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Feminist Movement and Law-making in Turkey: A Critical Appraisal from 1998 to 2018

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Abstract

Between the late 1990s and early 2000s, Turkey witnessed an era of reform generally known as the era of 'Europeanisation'. Since the late 2000s, it has experienced a de-Europeanisation and authoritarian transformation. This study explores the ways this changing political context has affected the feminist movement's influence on law-making. It adopts a chronological approach starting with the achievements of the movement before the turn of the century and ends with an examination of its impact since the Justice and Development Party (AKP) assumed government. It is based on a range of sources, including 17 semi-structured interviews with leading NGOs and activists. The study contributes to existing scholarship by establishing a clear timeline for feminist advocacy in law-making, and providing activists' interpretations of challenges or potential areas of success. The study concludes that while the capacity of the feminist movement to influence law-making has been significantly restricted in recent years, there is a women's alliance fighting to protect earlier achievements in domestic law.

Keywords: Turkey, gender equality, feminist movement, law, Europeanisation, de-Europeanisation, and authoritarianism.

Introduction

The fact that gender inequality persists all around the world justifies the need for a constant fight for women's rights. Gender inequality is still evident regardless of whether women live in conservative and religious societies or in social democracies.¹ This is also true for women in Turkey, who lack political, social, cultural and economic rights and face biased treatments including the violation of women's right to equal protection under the law.²

Following the proclamation of the Turkish Republic in 1923, Turkey underwent reforms derived from the Westernisation agenda of Ataturk, the founder of the Republic. The 1920s and 1930s witnessed many reforms that affected women positively, including the first civil code and the first penal code (1926), and women's right to vote and stand for election (in 1934). These reforms, carried out during the early times of the Republic, gave rise to the myth of 'emancipated' Turkish women because of the Republic's status as the only secular state among Islamic countries. As a result, women's rights were omitted from the state's agenda for a very long time. In fact, for decades, the myth of the 'emancipated' Turkish women fuelled the oppression on women because it allowed both secular and conservative parties not to press for any reforms to bring about greater gender equality. Kandiyoti has therefore referred to Turkish women as 'emancipated but unliberated'.³ In fact, it could be argued that this also accurately describes Turkish women for many decades since as they have continued to be subjected to a culture of honour and shame codes, a religion with rules on proper female behaviour, and Kemalist⁴ discourse on asexual, self-sacrificing Turkish women.⁵ Even the left movement of the 1970s was not keen to change gender roles but cherished them as 'the values of the people'.⁶ Hence, for decades secularists, leftists, and conservatives have all upheld traditional gender roles, unequal legislation and taboos on women's sexuality. Consequently, women's participation in political, social and economic spheres up to the present has been limited. Overall, women have remained uneducated,⁷ unemployed,⁸ overworked in the home,⁹

discriminated in the formal labour market,¹⁰ and abused in the informal economy.¹¹ And men have continued to control their lives and sexuality.¹²

The suppression of women is aided by domestic law and case law, which articulate particular roles and behaviour deemed ‘appropriate’ for women, effectively endorsing a male breadwinner – female homemaker model. That is why the feminist movement has focussed on changing the patriarchal nature of domestic law. For instance, the women’s march in 1987 was a protest against both the physical violence against women (VAW) and a court decision in which the judge overruled a woman’s demand for divorce by saying ‘no woman should be without a child in her womb and a stick on her back’.¹³

This study is concerned with the feminist as opposed to the women’s movement. Today in Turkey there are various women’s movements, including the Kurdish Women’s Movement, the Islamist Women’s Movement, and the Kemalist Women’s Movement. Each of these has a slightly different agenda. For example, the Kemalist groups generally focus on education or motherhood within the Turkish nationalist framework, while the Kurdish women’s movement comprises peace-building, human rights, minority rights, fundamental freedoms among others. The feminist movement, on the other hand, focuses on feminist issues and is particularly concerned to bring about legislative change that will reinforce women’s rights and eliminate gender discrimination.¹⁴ This is not to say, however, that the feminist movement operates in isolation from other women’s movements. Further on, evidence will be provided of temporary alliances between different women’s groups. It should be noted that the word ‘feminist’ is mostly not accepted or even properly understood by the wider population. Also the derogatory and defamatory discourse of the AKP about feminists has contributed to a generally negative understanding of the word *feminist*.

The study focuses on the period 1998 to 2018 and assesses the influence of the feminist movement on law-making amidst a changing political landscape. In the late 1990s, the feminist

movement achieved some significant legislative successes at a time when Turkey's EU candidacy was also recognised. After the millennium, however, there was a slowly growing shift from Europeanisation to selective Europeanisation and finally to de-Europeanisation and more recently authoritarianism which have limited the movement's ability to affect legislative change. The following will first provide some background about the rise and nature of the feminist movement. It then moves on to look at key changes in domestic law affecting gender equality. Finally, it assesses the experience of feminist activists since November 2002 when the AKP assumed government.

