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## Assessment of National Women's Machineries in Turkey

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## ROLE OF WOMEN IN ECONOMIC LIFE PROGRAMME

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### ASSESSMENT OF NATIONAL WOMEN'S MACHINERIES IN TURKEY

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## LIST OF ABBREVIATIONS

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AKP	Justice and Development Party
CEDAW	Convention Against all Forms of Discrimination Against Women
CHP	Republican People's Party
DGSPW	Directorate General on the Status and Problems of Women
NGO	Non-Governmental Organization
SHCEK	Child Protection and Social Services
NWM	National Women's Machinery
UNDP	United Nations Development Programme
UNFPA	United Nations Fund for Population Activities

## EXECUTIVE SUMMARY

The historical background of the establishment of the women's machinery in Turkey is characterized by two important dualisms that have shaped and defined this process: secularism versus Islam and top down state tradition versus democratization. The first dualism means that women are either seen first and foremost as individual citizens in their own rights and symbols of Westernization or their identity is seen as that of a family member whose protection and guidance (especially regarding sexual behavior) is accorded to male relatives. The second dualism is about whether the state shapes women's identity or whether women themselves take that initiative. These dualisms have coloured politics historically in Turkey and continue to do so, and of course, have affected how the National Women's Machinery has been established in Turkey, as well as its operations. The process to set up a **National Women's Machinery (NWM)** has reflected the divisions within the government between more western/liberal oriented views versus those which represent a "Turkish-Islamic synthesis". The result was the establishment of two separate bureaucracies, one called the **Directorate for Women's Status and Problems (DGSPW)**, acquiring the official status of the National Women's Machinery, and the other called the **Family Research Organization**. This process also led to an increasing clamour from women's groups who objected to the extensive state control implied in the original wording of the bill that established the NWM. By opposing the wording of the bill, women's groups engaged with the state and prepared the ground for active policy advocacy in the 1990s and beyond.

The NWM was established in 1990 by the Prime Ministry in conformity with the commitments of the Republic of Turkey under international agreements and the targets of the 6<sup>th</sup> Five-Year Development Plan. The location of the NWM was changed repeatedly throughout its existence. Its portfolio was transferred to the Ministry of Labour and Social Welfare, then to the Ministry of State responsible for Women's Affairs, Family and Social Services. In 1993 and 1994, there were attempts to strengthen the NWM and give it permanent status, but the proposed bill was nullified twice by the Constitutional Court. The NWM was created by a Decree and did not have a formal legal basis (an organizational law) until 2004, when the organizational law was finally passed in accordance with the AKP's government's commitment to the EU harmonization process and the fulfillment of the Copenhagen Criteria. The lack of an organizational law and the movement to different locations had weakened the NWM and put it in a precarious position and, of course, limited its effectiveness in fulfilling its responsibilities.

With the new organizational law, the objectives and duties of the NWM have been updated and expanded to focus on building equality for women and men, and to move beyond the elimination of discrimination against women, to a framework for human rights, which are in this case, the protection and promotion of women's human rights. The new law also provides for extra staff and creates gender expert positions. A new EC project under the 2005 Pre-membership Financial Assistance Programme titled "Expanding Gender Equality" aims to strengthen the capacity of the NWM itself, including training of staff members. The new organizational law also stipulates a new Advisory Council mandated to give policy advice to the Director, comprised of NWM officials, representatives of relevant government organizations and NGO leaders. This Council met in June 2006 and identified the need for the following issues to be addressed:

- An overall gender policy with priorities accorded to women's employment, education, overcoming violence against women, and women's participation in politics.
- Effective implementation of legal reforms for gender equality.

Although it is too early to assess the impact of the new organizational law, it is possible to draw some conclusions about the activities of the NWM since its inception. In spite of its weak institutional capacity and lack of resources, the NWM has played a crucial role in leading Turkey to an active engagement with the international gender equality structures, and in consolidating the emerging capacity in the country towards putting gender on the public agenda. This has been demonstrated by:

- major changes in legislation in which the NWM has been instrumental
- an array of donor supported projects that have promoted gender awareness and expertise managed by the NWM
- the provision of an institutional framework for women's organizations
- state-civil society collaboration
- the tackling of new issues by NWM such as trafficking and the training of enlisted soldiers on combating violence against women.

The NWM's project has been aided by a strong and independent women's movement, which became skilled in advocacy, the government's eagerness to enact the legal reforms to abide by Copenhagen criteria for EU membership, and the rise of women's human rights and gender equality as an important global norm.

This report takes a closer look at some issues specific to the Turkish NWM's case and presents an analysis in terms of the weaknesses and the strengths in these areas, ending with recommendations for action. These are:

- Political commitment: the contested nature of gender issues and masculine hegemony.
- Donor assistance for gender equality: relations with regional and international organizations.
- Organizational structure and capacity of the NWM.

### Political commitment: The contested nature of gender issues

The establishment and operations of the NWM of Turkey have been the subject of conflicting perspectives on women, which eroded the political commitment necessary to sustain it. Two competing bureaucracies one for women (the NWM) and one for the family (Family Research Organization) have been established along with competing identities for women as individuals or as wives and mothers. One way to overcome this seeming dualism is to promote dialogue and collaboration between the two organizations. Promoting gender equality involves both women and men, and it should start from the basic unit, the family, encouraging human rights, democracy and equality within the family.

More recently as women's rights have become a major item on the political agenda, space for gender policy making is opening up. For example, no one can deny the existence of violence against women, a few years ago however violence against women, along with honor crimes was not even considered an issue. It is a huge leap from indifference to the introduction of a Decree by the Office of the Prime Minister in July 2006 which assigns responsibility to different government organizations to overcome this problem. Within this new framework of opportunity, the NWM can play a pivotal role in the following areas:

- ensuring there is a focus on extensive sex education and an exploration of masculine and feminine identities
- providing models of how women and men can share power at all levels of policy making
- dialogue and collaboration with the Family Research Organization, and with other organizations who claim to be on each side – for women's individual rights or for the family.

### Donor assistance for gender equality and women's rights

Donor funding has encouraged dialogue between the NWM and civil society organizations and has helped to foster gender expertise in academia and civil society and to promote advocacy and training programmes on women's rights. However, the very existence of international donor support may reduce local commitment and lead to the perception that gender related activities are foreign imports. The NWM under the new organizational law will receive resources to build its own capacity and will hire new staff members. Within this framework of opportunity, the NWM will be able to work on the following areas:

- ensuring staff members have relevant expertise and are not political appointees
- the utilization of resources in ways that involve a wide spectrum of stakeholders and promote dialogue and co-operation among them
- promotion of national ownership of the gender agenda.

### Organizational capacity

Part of the problem inherent in the nature of the NWM is the bureaucracy, which is engaged in changing social norms, in a realm of contested issues, whereas the general character of bureaucracies is more oriented towards keeping the status quo rather than innovation. The staff members are both advocates for women's rights and bureaucrats. Advocacy for women's rights creates strong commitment of staff members and collaboration with civil society who because of its marginal status within the state relied on women's organizations and academics. It may now be time to think of different structures for greater effectiveness. Some possibilities include:

- the emergence of the NWM as an independent think tank and intellectual leader
- more effective horizontal and vertical diversification and a move away from the centralized structure of the NWM
- multiple mechanisms such as an ombudsperson and a parliamentary commission for gender equality, along with the NWM
- capacity for building more effective gender mainstreaming through intervention at all stages of the policy process.

## PART 1: INFORMATION ABOUT THE MACHINERY

### 1.1 History of the establishment of the Women's Machinery

The historical background of the establishment of the women's machinery in Turkey is characterized by two important dualisms that have shaped and defined this process. These dualisms are: secularism versus Islam and top-down state tradition versus bottom up democratization. The first dualism means that women are either seen first and foremost as individual citizens in their own right and symbols of Westernization or they are seen as family members whose identity should be protected and guided (especially regarding sexual behavior) according to male relatives. The second dualism is about whether the state shapes women's identity or whether women themselves take that initiative. These dualisms have coloured politics in Turkey historically and continue to do so, and of course have also affected the way the National Women's Machinery has been established in Turkey, as well as its objectives and operations.

The first World Conference on Women in 1975 called for the establishment of national women's machineries; this was stipulated again by the United Nations Nairobi Forward Looking Strategies (1985). The government's initial response to these stipulations was to set up a Consultative Commission for Policies on Women within the State Planning Organization in 1987. According to Acuner (2002), the Ministry of Foreign Affairs then informed the United Nations that Turkey had implemented its obligations according to the Nairobi Forward Looking Strategies. The establishment of the NWM as a separate organization had to wait until 1990 when a female Cabinet Minister of Labour and Social Welfare, İmren Aykut, introduced a bill in the Parliament in order to establish the Directorate General for Women's Status and Problems, which is the National Women's Machinery (NWM) of Turkey. A women's movement had already emerged in the 1980s in Turkey, led mostly by women on the left of the political spectrum (Kardam, 2005), but due to the top-down nature of Turkish politics, as well as the general reticence of women's groups to work with state representatives, it was left to a woman politician from ANAP (Motherland Party), a right of centre political party, to almost single-handedly initiate the process to set up the national women's machinery (Kardam and Erturk, 1997). Aykut had attended the 1985 Nairobi meetings as a government representative and was highly influenced by the global focus on women's issues. She had also participated in several

conferences organized by women's organizations where academics spoke of the need for a Turkish NWM, but in the final analysis, she acted alone. Thus, the establishment of the NWM was a top-down, personal initiative of an individual, woman politician. Even though Aykut may have been influenced by women academics, she did not solicit any interaction with women's groups in preparing the draft of the bill.

Aykut's initiative did not go through the National Parliament easily. In fact, the draft bill became a lightning rod for competing state elites representing secular and Islamic values on the one hand and women's constituencies protesting about top-down state initiatives concerning their welfare on the other. Furthermore, during this period the state had become the site of contestation between more liberal (understood also as secular) and conservative (understood also as Islamist) elites who, strangely enough, lived under the umbrella of the same party, ANAP, a rightist centrist party then in power.

The liberal wing of the government promoted women as individuals within the context of their greater participation in economic development and acquiring equal status with men, led by Minister Aykut, very much in line with the Western liberal feminist ideas. Western liberal feminists argued that development had ignored women's productivity, calling for women's greater integration into economic development. The 'Integration of Women into Development' viewpoint is accurately reflected in the bill specifying the responsibilities of the Economic and Social Affairs Unit of the Directorate: (Turkish Official Gazette, 20 April 1990):

1. Ensure that women participate in all decision-making.
2. Establish mechanisms so that women may be integrated into social life and contribute to development.
3. Increase employment opportunities for women in order to ensure economic independence.
4. Provide training and education for women so that they may compete for jobs in the free-market economy.
5. Consider women in all social, economic, political decisions so that they may be fully integrated into the development process.

