life." (United Nations, 1993:2).

Violence against women is still a major problem in many parts of Europe. In Turkey, on March 8, 2012, the "Law on the Protection of the Family and the Prevention of Violence against Women" was enacted by the AKP, while in 2020 a "National Action Plan to combat violence against women" was drawn up. Nevertheless, the government and the courts have concealed cases of rape and violence against women, thus tacitly encouraging these human rights violations. There are many cases in which

government officials and even the President himself have made statements directly blaming rape or murder victims and their families (Tolunay, 2014).

At the same time, many girls in Turkey, especially those that come from vulnerable groups or low socioeconomic status, continue to face pressure to fulfil traditional gender roles and are at particular risk of entering into a child, early or forced marriage. In spite of the rising average age of marriage, where the legal threshold is 18 years, child marriage remains a challenge for Turkey and reflects a model of gender inequality that enhances stereotypical roles for girls, limits their education, endangers their health, and exposes them to the risk of violence (UNICEF, 2021). According to National Survey on violence against women, 4 out of 10 women in Turkey have been subjected to physical or sexual violence since 2014, 48% of girls in Turkey who marry from the age of 18 are exposed to physical violence, while only 1 in 10 women in Turkey that are exposed to violence are applying to an institution for help (UN Women, 2021). The outbreak of COVID-19 promptly made matters worse in domestic violence cases. Throughout Turkey, there has been a 40-80% increase in domestic violence from March 2019 to March 2020 (UN Women, 2020).

Nonetheless, the phenomenon of femicide is increasing, as a "natural" follow-up to the existing violence. The Turkish government admitted that it does not keep detailed records of violence against women, but the Turkish feminist organization "We Will Stop Femicide" reported that 474 women were murdered in Turkey in 2019, mostly by their relatives or associates. Misogynistic feelings are deeply etched in Turkish culture and society and are further reinforced by the attitude of government representatives and President Recep Tayyip Erdoğan himself (Thelwell, 2020).

5. Council of Europe Convention on preventing and combating violence against women and domestic violence ("Istanbul Convention")

"Violence against women is a manifestation of historically unequal power relations between women and men, which have led to domination over, and discrimination against, women by men and to the prevention of the full advancement of women" (Council of Europe, 2011: 5). The State must address all forms of violence against women and take action to prevent it, protect the victims and prosecute the perpetrators (Council of Europe, 2011). The convention makes it clear that violence against women can no longer be considered a private matter for states. Once the convention has been ratified, governments must amend their internal legislation, take measures, and allocate resources to eliminate violence against women in

its entirety. Once signed, the document becomes a legally binding obligation for the state. (Council of Europe, 2011).

Turkey was the first country to sign (2011) and ratify (2012) the Istanbul Convention (United Nations, 2021). On March 20, 2021, the President announced the country's withdrawal from the Convention, despite the ever-increasing rate of femicides taking place. According to many Turkish officials and the Minister of Family, Labor, and Social Policies, Zehra Zumruth Selcuk, internal regulations and the judicial system are sufficient to ensure protection from gender-based violence and implement new regulations (Deutsche Welle, 2021). In addition, they claim that the Istanbul Convention undermines the family institution and encourages divorce and is also exploited many times by the LGBT+ community to achieve greater acceptance from society, which goes against the traditional values, social and family, of Turkey (Karakas, 2021).

President Erdogan's move to announce his withdrawal from the Istanbul Convention is not only morally wrong but also legally and constitutionally. First and foremost, it defies the fundamental principle of the Turkish Constitution, according to which the Executive cannot usurp the powers of the Legislature. According to Article 90 of the Constitution, two important legal points are mentioned. Firstly, ratification of international agreements is always performed by the Grand National Assembly of Turkey (The Parliament). Secondly, in the event of a conflict between international and domestic law, as far as fundamental rights are concerned, international law prevails. Under Article 104 of the Constitution, a Presidential Decree cannot disregard procedures and override what is provided for in the Constitution. Therefore, the withdrawal from the Istanbul Convention with a Presidential Decree is unconstitutional. President Erdogan did not have the power to issue such a decree, as it obstructs the exclusive powers conferred on the Legislature.