The liberal wing of ANAP was in favor of greater economic liberalization and Turkey's integration into the global capitalist economy. This policy, which was started by Prime Minister Turgut Özal led to many fundamental changes in Turkey. It fueled the economy, it invigorated society by forcing it to synchronize with capitalist markets and organizations, created economic opportunities for people who lived

outside big cities, but also engendered greater poverty and deep differences in incomes and life styles. Many women moved into public sector jobs in this period, as men moved into the private sector. These developments created opposition and resentment in more conservative and traditional groups in society mostly from Central Anatolia, who opposed the effects of capitalist integration as 'immoral' and 'threatening'. These groups practiced a combination of capitalism with traditional values. Both the military leaders and the ANAP party supported them as a counter balance to leftist and rightist radicalism of the 1970s. Thus, the same government's conservative wing, led by Cemil Çiçek, could simultaneously claim that a Turkish-Islamic synthesis was needed to save the disintegration of the Turkish family as a result of capitalist development, claiming that women's economic activities outside the home contributed to this disintegration. They argued that industrialization, urbanization and interaction with Western cultures had harmed 'the Turkish family'. In particular, they claimed that women working outside the home contributed to the disintegration of the family. Cemil Çiçek pointed to feminism as one of the major obstacles to the formation of the Turkish-Islamic family, along with the increase in premarital relations and moral degeneration caused by increased communication, industrialization and tourism in Turkey. Another conservative member of parliament spoke against the bill to establish the NWM in these words:

*It is obvious that if the Turkish women's rights are supposedly going to be protected by this NWM, it is in fact a step backwards. Turkish women's rights are protected by the Qur'an. They are also protected by our traditions. We are in favor of women's rights because it is women that gave birth to the Prophets. We have another concern: some feminist organizations are represented in the media, in the forefront, and they oppress our women, and we are against them. The Turkish woman is capable of protecting her own chastity. (Acuner, 2002, p. 149)*

In other words, women became the central focus in the debate between Islam and secularism. An Islamic way of life meant that women's collective identity as a wife and mother had to be re-emphasized; her virtue and honor came first. A woman had to be protected and her sexuality controlled by limiting her access to public spaces. An uncovered woman working outside the home, on the other hand, is associated with the disintegration of the family, immorality and chaos. The political polarization had now become clear in speeches by politicians, but it was more rhetoric than reality. The inconsistencies and tensions between these opposing viewpoints soon became evident. The economic liberalization policies of Özal had

encouraged male bureaucrats to leave the public sector for the profits of the private sector, and more women had been recruited to fill those positions. Furthermore, as Özal's policies created a new Islamic capitalist class in Anatolian cities their daughters, some in turbans and coats, found themselves in public spaces at university campuses receiving higher education and becoming professionals.

The wording of the bill was an amalgamation of the conservative and liberal views in the government that satisfied no one. In line with the strong state tradition it proposed strong government control on women's organizations and women's affairs through this new Directorate and claimed that this would be done in accordance with a 'national viewpoint'. National viewpoint sounds like a neutral word but in fact it denotes a conservative perspective. It was a slogan used by a rightist religious party and is widely known to represent a religious conservative stance. This bill, introduced in April 1990, was almost immediately withdrawn after much criticism from women's groups and from the deputies of leftist opposition parties. Women's groups, even liberal feminist groups who might have gone along with 'Integrating women into development' as introduced by the bill, refused to have anything to do with it due to the wording of the NWM's future activities:

1. (The NWM is established in order) To promote co-operation and co-ordination among institutions which work in the area of women's affairs, to regulate and support the activities of independent women's associations, to monitor all activities of local administrations relating to women.
2. To engage in appropriate activities to protect women's status and to set out principles, policies and programmes to solve women's problems.
3. To acquire knowledge on the activities and research of women's studies units of universities.
4. To guide the activities of voluntary women's associations in accordance with the national viewpoint to be formulated.

So the bill was contested on two grounds: the state was clearly claiming ultimate control over women's issues and, in accordance with the 'national viewpoint', to be formulated. Both of these were equally explosive: the former claimed extensive state control over women's affairs, disregarding women's groups and the emerging women's movements in society, while the latter implied religious conservatism by the words used previously in that context by the elites. Minister Aykut's response was dismissive. In fact, she believed that the state had the right to regulate civil society organizations and make sure that they conformed to a national policy on gender issues. She explained in an interview:

*For example we have a national viewpoint in foreign policy of 'peace in Turkey and peace in the World.' In the case of women, our national viewpoint is that there should be no gender discrimination and women and men should have equal rights. This is the viewpoint that our society has formulated in harmony and consensus. Thus, we see it as very useful that women's organizations should be directed in line with this viewpoint. (Acuner, 2002, p.139)*

This is a striking quote because Aykut assumes that there is actually a gender policy in Turkey on which there is consensus. The most favourable interpretation one can have of this statement, is that she wanted to 'protect' women's organizations from religious conservatives by directing them in line with Atatürk's reforms. Yet, as soon as the phrase 'in accordance with the national viewpoint' is included, this interpretation becomes moot. It seems that Aykut may have been actually trying to overcome the opposition in her own government. Besides she may have found it politically expedient not to state outright and clearly define what she meant by this 'national viewpoint' on women in the bill, hoping that once it was passed she could clarify it. At any rate, the language of the bill frustrated many civil society leaders, members of the media, as well as opposition parties who claimed that the bill was anti-democratic. As a woman member of parliament from a centre of left political party, SHP, put it:

*As has been decided at the Nairobi Conference, there is in fact a need to establish a public sector organization that has the responsibility to implement its stipulations. But what is being done here under the guise of responding to international stipulations, is to control and regulate all activities and research related to women's issues. (Acuner, 2002, p. 142)*

Women's groups protested against the bill's intent to regulate the activities of women's organizations. As one English language newspaper observed:

*Several women's associations, including the Turkish Women Lawyers' Association, the Association to Support Civilized Life, the Istanbul University Centre for Research into Women's Problems, the Turkish Women's Union among others, issued a press release in which they objected to the decree in its present form and proposed amendments. The Women's associations objected to what Gültekin Baktır, Chairwoman of the Istanbul Turkish Women's Union Branch, called the government's intention to control the activities of the independent women's associations unacceptable. (Dateline, 15 October 1990)*

Professors protested that the intention of the bill was to acquire information about all activities and research on women and was a violation of their academic freedom. Meanwhile Aykut, complained that most women's groups were ungrateful, uninformed and concerned only about their self-interests and that they were unable to appreciate the lengths she had gone to, to promote a new bureaucratic unit for women. Even though women's groups had begun to make themselves heard in society, organize and launch public campaigns, Aykut's initiative had little to do with the women's movement in a direct way. She did not consult with women's groups or academics who had discussed potential institutionalization alternatives on behalf of gender equality in Turkey, or show them the draft of the bill (Acuner, 2002, p.132-135).

What is represented here is a lack of communication between a woman who represents the state's top-down approach and the voice of resentment and rejection by women's organizations. Yet, during this period many women were reluctant to engage with the state, especially those who identified themselves as radical or socialist feminists. Others were reticent in engaging with a political party they did not support. On the other hand, Aykut's reaction was one of exasperation at the 'ungratefulness' of the women on whose behalf she was working, symbolizing the general 'devlet baba' (father state) attitude. It was clear that Aykut had to compromise in working with the conservative wing of her party, for example, by the inclusion of Mehmet Keçeciler, one of the conservative state ministers in the cabinet, in the process of drafting the bill. This raised doubts about the liberal goals of the bill. Meanwhile, state minister Cemil Çiçek contributed to the furor by publicly declaring that Western values and influences were corrupting the traditional Turkish family values:

*Flirting is nothing different from prostitution. Flirting and premarital relationships are human beings rapprochement' with animal instincts. According to Law 41 of the Constitution, the Turkish family structure is to be preserved. This was not just a natural obligation after 1982, but it became a social obligation...Industrialization, urbanization and interaction with other cultures brought along social changes. It was the family which was harmed by those changes. We are an old nation, a nation of families. At first, the family was confronted with mass communication; satellites enabled us to watch the world's television programmes. A lot of tourists visit Turkey, and they have a certain influence on the Turkish people which is hardly positive. Family values change...instead of taking the developments of science and technology, we are imitating the degenerate values of the West. (Dateline, 17 November 1990)*

Women's groups, especially more secular, Atatürkist feminists, vehemently objected to these claims. One of the leaders of the movement called Cicek's views 'unacceptable' (Dateline, 17 November 1990). She said: 'They are trying to put women behind bars. There are human rights in Turkey, with equality of women and men.' A member of the main opposition party, the Social Democratic Populist Party, claimed: 'It is useless to try to revive the model of traditional Muslim Turkish women; it is like making rivers flow upstream'. As one professor pointed out:

*What does national viewpoint mean? As I understand it, national viewpoint has been articulated by Erbakan for twenty years (leader of the religious conservative party). Is this Erbakan's national viewpoint? If it is not, since it represents a particular political party's perspective, what is it? Does national viewpoint mean the traditional Turkish family structure where women sit at home, do not work and look after their children? Whose national viewpoint is this? (Dateline, 17 November 1990)*

While the bill to set up the DGSPW articulated liberal solutions to women's problems, Islamist policies on women were being voiced by the same government. For example, a report by the Commission on the Turkish Family Structure, prepared as a reference document for the Sixth Five Year Development Plan, indicates that Turkish TV should emphasize national programmes. In music, literature, and folklore, the Turkish culture should be promoted and a Muslim-Turkish personality should be created. (Aile Arastirma Kurumu [Family Research Organization], 1989, p. 36) According to this report, the Turkish family structure has been disintegrating as a result of rapid cultural changes, and the roles of men and women have begun to alter. However, the report continues, in the Muslim-Turkish family structure, the father has a sacred role and women are revered as mothers. This report implies that the disintegration of the Turkish family is partly due to women working outside the home, and proposes solutions such as cottage industries in the home.

In summary, the political process described above, coloured by the competing news between secularism and Islam, and increasing voices from civil society and a strong state tradition, have shaped the following outcomes and continue to influence the NWM's effectiveness today.

### **The establishment of two parallel bureaucracies, one focusing on women and the other on the family**

The bill to set up the new NWM represented an effort to compromise between western and conservative positions, however it did not satisfy anyone. Prime Minister Özal's reorientation of Turkey towards

capitalist economic growth and integration into the world capitalist economy fitted well with the 'women in development approach' that dominated the global agenda. This approach called for increased integration of women into development and increased economic opportunities for women, which, in turn, would lead to increased economic growth for the nation. This view provided the framework for Aykut's proposal – that women should be given economic opportunities for the benefit of Turkey's overall economic development. Yet, conservatives in the same political party simultaneously were criticizing unchecked capitalist economic growth and increased participation of women in the workforce as the basis of corruption and the disintegration of the family.

The process of the establishment of an NWM in Turkey reflected the divisions within the government between more western/liberal oriented elites versus those that favored a 'Turkish-Islamic synthesis'. This political negotiation process led to the establishment of two parallel commissions at the State Planning Organization, one focusing on women, and the other on the family, and again later two separate bureaucratic units, one called 'the Directorate for Women's Status and Problems', acquiring the official status of the National Women's Machinery and the other called 'The Family Research Organization'. The former represented Turkey's modernist and westernist vision and focused on women as 'individuals' and the other focused on the 'family'. Thus, for example, while Cemil Çiçek, the Minister of State, gave public speeches on the nature of women's place within the family, Aykut (the initiator of the bill for the new NWM) was stressing women's individual identity, and trying to secure them a place within the public sphere (Acuner, 2002, p. 130). In the end, the bargaining between the proponents of these opposing views resulted in a compromise: the conservatives allowed the bill for the NWM to pass in return for a new organization to research the family, and for a law that proclaimed freedom of attire at university campuses, allowing female students to wear the hijab in classrooms. (In 1997, this was no longer the case, and female students wearing the scarf were banned from universities.) The two new bureaucratic units were set up within the State Ministry in charge of women, the family and social services and are housed in the same building, competing for the same resources and personnel while different ministers in charge of the Ministry for Women's Affairs have shown favoritism towards one or the other. This report focuses on the DGSPW since it has been named the official National Women's Machinery in charge of implementing Turkey's international obligations.

## The increasing capacity and voice of the women's movement

The process to establish a NWM also led to the victory of women's groups who had objected to the extensive state control implied in the wording of the bill to establish the Directorate. The increased voice of women's groups on the national agenda and their influence in the establishment of the NWM made them a new force in the democratization process. The wording of the bill was revised and the wording became much more conciliatory, and 'secular' oriented. The following items compare the two versions as they were published in the Official Gazette dated April 20, 1990 and October 28, 1990 after it became an official law on October 15, 1990:

1. Instead of 'to engage in appropriate activities to protect women's status and to prepare principles, policies and programmes to solve women's problems as the purpose of the new Directorate', the revised version reads: 'to engage in appropriate activities to protect and improve women's status and to prepare principles, policies and programmes in accordance with Atatürk's reforms'.
2. Instead of 'to acquire knowledge on the activities of women's centres at universities', the revised version reads: 'to use the research and publications produced by women's centres at universities'.
3. Instead of 'to direct the activities of voluntary women's associations in accordance with the national viewpoint to be formulated', the revised version reads: 'to provide information to voluntary women's associations who are members of international organizations on national values as reflected in Atatürk's principles and reforms'.
4. Instead of 'to promote co-operation and co-ordination among institutions who work on women's issues, to regulate and support the activities of independent women's organizations, to observe all activities of local administrations related to women', the new version reads: 'to promote co-operation and co-ordination among institutions who work on women's issues, to request information from them, to support the activities of independent women's organizations and to observe all activities of local administrations related to women'.

By opposing the Bill, women's groups inadvertently engaged with the state and prepared the ground for active policy advocacy and further engagement with the state in the 1990s and beyond.

## 1.2 A legal vacuum and lack of stability

The Directorate General on the 'Status and Problems of Women' was established in 1990 under the Prime Ministry in conformity with the obligations of the Republic of Turkey under international resolutions and the targets of the 6th Five-Year Development Plan. Its location was changed repeatedly throughout its existence. The new NWM was transferred to the Ministry of Labour and Social Welfare later in 1990. In 1991, its portfolio was given to the Ministry of State responsible for Women's Affairs, Family and Social Services. In 1993 and 1994, there were attempts to strengthen the NWM and give it a permanent status, but the proposed bill was nullified twice by the Constitutional Court. The Directorate structure was changed several times and was placed under different ministries. Six ministers were in charge of it in five years. In 2002, the NWM was returned to the Ministry of Labour and Social Welfare. This changed again and the NWM was returned to the Prime Ministry in 2003.

The NWM was created by a Decree and did not have a formal legal basis (an organizational law) until 2004. Even though a draft for the Organizational law was sent to the Parliament in 1999, it took until 2004 before the new Organizational law was finally passed in accordance with the AKP government's commitment to the EU harmonization process and the fulfillment of the Copenhagen Criteria. The first National Programme for Turkey included an organizational law for the NWM in the short to medium term objectives as a condition to fulfill the Copenhagen Criteria, but this did not result in a new organizational law. In the second National Programme, a commitment was made to strengthen the institutional and legal basis of the NWM with a deadline of 2004. This commitment was met in October 2004.

The lack of an organizational law and its movement to different locations weakened the NWM and put it in a precarious position and, of course, limited its effectiveness in fulfilling its responsibilities.

### 1.3 The new organizational law

The new organizational law stipulates the following objectives and duties for the NWM:

#### Objectives:

To protect women's human rights, and engage in the improvement of such rights, to strengthen women's social, economic, cultural and political status, to make sure that women use their rights and opportunities equally with men.

It is important to note that the NWM objectives now include two important new ideas: a) women's rights are human rights and b) the NWM is mandated to play a key role in promoting gender equality.

#### Duties:

- Prevent discrimination against women, to promote women's human rights, to empower women in economic, social and cultural areas and increase women's education, to support all efforts in these areas; to devise strategies in these areas, to create new programmes and projects and to contribute to the formulation of policies.
- Monitor legal reforms and statutes in relevant areas and to engage in research on gender equality and the creation of equal opportunities for women.
- Work towards the prevention of violence against women, and to find solutions to women's problems that stem from the family and social life.
- Disseminate knowledge on gender equality in the media.
- Promote women's participation in decision-making.
- Engage in knowledge management, establishment of library and documentation centres, gathering of statistics and the organization of conferences and workshops.
- Co-ordinate and collaborate with government organizations, universities, local governments, NGOs, and the private sector.
- Promote knowledge transfer on gender mainstreaming to relevant organizations.
- Engage with international organizations on gender issues.
- Engage in research, project development, support, and implementation in collaboration with international organizations.

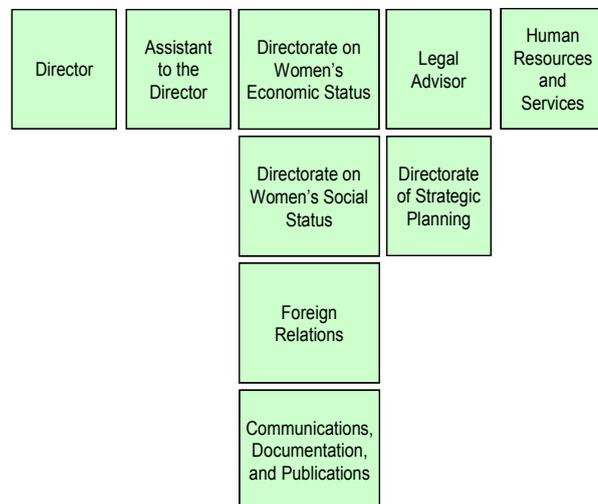
We should note the emphasis on the following mandates:

- Empowerment of Women and Promotion of Women's Rights in all areas and especially in the Eradication of Violence against Women and Political Participation.
- NWM's role in contributing to policy-making and policy advocacy including working with the media.

- Gender mainstreaming.
- Co-ordination with other actors including national and international governmental and non-governmental.

With the new organizational law, the objectives and duties have been updated and extended to focus on building equality for women and men, and to move beyond the elimination of discrimination against women. It was mainly seen as a social issue and a framework for human rights, which in this case, were more specifically the protection and promotion of women's human rights.

#### Organizational chart



The NWM is a centralized organization, based in Ankara. There have been some decentralization effort within the provinces, 12 Women's Status Units have been created, housed in mayor's offices and mainly staffed by Social Services personnel but many of them have not been considered effective.

The Organizational Law stipulates a new Advisory Council mandated to give policy advice to the Director, comprised of NWM officials, representatives of relevant government organizations and NGO leaders. It met in June 2006 for the first time and reached the following conclusions:

- There is a need for an overall gender policy in Turkey, and priority should be given to: women's employment, education, overcoming violence against women, and increasing women's participation in decision-making and politics.
- Legal reforms on gender equality have mostly been enacted; what is important at present is that there is no retreating from these reforms, and priority needs to be given to implementing these reforms effectively.

- The Advisory Council should bring together academics, women's NGO representatives and all relevant public institution representatives together and meet every three months.

## 1.4 Human resources

As mentioned above, the lack of a permanent legal status has put the NWM in a weak position in terms of human resources. The director was appointed on a temporary basis by the government and the staff did not have the rights that regular public servants have such as opportunities for promotion, indemnity and claim to seniority.

The number of staff members was 20 at the beginning and went down to 14-15 in some periods. The existing staff were not permanent and therefore could not be replaced or promoted. The staff relied on academics and NGO leaders for expertise as their own training and expertise in this area was limited.

The new organizational law regularizes staff positions and strengthens human resources considerably by increasing the potential staff to 89. Furthermore, 18 of these positions are "gender expert" and "assistant gender expert" positions. These expert positions will be advertised widely and open to anyone who fulfills the qualifications and passes the examinations. The NWM is currently in the process of filling these positions and is still understaffed.

A new European Commission project under the 2005 Pre-membership Financial Assistance Programme titled "Expanding Gender Equality" aims to strengthen the capacity of the NWM itself, including training of the staff members.

## 1.5 Source of funding

Between 1994 and 2004, the NWM had been operating with an extremely limited budget (its share of the national budget is 0.00012 percent). NWM competes for resources by proposing programmes and projects to the Ministry of Finance at the beginning of each budget year along with other governmental organizations. The interviews revealed that the staff had difficulty in demonstrating the need for their programmes and getting their budgets approved in the past, whereas more recently their jobs have become much easier, as there is more recognition of and legitimacy accorded to women's empowerment and women's rights issues within public organizations than previously.