At the same time, the Vienna Convention on the Law of Treaties does not provide for a mechanism for the entire withdrawal from a treaty or its termination. Specifically, Article 54 of the Vienna Convention states that a treaty may be revoked or terminated by the relevant withdrawal provision provided for in the treaty in question. Regarding the Istanbul Convention, Article 80 states that a contracting party may renounce it by notifying the Secretary-General of the Council of Europe. It shall enter into force on the first day of the month after the expiry of a three-month period, following the date of receipt of the notification by the Secretary-General. Therefore, the withdrawal from the Istanbul Convention by Presidential Decree, and not by official notification, is not legally acceptable under the Vienna Convention on the Law of Treaties (Singh, 2021).

6. Civil society

According to Frangonikolopoulos (2007), a key element of the new era we are experiencing is the diversification of society into different institutional spaces; economic, political, cultural, and social. After the Cold War, many social movements and global non-governmental organizations aim to defend human rights, combat poverty and violence and defend the weakest social groups. Through the process of globalization, the role and importance of Non-Governmental Organizations (NGOs) that influence the formulation and implementation of global policy have increased significantly. As systemic actors, they are to set limits on the policies of internal and external governance. Over the last twenty years, Turkey has had rapid development of NGOs. In the early 1980s, there were only 20 NGOs, while today their number has exceeded 90,000 according to 2018 data (Yıldırım & Ayna, 2018). This significant increase is mainly due to the democratic transition because of the country's accession prospects to the European Union, during which Turkey was obliged to meet the Copenhagen criteria (Ünay, 2015).

In 1934, the women's movement under the Kemalist narrative in Turkey achieved a very important victory in terms of women's rights, through the amendment of the civil code. Specifically, they managed to guarantee the right to vote and to be elected and 17 women managed to gain a parliamentary position (Ragias, 2020). Moreover, from the 1980s and after the political coup that took place in Turkey, a second phase of the feminist movement begins, during which they are trying to restore the power vacuum and the male-dominated political space. They aim to combat discrimination and inequalities in the political, religious, and social fields as well as to improve their living conditions, professional rehabilitation, and spiritual development (Ünay, 2015).

Some of the most prominent civil society organizations are KADAV (Kadınlarla Dayanışma Vakfı – Women's Solidarity Foundation), Kadınlar Cinayetlerini Durduracağız Platformu and KA.DER. In particular, the first one is fighting for the rights and claims of women in Turkey, for the change of the Civil and Penal Code in their favor, but also the improvement of working conditions. The second aims at the proper legal representation of women as well as the reform of the already existing procedures. It helped to create "Law 6282" for the protection of the family and the prevention of violence against women. Through this, they managed to implement 35 amendments of which the most important was for women to be considered the sole holder of their bodies, free from the patriarchal remnants of conservative Turkish society (Ragias, 2020). Also, KA.DER (Association for the Support and Training of Women Candidates), is an organization that encourages women's political participation by supporting women who have a feminist perspective, are against all gender discrimination, support the secular Republic, human rights and democracy and support the civil society initiatives (KEİG, 2016).

At the international level, the United Nations, in its efforts to promote gender equality and women empowerment, established the UN Women body in 2010. This entity is responsible for supporting policymaking, providing knowledge and expertise to member states, and coordinating with other civil society organizations with common objectives (UN Women, 2021). Other international stakeholders operating in Turkey for women's rights include Human Rights Watch, Amnesty International, Global Fund for Women, and more.

The importance of civil society's presence in Turkey can be measured not only by its tangible contribution to the challenges women face due to gender inequality but also by its action as a unifying factor. Undoubtedly, many segregations subsist within the Turkish society, from the political polarization to religion and secularism, that inhibit the consolidation of women's rights. Given that the state still needs to pick up the pace regarding the protection of women against inequality and violence, civil society's part in enhancing social cohesion and supporting women in all aspects of their lives is crucial.

Conclusions

In conclusion, gender equality should not be perceived as a simple concept or a slogan, but as a complex socio-economic and political situation. Women's rights are fundamental human rights. Although significant progress has been reported, not only in Turkey but throughout the world, the unanticipated abolishment of the Istanbul Convention causes new concerns about the protection and empowerment of women. In addition to that, challenges that inhibit women's journey towards achieving equality still linger, both officially, that is, by law, and unofficially, by the patriarchal and conservative society. If Turkey hopes to one day be incorporated into the European Union, the protection of human rights is at least a critical step towards that direction.

NGOs' part in this battle against inequality is very important. They need to bring in new, effective strategies and work together with the government officials to ensure the protection of women against violence, their equal access to education and the labor market, as well as their political and economic empowerment.

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