Funding has come from external sources for NWM programmes, including the United Nations Development Programme, World Bank, the UN Fund for Population Activities (UNFPA) and an EU-funded project about to start. It is important to remember, however, that the government shares the financing of

UN projects and World Bank financing, and it comes in the form of loans repaid by the government.

The NWM's reliance on donor funding has both positive and negative outcomes, which will be discussed in the next section. According to the new Director of the NWM funding is no longer a major concern. She indicated that there is political commitment from the government and women's rights issues are now on the national agenda, and that the NWM has access to sufficient funding for its new programmes and projects.

## 1.6 Relationship with Women's NGOs

The NWM emerged as a bureaucracy that engaged in active collaboration with women's organizations, activists, and academics and represents the first such experiment for Turkey in the 1990s. It also demonstrated that the gap between the state and civil society may not be as insurmountable as imagined. Many women engaged with the NWM assumed multiple roles, switching between bureaucratic, academic and activist identities. For example, one of the NWM's directors was formerly head of a women's NGO. Another director was a government bureaucrat but also an academic expert on gender issues. The NWM published a regular bulletin with NGO participation. Consultants were hired to manage projects funded by international donors.

At the national level, the NWM, in close collaboration with non-governmental organizations, women's studies centres, bar associations, and local authorities, launched a campaign called *Women Meetings in the Year 2000* to disseminate information to women's groups and bring about gender awareness to the wider society. Over 300 meetings, seminars and house visits took place in various province centres and counties. Considerable numbers of women were reached through the campaign, which focused primarily on issues such as education of the girl child, and sexual and reproductive health.

Commissions consisting of government and NGO representatives were established to work on Education and Health in 1996. More recently new commissions have started work on Laws, Employment and Entrepreneurship, International Relations, Media, Environment and Disaster Management.

The involvement of NGOs and academics in the preparation of Turkey's country reports to the CEDAW Committee also increased over time. Acar's (2000) research shows that while the first country report to CEDAW sought limited participation, later reports were prepared in a participatory manner in co-operation with academics and NGO leaders. The national machinery invited women from diverse segments of society to attend workshops where

strategies and inputs for all major national reports were prepared. Most significant in this regard is the preparation of Turkey's Report to the Fourth World Conference on Women in 1994, which is the product of contributions by over 70 women from different fields and backgrounds (Ertürk, 2004). As a result, the report reflected views of women 'themselves' rather than an official view. The second and third combined periodic reports (1997) to CEDAW, as well as the third and fourth combined periodic reports were also prepared in a collaborative manner. In fact, the second and third combined periodic reports to CEDAW (1997) were presented to the CEDAW committee by a professor from the Middle East Technical University.

While the NWM opened the way for women's groups' to participate at the global level, women's groups seized these opportunities and demonstrated strong capacity and leadership in promoting women's rights for Turkey at international and national forums. In 1997, one women's NGO prepared a shadow report and participated in the CEDAW Committee's sessions on Turkey. In 2000, a wide participation of NGOs at the global level was achieved. The official delegation of Turkey represented at the Beijing Plus Five Conference (2000) in New York, as well as the regional preparatory meetings to this conference in Geneva included women's NGO representatives elected by the NGO community. According to Ilkkaracan:

*Through intensive lobbying by the Equality Watch Platform, a network of feminist NGOs that were democratically elected by the NGOs themselves were invited to join the government delegation for Beijing Plus Five in June 2000. This development has led to an increased recognition of activist NGOs by the Ministry for Women's Affairs and since then, they have started to consult us in the development and implementation of their programmes and policies (in Kardam, 2005, p. 71)*

At the Beijing Plus Five conference in 2000, the Turkish NGO representatives succeeded in including references to honour crimes and forced marriages for the first time in the final document of the conference. In the meantime, women's organizations have become much better organized and have held countrywide meetings to create awareness of the government's obligation to implement CEDAW. An Executive Committee for the NGO Forum on CEDAW was established, and a Shadow Report to accompany the Fourth and Fifth Combined Periodic Report of Turkey was prepared without government support or participation. This report was based on a Civil Society Forum in Ankara in 2003 and several accompanying workshops. The forum was attended by more than 450 civil society representatives from 81 provinces. The shadow report was then published as a book. (see [www.ucansupurge.org](http://www.ucansupurge.org))

The widespread participation and co-operation within civil society in producing shadow reports is a good indication of the strengthening of women's organizations but may also point to an emerging distance between the NGOs and the state (NWM). The relationship with NGOs has been variable depending on the Minister for Women's Affairs as well as the priorities of the government in power. The current Minister in charge of women's affairs, Cubukcu, recently filed and then withdrew a defamation case against a number of representatives of women's groups during a campaign to amend Article 10 of the Constitution (The New Anatolian, May 24, 2006). She later met with representatives of 54 women's NGOs on July 6, 2006. During this meeting, it was agreed that women's NGOs and the Minister would meet every three months.

## 1.7 Relationship with other governmental organizations

A protocol agreement was signed between the NWM and the Ministries of Education and Health to work on the following objectives: women's basic health, access to family planning, increased literacy, and improved economic opportunities for women in the poorer Southeast region. In 1993, a Department for Gender-Disaggregated Statistics was established at the State Statistics Institute with UNDP support. In 1998, the NWM and the Division of Statistics on Women collaborated to develop a gender statistics and indicators database, focusing particularly on, demography, family structure, education and employment. Also, in accordance with the recommendation contained in the GOT (Government of Turkey)-UNICEF Co-operation Programme for 2001-2005, work is underway to consolidate the Women Statistics and Indicators database and Children Information Network database to allow for a more efficient monitoring of the compliance with both the Convention on the Rights of the Child and the Convention on Elimination of All Forms of Discrimination against Women. The NWM has started to work on a National Action Plan to produce comprehensive gender disaggregated statistics in partnership with the Turkey Statistical Institute.

According to interviews, the Ministry of Foreign Affairs regularly consults the NWM in the area of women's human rights and gender equality. A new collaborative project on women's employment and entrepreneurship is underway with the Ministry of Labour and Social Services. The Ministry of Justice has collaborated with the NWM in addressing gender discriminatory legislation. More recently, Minister Cubukcu has initiated research projects with the Directorate of Religious Affairs, and training programmes on violence against women for enlisted soldiers with the Joint Chief of Staff. The Directorate of Religious Affairs has instructed imams to emphasize to their constituencies that honour crimes conflict

with Islam. The Directorate has also initiated research to eliminate the hadith that are anti-women and that have no basis in Islam.

There appears to be little evidence of any significant involvement of the NWM with other women's machineries, especially in the Mediterranean region until very recently where representatives of NWMs attended conferences organized by the NWM/Turkey, and when Turkish NWM representatives met with their counterparts on a study visit to Holland and France, described later in this document.

## PART 2: ASSESSMENT OF EFFECTIVENESS

### 2.1 The role of NWM in addressing legislation and gender discriminatory laws

#### Changing paragraph 438 of the Turkish Penal Code

The first change towards removing gender discriminatory legislation occurred in 1990 at the initiative of women's groups however it appears that the NWM had very little involvement. Paragraph 438 of the Turkish Penal Code which reduced a rapist's punishment if the person raped was a prostitute was repealed. In 1992, the Constitutional Court annulled the law that required a husband's permission for the wife to be gainfully employed. The latter law was rendered unconstitutional as a result of a landmark case brought to court by the advocacy efforts of women's groups (Gülçür, 2000, p. 14). The Constitutional Court made extensive reference to CEDAW as a ratified international treaty to which national legislation should adapt. The reasoning behind the Constitutional Court's decision emphasized CEDAW's notion of non-discrimination of women in marriage (Acar, 2000, p. 213). Married women now have the right to keep their maiden name and have the right to travel abroad without their husbands' permission.

#### Removing reservations to CEDAW

Turkey ratified CEDAW with reservations to Article 15 (2) and (4); 16 (c), (d), (f) and (g). These reservations included equal rights in freedom to choose residence, legal capacity in civil matters, equal rights during marriage, matters of children, the right to choose a family name, a profession, and an occupation. The initiative came from the State Minister for Women's Affairs. Even though the government of Turkey consistently declared its intention to lift the reservations to these articles, this situation lasted for

15 years. According to Acar, the adoption of the General Statement on Reservations by the CEDAW monitoring committee at its 19th session, calling for withdrawal of all reservations to the Convention by the year 2000, was an important motivation for the State Minister for Women's Affairs to take the initiative (2000, p. 207). A Parliamentary Commission was convened to inquire into the issue of women's status and offer solutions towards the full implementation of CEDAW in Turkey. The report of the Commission, published in July 1997, reiterated CEDAW's central function and underlined its salience as a yardstick for all measures to be taken de jure and de facto, in order to ensure recognition, promotion and protection of women's human rights (Acar, 2000, p. 212). Finally, in September 1999, the Turkish government withdrew its reservation to the above articles. The removal of reservations opened the way to more effective harmonization of CEDAW with domestic legislation.

According to Acar, this action was taken by political decision-makers, co-operating closely with sympathetic bureaucrats, and academicians, without significant effort on behalf of women's NGOs (Acar, 2000, p. 207). It is important to mention, however, that many discriminatory items had already been repealed or changed in the Turkish legal system with significant contribution from women activists. The intensive public campaigns organized in the late 1980s by women's groups created public awareness and sensitivity around violence against women and discriminatory clauses in the Turkish Civil and Criminal Laws.

#### A new Family Protection Law

A special law entitled 'Family Protection Law' on violence against women was enacted in 1998. This is the first law in Turkey that recognizes violence within the family as a public issue, and assigns responsibility to the state. As one analyst comments: 'the feminist movement dared to voice and bring into the public agenda issues no one had voiced publicly before – violence against women, rape, incest, sexual harassment and wife battering'. In a society as deeply patriarchal as Turkey, publicizing these presumably 'private' matters is no minor achievement. Starting in the 1980s, the campaign on domestic violence became more visible characterized by panel discussions, media reports, lobbying, and demonstrations, leading to legal reform.

Therefore, the issue of violence against women was placed on the national agenda, but this does not automatically lead to it being seen as a priority for the government. As Acar explains, the politicians were also influenced by the CEDAW Committee's response to the report submitted by Turkey:

*The domestic violence act, (Law No. 4320 Family Protection Law) was influenced by CEDAW in terms of not only the inspiration and ideology that promoted and legitimated women's human rights and obliged the State to take action to protect women from violations of their human rights, but also with regard to the timing of governmental effort. The face to face dialogue between the Committee (for CEDAW) and state's representative during reporting, as well as the concluding comments of the Committee to the Combined Second and Third Reports of Turkey have been critical in the initiation and the sustained efforts by the State Minister responsible for Women in drafting this legislation and ensuring its passage by the Grand National Assembly (GNA) often in what proved to be an uphill battle in the face of strong opposition from conservative members of the Parliament (CEDAW, 2002, p. 212)*

### A new Civil Code

In 1984, coinciding with the rise of the women's movement, the reform of the civil code became an issue of public debate as the Ministry of Justice published a draft law. Several women's groups submitted petitions to the Parliament urging its acceptance, but the draft law did not make its way to the Parliament. In 1994, a commission was formed to prepare a new draft of the Civil Code. During that year, Women for Women's Human Rights/New Ways, a prominent women's NGO based in Istanbul, initiated an international campaign demanding full equality for women in the Civil Code. This campaign was endorsed by many NGOs who supported Turkish women, and Turkey's commitments to CEDAW were repeated by the government delegation in Beijing in 1995 and in the second and third combined reports to CEDAW in 1997. A new draft law was prepared by the commission and presented to the National Assembly in September 1998. The discussion of the draft law in the Justice Commission started in April 2000 and continued until June 2001. The campaign was successful in creating a general atmosphere where objections to equality lacked credibility.

The NWM was instrumental in achieving these changes by working on a draft Civil Code, consulting with women's NGOs and providing input to the Civil Code Commission at the National Parliament. Women's NGOs initiated an international letter and fax campaign and hundreds of NGOs supported these demands from all over the world (WWHR-New Ways, 2002). A new Civil Code came into effect on January 1, 2002. In addition, in October 2001, Article 41 of the Constitution was amended, redefining the family as an entity that is 'based on equality between spouses'. The new article states that: 'The family is the foundation of Turkish society and is based on equality between spouses'. The new Code establishes an equal division of property acquired during marriage as a default property regime, assigning economic value to women's labour in the family. It

also sets 18 as the legal minimum age for both women and men (previously 17 for men, and 15 for women), and gives the same inheritance rights to children born outside of marriage as those born in marriage, and allows single parents to adopt children.

The new Civil Code, especially the division of property clause, was met with strong resistance from conservatives; the party that voiced the most objection was MHP, the Nationalist Action Party who claimed that the legal system should not intervene in family affairs and that the family should be kept within the realm of culture, tradition and religion (Radikal, 11 November 1999). They objected to the removal of the clause that stipulates men are the heads of households. The strongest objections were raised against the notion of 'equal division of property acquired during marriage'. It was claimed that this would lead to immoral behaviour and extramarital affairs just as in the West, and to the corruption of the family institution. Women would now have an incentive to marry many times in order to accumulate wealth! Obviously, traditions and culture were being invoked for another purpose, the purpose of maintaining existing power relations that privileged men over women (women own about 7 percent of property in Turkey). Tripp's comment below is applicable to Turkey:

*I argue that those who defend practices that are harmful to women in the name of preserving their religious, ethnic or other cultural identity are also often protecting certain political and/or economic interests. They have a vested interest in maintaining the status quo and a set of power relations that are tied to certain practices. This is not to say that cultural preservation and identity concerns are not real, but rather they are often tied to a broader political and economic context that affects their sustainability. (2002, p. 414)*

The process that led to the new Civil Code is a good example of collaboration between the NWM and women's organizations, which took five years of hard work. Starting in 1997, activists, academics and bureaucrats put together drafts of the Civil Code and brought it to the attention of the relevant Parliamentary Commission in charge of drafting the new Civil Code. As Turkey became an official candidate to the EU in 1999 parliamentary attention in reforming the Civil Code substantially increased, but the preparations and advocacy for reform were already under way. The NWM took an active role in the long and difficult drafting process of the Civil Code and brought to the attention of the commission, (mandated by the Ministry of Justice to draft the Civil Code), the issues that needed to be addressed, including suggestions from non-governmental organizations

## A new Penal Code

A new Penal Code came into effect on June 1 2005. The new code replaced the community with the individual as its focus. The definition of 'women' on the basis of chastity has been abandoned. A rapist will no longer receive lighter sentences or be allowed to go free by marrying his victim or when the victim is described as a 'woman', rather than a 'girl', meaning a virgin. Sexual crimes are now recognized as crimes against women's personal integrity rather than against public morality which had been the case previously. The new code called for severe sentencing for men convicted of such crimes, almost completely eliminating the extenuating circumstances a killer can claim. It also punished men who send their adolescent brothers to kill the offending female relative. (Minors usually escaped prison or received much lighter sentences.) Rape in marriage and sexual harassment are also treated as crimes. It is widely agreed that the initiative for the new Penal Code reform, particularly with respect to sexual crimes, came from the women's movement and their advocacy and lobbying efforts. Honour crimes in particular and violence against women in general are the primary issues that unite women. Women's groups not only organized a national public awareness campaign but were also involved in the technical work of working on drafts of the Penal Code.

A striking controversy occurred during this process when the AK Party attempted to reinstate adultery as a crime in the new Penal Code even though an anti-adultery law was overruled by the constitutional court in 1996, on the grounds that it penalized women unjustly. Prime Minister Erdoğan claimed that the plans to criminalize adultery were aimed at supporting the family institution and that 'Turkey must not always blindly imitate Europe'. He also insisted that such a law, since it would treat men and women equally, would boost equality between the sexes. Turkish media interpreted the plans as a nod by Erdoğan's AKP toward its conservative and often religious electorate. The EU protested, claiming that this broke human rights conventions. EU officials said that outlawing adultery could breach article eight of the European Convention on Human Rights, creating a new legal obstacle to membership negotiations. EU enlargement spokesman Jean-Christophe Filori in Brussels said that the plan could harm Turkey's image and cast a shadow over its EU bid (Reuters, Ankara, 7 September 2004). Women's groups protested vehemently (The Humanist, 7 September 2004). Ultimately AKP retreated.

## Constitutional base for gender equality

The efforts to provide a constitutional basis for gender equality have met with limited success. To

establish this, women's organizations, with support from the Republican People's Party (CHP), initiated a campaign calling for an amendment of Article 10 of the Constitution to include a clause on gender equality making the state responsible for taking all legal and institutional measures to realize gender equality. In Turkey paragraph no. 4a of CEDAW, which provides the grounds for legitimizing special measures or priority of equal opportunity policies in signatory countries, was taken as the impetus to ensure an 'Equal Status Act' appeared on the political agenda. This initiative came from women's NGOs and in spite of their advocacy efforts, and the support of the opposition party in the Parliament, 'positive discrimination' asking for temporary special measures for women was rejected. In order to ensure the constitutional basis of future equality laws, the NWM has submitted a draft law for changes in paragraph one of Article 10 of the Constitution. The insertion of the following clause was proposed: "Women and men have equal rights. The state takes all necessary measures to provide gender equality, including special temporary measures". Since the Constitution accords equal rights to all citizens, giving special rights to women constitutes discrimination (against men). Article 10 now says: *Women and men have equal rights. The state is obligated to implement gender equality, but it does not include the necessity to take all legal and institutional measures to realize it.* This process to implement special temporary measures including a quota for women's political participation is continuing. The CEDAW Committee which reviewed Turkey's Progress Report responded by recommending a re-examination of these measures. Furthermore, Article 90 of the Constitution now states that CEDAW is given precedence over national legislation in case of conflict.

Also, to the consternation of women's groups, virginity tests were not banned but the situations in which they could be carried out were limited.

## Parliamentary commission on gender equality

The NWM, through a draft bill submitted to the Prime Ministry, has proposed a change in the decree on the internal operation of the Parliament to allow for the establishment of a "Commission on Equality between Women and Men". This has not yet been implemented.

## A new labour law

The most important aspect of the new Labour Law (June 10, 2003) is the prohibiting of any discrimination in employer-employee relations including gender in accordance with the EU harmonization process. This means prohibiting

discrimination on the basis of pregnancy, paying women less than men for jobs of equal value, prohibiting sacking anyone on the basis of their sex, whether they are single or married, or whether they are pregnant or not. The new Labour Law grants six weeks of maternity leave before delivery, six weeks of paid and six months of unpaid leave after delivery.

A draft law has been prepared by the NWM proposing the substitution of parental leave for maternity leave to cover adoption circumstances and to encourage full involvement of the father in the care and raising of children.

### Local Government Law to provide women's shelters

The new Law on Local Government passed in July 2004 stipulates that municipalities with more than 50,000 (approximately 300 municipalities) set up shelters for women. (Internal NWM Document on Violence Against Women). Since 1998, Social Services Administration (SHCEK) have responsibility to provide shelters for women, and to oversee the establishment of women's shelters, including the Municipalities. In response to this new law, one women's shelter has been opened and is being operated by a municipality in 2005. It is not clear how many shelters presently are in operation as different numbers are given by different sources. According to the NWM website, there are 17 shelters across the whole country demonstrating the extremely limited service and support for women who suffer from violence.

### Decree on overcoming violence against women and children and honor crimes

A new decree following the Report of the Parliamentary Commission established on the above topic has been issued in July 2006. This decree is issued in three columns which:

- present the measures to be taken to combat violence against women and children in health, education, law, and in developing a comprehensive policy in this area
- identify the responsible organizations who will implement the measures
- name the organizations with whom the lead responsible organizations will co-operate and collaborate.

This is the first and most comprehensive treatment of Violence against Women and Children by the government. The slight concern however is that there has been no timeframe or budget allocated to implement the suggested activities.

In summary, there have been some very significant changes to redress gender discriminatory legislation in Turkey. The coming to power of the AKP in 2000 was met with reticence on the part of the women's movement. However, the existence of a one-party government after a long series of unstable coalition governments, and the incentive to become an EU member, along with a strong and politically astute women's movement have certainly all helped to bring about momentous legal changes for women's rights.

## 2.2 Policy into practice

The NWM has undertaken a number of activities to enforce the new legislation, including the new Civil Code, the Family Protection Law, and the Penal Code. In an effort to disseminate information on and promote the new Civil Code the NWM in collaboration with Governorates, Bar associations, and women's NGO's, held various nationwide meetings during 2002. It prepared a brochure introducing the new provisions of the Civil Code and disseminated it nationwide.

The NWM is also monitoring the implementation of the Protection of the Family Law. In this regard, proposed amendments have been submitted to the Office of the Prime Ministry for consideration. On November 15, 2002, the Ministry of Justice issued a manual on by-laws, providing guidelines for the interpretation and implementation of the law. Meetings were held with stakeholders on how to promote more effective implementation of the Family Protection Law. The new law stipulates that a man who beats his wife is punishable by a jail sentence. Yet, there is still a gap between what the law stipulates and the mindsets of both lawmakers and enforcers. A huge controversy recently occurred when an AKP deputy Halil Urun beat his wife. When his wife filed a complaint against him, the AKP government avoided punishing him, instead claiming that it was an internal family matter. The AKP tried to change the existing law so that a husband would not be punishable by a jail sentence if the wife withdraws her complaints and the matter ends in reconciliation. They also wanted to change the existing law which stipulated the consideration of complaints by third parties so that only complaints from the victim would be the basis of court action. Given that women in general find it very difficult, if not impossible to file a complaint at a police station for fear of retribution, and are generally forced to agree to a reconciliation, these changes would have reversed the protection of women against violence. These proposed changes were rejected due to female AKP deputies' initiatives, as well as a public outcry. (Hurriyet, June 18, 2006). According to Hurriyet, AKP found itself in

a quagmire: new legislation is in place but the mindset of MPs are not in harmony with the new legislation (Armutcu, Hurriyet, June 18, 2006).

Regarding the enforcement of the Penal Code, some judges still use provocation as the basis for reduced sentences in honor crimes. The new Penal Code penalizes crimes committed on the basis of customs (tore) but not on honor (namus) even though they are all called 'honor crimes' in English. For example, according to the Diyarbakir lawyers' research, among 59 cases related to honor crimes, 46 were considered to have been committed under provocation and therefore received reduced sentences. To be seen with a man, to have an affair with a man outside of marriage, or to be raped are still cited as reasons for provocation. (Radikal, July 15, 2006). Therefore, the new laws are in place but implementation is limited. As a result, in the absence of a law recognizing honor crimes as 'aggravated homicide', crimes committed in the name of honor (namus) can still have reduced sentences based on 'heavy provocation'.

There is some speculation that as punishment for alleged honour related offences have increased with the new law, families might have turned to a different strategy: to press their daughters to take their own lives in order to save their sons from harsher punishments. Women's groups in Batman have said there is evidence suggesting that a growing number of 'dishonored' girls are being locked up in a room for days with rat poison, a pistol or a rope, and told by their families that the only thing between their disgrace and redemption is death (The Herald Tribune, July 13, 2006). However, the UN Rapporteur on Violence Against Women, Yakin Erturk, who conducted an official fact finding mission to the area in May 2006, reported that there is no conclusive evidence to that effect. It is also the case, as she reported that in spite of the new domestic legislation, in practice, authorities too often lack the willingness to implement these laws and protect women from violence: "Interlocutors in the region explained that politicians and administrators are often inclined to align themselves with local power structures and norms at the expense of women's rights". (UN Press Release, "UN Expert on Violence Against Women Concludes Mission in Turkey", 31 May 2006).

There is little response yet to the Decree for Municipalities to set up shelters and currently no financial support for new shelters. None of the 206 municipalities whose populations surpass 50,000 have set up women's shelters yet. When questioned, Minister Cubukcu said that nine of the existing SHCEK shelters have been opened with partnerships of municipalities.

In summary, the enforcement efforts of the NWM are commendable but limited. Women's groups have found NWM's efforts to promote the enforcement of new legislation insufficient and have asked for greater efforts in this area. In a meeting on July 6, 2006, Minister Cubukcu and the Director of the NWM Civelek met with women's groups regarding the implementation of the Decree on Violence against Women. The Decree was welcomed by women's groups, but was criticized for not providing a budget and timelines for the activities proposed. Instead, it stipulates that every three months the responsible organizations should provide an Activities Report to the co-ordinating organization, the NWM. Women's groups also asked to become a third partner, along with the NWM and SHCEK, responsible for the implementation of this Decree so that they can participate and monitor its implementation. At this meeting it was agreed that a commission to monitor the implementation be formed comprising members of the Ministry, the NWM, and women's NGOs.

### 2.3 Influencing government policies

The NWM has been in a precarious position to influence government policies because of its own organizational weakness, and because of the lack of government ownership and consensus on gender policies. The NWM has attempted to influence government policies when drafting new legislation to present to the Parliament or on the implementation of existing legislation. The individual Ministers in charge of women, have taken the initiative to either present new bills (for example Minister Isilay Saygin took the initiative with the Family Protection Legislation), or to halt any regressive revisions on existing new laws (for example Minister Nimet Cubukcu took the initiative to stop regressive revisions on the same law by her own party). There is however, no comprehensive gender policy in Turkey yet.

### 2.4 Collaboration of the machinery with women's NGOs

The bureaucratic tradition in Turkey is generally top-down rather than participatory, but as discussed above, the NWM has been able to break away from this tradition and become an example of collaboration between state and civil society. It has been effective in its relationship with women's NGOs in the following ways:

- The NWM has contributed to the growth and strengthening of the academic and activist capacity on gender issues in the county, since it inevitably had to rely on their contributions and expertise which existed outside the state bureaucracy.

- Women's groups now have an institutional framework within which to operate and influence the state apparatus and work with international fora. Women's groups are able to familiarize themselves with the international agenda on gender equality, women's rights instruments and mechanisms and make contributions to Turkey's official reports in response to international and regional mandates.
- It has provided opportunities for a wide range of women's groups to debate and build a common platform for dialogue. (Erturk, 2004)
- According to Kumbetoglu, the new NWM, with support from international donors, has provided opportunities for women to expand their views and brought the traditional and the modern together, two very different worlds, experiences, perspectives, and behavior patterns (2002, p. 166).

Women's organizations became progressively engaged in national and transnational networking, campaigning, policy advocacy for legal reforms and various types of empowerment training programmes across the country. In short, the NWM gave women ownership of the state agenda on women's issues. However, at the same time (as an interviewee from the NWM admitted) the NWM also benefited more from the strength of the women's movement and their advocacy efforts (both in terms of political strategies and technical expertise).

The relationships with NGOs fluctuate depending on the Minister and NWM Director in charge. Therefore, it is important to have clear, agreed procedures and lines of communication between the NWM and women's NGOs. A promising new structure for this purpose is the Advisory Council of the NWM; Minister Cubukcu called for a meeting to be held on September 8, 2006 with wide participation, including representatives of most ministries, universities, NGOs, and trade unions. The objective of the meeting was to discuss specific strategies in order to implement the Decree on Overcoming Violence against Women.

## 2.5 Stated and implemented policies, programmes and projects

### Development of gender expertise and the establishment of university centres

With support from international donors, the Directorate supported the development of gender expertise including the establishment of gender and women's studies centres at universities, research by individuals and organizations, and projects of women's NGOs. This process led to the accumulation of knowledge, new courses and graduate degrees on gender issues. The NWM in co-operation with

women's NGOs and the new academic centres began to adopt gender training manuals (developed in the West) for the Turkish context and accumulated knowledge on gender training and women's empowerment. The new academic centres developed gender sensitive training courses for various groups, such as the police, labour syndicates and others. UNDP also contributed to the establishment of a number of centres for women and gender studies. Master of Arts programmes in gender and women's studies and research centres were established at universities of Istanbul, Marmara, Ankara, Çukurova, Gazi, Ege, Gaziantep, Mersin, Çankaya, Atılım, and Anadolu (DPT report, 112-113).

UNDP have supported the NWM in a project entitled 'Strengthening Women's Integration into Development', which started in 1993. This project supported the following outputs since the early 1990s: establishing a gender data base; establishing more than 24 income generation pilot projects for rural and urban women; starting Gender Studies Programmes at three major universities; providing more than 30 gender sensitization training to legal officers; supporting police, social workers, etc., for research and policy formulation activities in areas such as women's human rights, women's entrepreneurship and violence against women. It also emphasized strengthening of the co-ordination and collaboration between the government and women's NGOs. Another focus has been on women's human rights. A booklet titled, *We Have Rights* was published and widely distributed. This booklet focused on early marriage, bride price and violence in the home.

### Projects and programmes on women's employment

The World Bank supported the NWM with a project titled 'Women's Employment in Turkey'. This project aimed to integrate women into non-traditional professions and to support research with the ultimate objective of providing opportunities for women for employment in all sectors. It allowed the establishment of a documentation centre at the NWM offices and supported the development of gender training materials that were implemented by facilitators in different locations. It also supported the writing of a report on 'Women's Economic Status in Turkey' (Koker and Ataüz, 1996). This project had four components: research, dissemination, a documentation centre, and development of gender training materials, the project came to an end in 2000.

The following activities have been undertaken:

- 13 of the 16 research projects undertaken within the context of the project have been published by the NWM. These publications are widely used as reference material by policy makers and programme implementers.
- Research results were disseminated through various activities and means, such as, conferences, a documentary entitled "As the Woman Works"; an archive of 1000 transparencies.
- During the 1999-2000 period, on the basis of project outcomes, policy recommendations were made to two special expert commissions (Commission on the Participation of Women in Society and Commission on Working Life and Employment) established in conjunction with the preparatory process for the 8th Five Year Development Plan. As a result, the Plan draws attention to women's under representation in the urban labour force and the socio-cultural and market related factors that account for this. The Plan also outlines the measures that will be taken in line with ILO and EU standards.
- The documentation centre that was established in 1996 within DGSPW is now fully functioning. The centre has a collection of 1,971 books, 262 manuscripts, 762 grey materials and 214 reference books and materials.

Promotion of women entrepreneurs and increasing women's employment are now on the NWM's agenda. NWM is now collaborating with KOSGEB to provide education, counseling, and funding for women entrepreneurs. Within this context, two programmes will be implemented to train women entrepreneurs.

### Development of gender training materials and delivery of gender training

Between 1998 and 1999, a Gender Training Package, made up of 55 interactive modules was prepared and trialled on a pilot basis in the State Planning Organization, State Employment Office and a non-governmental organization, called the Turkish Medical Association. The NWM, in collaboration with women's research training centres, is in the process of preparing training for programme trainers. Further comprehensive gender training and gender mainstreaming efforts have yet to be developed or implemented.

### Projects to overcome violence against women

The NWM in partnership with UNFPA started a public campaign to end violence against women in 2004. This campaign is part of the NWM Advocacy Project

funded by UNFPA and aims to create public awareness on violence against women and to increase public sensitivity to this issue.

Minister Cubukcu initiated a programme in collaboration with the Joint Chiefs of Staff to train enlisted soldiers on Combating Violence against Women and Honor Crimes. This training is scheduled to begin in August 2006 and will include topics such as violence in the family, honor crimes, and women's human rights. Posters have been put up in prominent places in military bases to raise awareness and overcome prejudices. The objective of this project is to reach young men and educate them. For many years, conferences and training sessions on violence against women have been held but the participants at these events have mostly been women, the reality is that in the majority of cases the perpetrators of violence are men. Therefore the objective is to make men aware of these issues and one of the best places for such awareness raising is in the army, since military service is mandatory in Turkey. The preparations for this training have now been completed. The training comprises of four CDs, short films and posters and includes topics such as: girls education, the participation of women in the economy and politics, new laws on honor crimes and violence against women, and gender equality. The posters say:

- 'Honour crimes are blameworthy acts'
- 'Murder cannot be accepted practice, a custom or tradition'
- 'Respect the right to live'
- 'Violence against women demonstrate men's helplessness'
- 'Don't be helpless'
- 'Girls' place is in schools'
- 'Educated women raise healthy children and contribute to the national economy' (Zaman, July 24, 2006, p.3).

Minister Cubukcu has started collaborative studies with the Directorate of Religious Affairs and with the Police to reach the wider population through these institutions.

### Trafficking in women

The Ministry of Foreign Affairs has formed a Task Force to fight Trafficking in People and co-operates with the NWM since women are affected disproportionately in trafficking. The NWM organized a major conference in June 2006 in Antalya, Turkey on Trafficking in Persons. This conference was attended by the Minister of Interior, many governors and police directors, representatives of the gendarme and coastal police forces. The following countries

were represented in this conference: Azerbaijan, Georgia, Uzbekistan, Moldova, Ukraine, Russia, Kyrgyzstan, and Belarus.

### The development of gender disaggregated statistics

The NWM has started to work on a National Action Plan to produce gender disaggregated statistics in partnership with the Turkey Statistical Institute. This programme receives support from the UNDP's Strengthening Women's Participation in Development project. First, a national action plan was formulated and 20 organizations that produce data met to discuss how to define indicators and produce reliable and valid statistics on gender. Six working groups were established to focus on education, health, violence, employment, political participation and media. The reports of these working groups were integrated into a summary report. In order to make sure that the recommendations in the summary report were included in the new Statistics Working Plan according to Law no. 5429 on government statistics, they were included on the agenda of the government statistics working groups, starting March 30, 2006.

The Statistical Institute has established a new branch called 'Statistics on Gender Relations and Women' (Toplumsal Yapı ve Kadın İstatistikleri Subesi). The objective is to produce an up-to-date and reliable database providing statistics and indicators on women in Turkey.

### Female citizens living abroad

The NWM co-ordinates the work of the Committee on Women and the Family under the Advisory Council on 'Citizens of Turkey Living Abroad'. This Advisory Council was established by a Decree of the Prime Minister in 1998 to co-ordinate all the activities relating to Turkish citizens abroad. In this context, visits were undertaken by the NWM to Holland and France to discuss these issues with public organizations, NGOs representatives and academics in May 2006.

The visits also marked the first collaborative efforts between the NWM and corresponding national mechanisms in Holland and France. Work is still in progress to address issues of concern and establish areas of co-operation.

### New projects

#### *"Promoting Gender Equality Project" under the 2005 European Union Pre-membership Financial Co-operation Programme*

This project has the following objectives:

- enable NWM to reach the standards required by the European Union Mechanisms for Gender Equality
- create a National Action Plan that will promote gender equality in every area of life
- promote women's human rights
- build the capacity of all stakeholders in order to eradicate violence against women.

Among the above objectives, two components will start in 2006:

- institutional capacity building for the NWM
- combating violence against women in the family.

The first component will focus on building the expertise and capacity of the NWM staff, along with gender training for public servants. It will build a new model for a National Mechanism for Gender Equality. The second component will focus on combating violence against women by building the capacity of all stakeholders, building a comprehensive database, and offering awareness raising and in-service training to relevant parties.

#### *NWM to implement Gender Component of UNFPA IV Country Plan for Turkey*

The UNFPA IV Country Plan has three components: Reproductive Health, Gender equality, and Population and Development Strategies. The NWM will implement the first component of this programme. This programme will focus on creating the appropriate political environment for empowering women and eradicating violence against women. Capacity building and advocacy activities will take priority in this programme. NWM will plan activities to serve the following objectives:

- to increase financial and political commitment to women, including the adoption of relevant laws, policies, plans and budgets
- to increase awareness on violence against women and on the need to eradicate it
- capacity building at national and local levels for the protection and implementation of women's and children's rights.

## 2.6 Gender budgeting

Gender budgeting efforts have not yet been initiated. According to the Directorate, absence of appropriate expenditure classification in the state budget expenditures make it impossible to make even a rough guess of related spending on social gender equality.

## 2.7 Sustainability of the machinery

The establishment of NWM was possible after a struggle between those who believed in women's rights as individuals and those who did not and the only way it could be established was to simultaneously establish the Family Research Institute. In its early years, the NWM received strong support from UN organizations and the World Bank, and emerged as an innovative bureaucracy in alliance with women's NGO leaders, women academics and experts. Since it functioned with no organizational law, and was subjected to constant location changes, its sustainability seemed doubtful. It survived for two reasons: donor support and the commitment of its staff. The NWM's profile diminished as the women's movement gained strength and filled that vacuum, to the point where some prominent gender experts in Turkey wondered if it had outlived its usefulness. The NWM is now in a revival period with a new organizational law and funding opportunities. It is too early to assess how this resurgence will affect its operations.

## 2.8 The machinery and the national women's movement

The women's movement had already emerged when the NWM was established. Thus, it did not foster a national women's movement, but supported women's groups through funding and providing an institutional framework and an opportunity for more effective collaboration with state actors and international organizations.

## 2.9 Gender equality ombudsperson office

A draft law is currently being debated in Parliament for an ombudspersons office but this will not include a remit on gender equality. It was originally vetoed by the President and returned to the National Parliament to be debated once again. Women's NGOs have prepared a draft law for an ombudsperson for gender equality and presented it to the Parliament but there is as yet no conclusion.

## 2.10 Improving women's image in the media

A UNDP project which focused on changing discriminatory and negative images of women in the media took place during the 1990s. More recently, under the auspices of the "Eradicating Violence against Women" a campaign was launched on November 25, 2004, and two music concerts were organized in Istanbul in partnership with the Ministry of Culture and Tourism in 2005 and 2006. Also a competition among young journalists on the topic of "Ending Violence against Women" was organized in 2005. A video was produced with the help of famous artists and football players that focuses on ending violence against women. With the partnership of the Football Federation, national football players wore t-shirts that said "End Violence against Women" during their games.

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## PART 3: CONCLUSIONS: WEAKNESSES, STRENGTHS AND OPPORTUNITIES

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The national machinery for women in Turkey has been in a precarious position until 2004, although it is structurally placed at a high level – as a portfolio of a State Minister. In spite of its weak organizational capacity and lack of sufficient resources since its inception in 1990, the NWM has played an important role in leading Turkey's engagement with international gender equality regimes, and consolidating the emerging capacity in the country in ensuring gender equality is on the public agenda. This has been demonstrated by:

- major changes in legislation in which the NWM was instrumental
- an array of donor supported projects that promoted gender awareness and expertise
- the provision of an institutional framework for women's NGOs, and
- collaboration with women's groups illustrating the effectiveness of state and civil society co-operation in Turkey
- work on new issues in areas such as sex trafficking, and innovative projects such as training enlisted soldiers on combating violence against women.

NWM's work has been aided by a strong and independent women's movement experienced and effective in advocacy, the Government's eagerness to enact the legal reforms to abide by the Copenhagen Criteria for EU membership, and the rise of women's human rights and gender equality as an important

global norm. It is, however, important to note, that gender issues are not a priority in the EU negotiations for accession. It was through the advocacy of the NGOs that the EU was pulled into, for example, the debate on honour crimes. A turning point was a meeting organized by the UN Rapporteur on Violence Against Women and Women for Women's Human Rights-New Ways where the EU and the Government of Turkey were invited to participate in a dialogue. Even though the reforms were initiated under EU accession, the content of the law is purely a civil initiative of women themselves.

NWM has not yet become a central policy-co-ordinating unit inside the government, nor has it supported government-wide gender mainstreaming in all policy areas, as envisaged by the Beijing Platform for Action. However, its mandate has been broadened under the new Organizational Law along with other NWMs around the world, to encompass women's human rights and especially on the issue of combating violence against women. As a mechanism for gender equality, as NWMs are globally defined now, the NWM for Turkey is mandated to ensure a gender perspective is mainstreamed in all sectors and areas of government activity, and the work on empowering women in traditional areas such as education or health, as well as new ones recently made visible in the political arena such as violence against women, trafficking in women, etc.

It is evident that after a hiatus, the NWM in the last couple of years is now in a much stronger position under its new organizational law, and with financial support from the European Commission and UNFPA now forthcoming. The NWM now has an opportunity to become a central co-ordinating body. These opportunities have now ostensibly been realized through:

- a new perspective of advancement of women to one of gender equality which involves both women and men (as in the new education programmes on violence against women for the military)
- organization of global conferences that reflect Turkey's new role as a conduit between the West and Islam, exploring the role of women and the focus on important issues such as trafficking in women
- engagement in media campaigns to stop violence against women
- assuring the role of co-ordinating body for the new Advisory Council, and calling new meetings to bring together a wide spectrum of stakeholders on the implementation of the new Decree on Violence against Women and Children.

It is appropriate to look at issues which are specific to the NWM in Turkey in this analysis, these can briefly be summarized as:

- Political commitment: The contested nature of gender issues and masculine hegemony.
- Donor assistance: Relations with regional and international organizations.
- Organizational structure and capacity.

What weaknesses does the NWM face in each case? Can those weaknesses be turned into strengths? What are its strengths? What are the opportunities in this particular period? The following section attempts to address these questions.

### 3.1 Political commitment: The contested nature of gender issues and masculine hegemony

#### Weaknesses

The establishment of the NWM of Turkey has historically and up to now been embroiled in conflicting perspectives on women and this has eroded the political commitment necessary to sustain it. While Ataturk has instituted reforms that promoted women's rights as individuals, the perspective on women in society has, on the whole, continued to place them within the family and community, and under male protection and hegemony. After the 1990s, political developments have led to the development of competing camps of supporters of either side which resulted in two separate bureaucracies, one for women and one for the family. The one for women is the National Machinery for Women, but the other one, the Family Research Institute is concerned with women, but within the context of the family. It is not a matter of women as individuals versus women as part of the family, but this is used as a political strategy in the political struggles of "does Turkey belong in the West or East"?

One way to overcome this seeming dualism is to promote dialogue and collaboration between the NWM and the Family Research Institute. Promoting gender equality involves both women and men and it is imperative to begin from the basic unit, the family, in encouraging human rights, democracy and equality within the family. In this way, politicians cannot hide beyond 'I am for individual women's rights or I am for the family' arguments.

The prevalent political commitment also stems from the patriarchal nature of society and masculine hegemony, including within the mostly male members of National Parliament. Sexual modesty and virginity of female members of a man's family is considered an indicator of his 'manhood and masculine identity' and this is true across the country in varying degrees across the secular and Islamic continuum. Political parties in general see the status quo, i.e. male hegemony, acceptable. In other words, women's rights and greater power accorded to women is not

generally desired by male politicians and they are afraid to give up their own power. This was publicly stated by an MP during the discussions on Article 10 of the Constitution, where women's groups asked for 'special temporary measures' to be included to promote gender equality. He said: "What will happen to men if women gain their power? They will lose their dominance!". Some politicians still publicly wonder why a policy is necessary on promoting women's rights. NWM is a solution to overcome male hegemony, but if many male politicians don't see it as a problem, it is hard to find a solution.

When it came to the enforcement and implementation of new laws, the AK party government showed that it still maintained traditional masculine identities (that claim hegemony over women). This was manifested in events such as attempts to make adultery legal in the new Civil Code, revise the Family Protection Law to avoid punishment of the perpetrator of violence and a loophole in the Penal Code which would enable judges to give reduced sentences to men on the basis of 'heavy provocation' (I protected my honor "namus").

The enforcement and implementation of new laws is limited, and in many cases left for NGOs (such as the Women's Human Rights Education Programme by the Women for Women's Rights/New Ways) to implement with donor assistance. It should be pointed out that this programme was implemented in partnership with SHCEK and constitutes an innovation; the government has not to date allocated resources to institutionalize it even though it is an excellent programme, leaving its future doubtful after donor assistance ends.

### Strengths

As women's rights have become a major item on the national agenda in Turkey, with the encouragement of the EU, politicians themselves are beginning to change, albeit slowly and gender equality and women's rights are taken more and more seriously. In a recent interview, Prime Minister Erdogan surprised the readers by his candid reply to the question posed: why do we have so few women in politics? His answer was: "It is men who prevent more women from entering politics. I ordered our party members to bring more women into politics and make it easy for them to enter politics but men don't do that in the party organization (Hurriyet, June 30, 2006, p.25). An interviewee said that in the past women's issues were seen as 'slogans' and not taken seriously. For example, no one can now deny the existence of violence against women, whereas even a few years ago, violence against women, along with honor crimes were considered a non-issue. It is a huge leap from this indifference to the implementation of a Decree by the Office of the Prime Minister in July 2006 which assigns responsibility to different government institutions to overcome this problem. Government organizations are now held accountable for combating violence against women.

### Opportunities/recommendations

- Programmes and projects that focus on a thorough exploration of sexual identities, extensive sex education, and a national campaign opening up a public discussion on gender identities, including considering the possibility of different masculine and feminine identities.
- Face head on male hegemony and power – creating strategies to 'share' power.
- Create the basis of a dialogue and eventual collaboration between the NWM and the Family Research Institute alongside organizations working for women's individual rights or for the family.

## 3.2 Relations with global and regional actors: donor assistance

### Weaknesses

Many of the NWM programmes and projects could not have been undertaken without donor funding. But such dependence has its drawbacks. The very existence of international donor support may reduce local commitment or interest or lead to the perception that gender-related activities are foreign imports. Donor agencies bring their own agenda and may create dependency rather than independence over the long term. Furthermore, not all donors are equal: some donors are more influential than others. As a major supporter of gender issues, the UN system's financial resources and influence are considered relatively limited compared to the Bretton Woods institutions. The latter promote a neo-liberal paradigm that does not necessarily give priority to claims of equality (including gender equality) and social justice over the goals of market-based economic growth and streamlined government. When donor agencies seem to shape the development agenda and prioritize areas for funding, it is not easy to formulate a coherent national strategy based on local needs. Donor dependence may put limitations on the NWM's ability to develop self-driven, coherent gender equality policies and strategies (Kardam and Acuner, 2002). As one Turkish researcher wistfully puts it, first Western donors claim that women are in a position of need and discrimination, and then provide a large amount of funds in order to shape what should be done for them (Kümbetoğlu, 2002).

### Strengths

Undoubtedly, donor funding has encouraged dialogue between the NWM and civil society organizations and created many opportunities to strengthen gender equality in Turkey. The Organizational Law was finally passed in order to abide by the EU harmonization rules. Under the Pre-Membership Financial Assistance Programme, NWM will receive resources to build its own capacity and it now has the bureaucratic

resources to hire new staff members. It must, however, be pointed out that the NWM now faces raised expectations, and must use these new resources effectively and the government needs to allow the NWM autonomy and not insist on political appointees within its structures.

### Opportunities/recommendations

- Use donor assistance wisely, involving a wide spectrum of stakeholders and promoting consensus and co-operation among them.
- Promote national ownership of the gender agenda.

## 3.3 Organizational structure and capacity

### Weaknesses

Part of the problem inherent in the nature of the NWM as a bureaucracy engaged in changing social norms, and in the realm of contested issues, is that the general character of bureaucracies is more oriented towards keeping the status quo rather than innovation. For individual bureaucrats, it is very hard to be a change agent if one's priority is to keep one's position. Career aspirations have often competed with a commitment to gender equality.

NWM staff have to acquire a dual identity; they cannot be just bureaucrats; they have to keep in mind the goals of the women's movement and how to make it palatable to the state. In Turkey, the Director of NWM has changed frequently, as governments changed. Sometimes the Director had strong gender expertise, and acted successfully as a policy advocate and other times she was a bureaucrat from another agency who did not have the relevant expertise or interest.

Organizational law was passed in 2004 but staff shortages continue as expert positions have not yet been filled. Interviews revealed that staff do not feel confident in being able to follow world trends and developments on gender issues. They are under constant stress to keep up with events and react to them; thus they don't have time to clarify their own mission and strategies and can barely respond to events. Given instability, frequent changes of directors and other staff members, it has not been possible to maintain institutional memory.

A major concern pointed out in interviews is the role of staff members as both advocates for women's rights and as bureaucrats. They indicated that they sometimes need to work as if they were an NGO in the public realm. There seems to be some confusion as to the position and role of the NWM among other public organizations. The paradox that the NWMs face is the following: they are state institutions in the business of

altering those very institutions. Their success requires working inside the state but sometimes not in accordance with state policies. (Kardam and Acuner 2003).

### Strengths

#### *NWM sought alliances and advice as a weak bureaucracy*

The debates around the NWM's establishment were instrumental in placing women's rights on the national agenda and contributing to public awareness on gender awareness. The contestation of norms on gender identities and women's place in society galvanized many women's groups of different ideological persuasions into action. They demonstrated that a draft bill could be revised as a result of public demand. Furthermore, the NWM, as a weak bureaucracy, sought to find allies and in the process became an example of innovation in the Turkish bureaucratic context. Donor funding also encouraged such collaboration. In short, even though the Turkish NWM is weak and has been dependent on donor funding, and some would say because of it, it has been able to bridge the state-society divide more than most bureaucracies in Turkey. This experience is shared by other NWMs around the world. Goetz (1995), in a study of six developing country states' response to gender issues, found that states that depend on donor funding and whose bureaucracies may be weak tend to be more responsive to international women's norms. She also pointed out that the weaker NWMs have built partnerships with civil society, including women's organizations and other stakeholders.

As one NWM staff member pointed out: "We turn weaknesses into strengths by openly soliciting advice from other organizations. We are not afraid to seek advice and learn. Now we are partners with the Minister of Foreign Affairs". According to academics, the NWM also provided diverse women's groups with a common platform for dialogue. Because of its marginal status within the state structure and lack of resources, it relied on women's organizations and academics. For example, the 1997 CEDAW presentation report was more of a civil society statement because it was prepared without any state screening. According to Ertürk (2006), today the NWM may have an organizational law, but it is increasingly detached from women.

#### *NWM sought to create gender expertise and an institutional framework for women's NGOs*

Women's organizations became progressively engaged in national and transnational networking, campaigning, policy advocacy for legal reforms and various types of empowerment training programmes across the country.

**Exceptional commitment of staff members**

In many of the interviews undertaken it became clear that staff members did not have the mindset of a bureaucrat, but more that of a volunteer. As mentioned earlier, there were a number of women's NGO leaders and academics who worked at the NWM as Directors or Project Staff. One interviewee said: "We made it possible to talk about women in public organizations. Our staffing was reduced to just 15 people but we did not give up and continued to implement projects."

**Opportunities - Recommendations*****A new form of organization? A think tank and intellectual leader?***

It may be the time to consider what the place of the NWM should be in the public realm. Should there be a different model for a new National Mechanism for Gender Equality? Could it be a more independent, think tank type of organization but still a public organization? Can appointments be independent from the government?

***More effective vertical and horizontal diversification***

A national mechanism for gender equality should not just be a centralized office based in the capital. A whole network should be put in place including women's councils in local governments, district, regional and provincial governments, to municipalities. Horizontal diversification in the form of interministerial networks, focal points in line ministries etc. are also necessary.

**Need for multiple mechanisms**

An ombudsperson for gender equality, a parliamentary commission for gender equality, a consultative commission on gender equality for the preparation of development plans are all needed.

***Intervention at all stages of the policy process***

This is happening in the area of combating violence against women:

- promoting legal reforms
- monitoring enforcement
- training soldiers, judges and the police
- media campaigns.

***More effective co-ordination and collaboration with women's NGOs***

Permanent procedures should be in place for consultative processes with women's NGOs, rather than calling meetings on an ad-hoc basis. Commissions and the new Advisory Council are very good steps, but the Advisory Council meeting every three months may not provide enough opportunities for co-operation and dialogue. These processes should be in place not just with women's NGOs, but with all relevant stakeholders.

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Middle East Technical University

KA-DER (Association to Support and Train Women Candidates)

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Marmara University

Çankaya University

UN Fund for Population Activities

UN Development Programme

UN Division for the Advancement of Women

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