There is a vast body of work on women in Turkey. Historians have covered women's lives from the late Ottoman Empire to post-1980 coup but have so far largely ignored the period under consideration in this article.¹⁵ Political scientists, on the other hand, have focussed largely on secularism, neoliberalism, and Islamisation, including the headscarf issue - the most visible gendered problem in Turkey.¹⁶ And finally, legal scholars have focussed mostly on women's rights, both in an international and national context.¹⁷ Under the authoritarian rule of President Erdoğan, law is largely used as an instrument to achieve the AKP's patriarchal agenda; that is, to control women's rights, equality and agency. This article contributes to existing legal scholarship by tracing how law has come to play this restrictive role. It not only offers a timeline for feminist advocacy in law-making but also explores how feminist activists have interpreted the shifts in the political context in recent decades which either facilitated or hindered their aim of achieving gender equality.

Methodology

In addition to document analysis (amendments in the constitution, civil code, penal code, and related Constitutional Court case law), interviews were conducted with prominent feminist activists and NGOs working to change domestic law. The selection criteria for sampling interviewees included: experience; contributions to the movement; and length of time working

or volunteering. Considering the period covered in this study (1998 to 2018), prominent activists or NGOs offer intimate knowledge and experience of feminist advocacy in law-making. Interviewees came from well-known NGOs or are activists known for their media work and (academic and non-academic) writing. The first sample of interviewees expanded by use of the snowballing method: seventeen interviews were conducted between June and October 2018. All interviews were conducted confidentially, and the names of interviewees are withheld by mutual agreement for ethical reasons. Semi-structured interview questions focused on interviewees' backgrounds, their experience of feminist advocacy in law-making before and after the AKP assumed government, the AKP's approach to women's rights and the feminist movement, and interviewees' involvement in law-making during the AKP's time in government.

A crucial concept used in this study is Europeanisation. According to Radaelli, drawing upon Ladrech's,¹⁸ Europeanisation refers to:

'Processes of (a) construction, (b) diffusion, and (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, "ways of doing things", and shared beliefs and norms which are first defined and consolidated in the making of EU public policy and politics and then incorporated in the logic of domestic discourse, identities, political structures, and public policies'.¹⁹

When national policy becomes less European, Radaelli refers to it as a process of retrenchment.²⁰ A more useful concept, however, has been advanced Aydın-Düzgit, namely de-Europeanisation or the 'loss or weakening of the EU/Europe as a normative/political context and as a reference point in domestic settings and national public debates'.²¹ Eventually this results in 'scepticism and indifference towards Europe' and 'a turning away from Europe in many spheres of politics and society'.²²

De-Europeanisation comprises cases ‘where reforms are reversed as well as ones where reform is incurred without the need or obligation to attain alignment with the EU, or where actors deliberately refrain from referring to the EU in justification of the reforms undertaken’.²³ These two concepts – Europeanisation and de-Europeanisation – are essential for this study because initially the feminist movement’s lobbying activities occurred both at the national and EU level and after the Turkish government and society began to turn away from the EU, lobbying at EU level did not make any difference for the feminist movement. Furthermore, civic space has been gradually restricted since the 2011 general election as Erdoğan has consolidated his power and the regime has become more and more authoritarian. In addition to oppression and the negative public discourse on the feminist movement, the AKP government has formed government-organised non-governmental organisations (GONGOs) to promote its women’s agenda.²⁴

When asked to assess their challenges and successes, interviewees pointed to changes in the period 1998 to 2018 that coincide with the Europeanisation, selective Europeanisation, de-Europeanisation and Islamisation periods outlined in existing literature on modern Turkey (see figure 1).²⁵ Interviews were recorded and transcripts thematically analysed following coding stages.²⁶ The analysis focused on: collaboration; communication between the feminist movement and the AKP; lobbying activities of the feminist movement; the AKP’s (deliberate) ignorance of or disengagement from women’s issues; lost fights of the feminist movement; the AKP’s conservative gender agenda; draft legislation; and amendments in domestic law that have reduced women’s rights. What is striking from all interviews is that the interviewees repeatedly described the last five years as a period of resistance by an alliance of various women’s groups. Interviewees’ categorisations and experiences of feminist advocacy are visualised in Figure 1.

Feminist Movement - Background

Following the military coup in 1980,²⁷ political organisations were shut down and civic space was restricted. In the restrictive post-coup atmosphere, leftist women's groups transformed, depoliticised, and developed new strategies to survive: women's groups began to gather in houses to discuss 'women's questions' before moving onto the streets.²⁸ These gatherings grew into a campaign for Turkey's ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) which was ratified in 1985. The awareness-raising activism phase in the 1980s – including gatherings, workshops, festivals, demonstrations, legal aid, health advice bureaus, and publications – was followed by an institution-building phase in the 1990s.²⁹ Institutions like Purple Roof Women's Shelter, the Women's Museum, the Women's Library, the Directorate General on the Status and Problems of Women, and various research centres were established. Within two decades, the feminist movement became more organised and grew stronger. The movement created a widespread campaign in big cities. In 1990, article 438 of the penal code, which granted reduced sentences to rapists if the victim was a sex-worker, was repealed.³⁰ Two years later, article 159 of the civil code demanding a husband's permission for married woman to work was annulled.³¹ And in 1998, a law prohibiting adultery by women was repealed.

The years following the recognition of Turkey's EU candidacy in 1999 are often referred to as the 'golden age' of political transformation because it led to attempts to harmonise Turkish law with EU regulations (EU harmonisation).³² EU conditionality gave the feminist movement an important lever to pressure the government to adopt reforms. Much of the progress in gender equality after the turn of the century, in fact, was the result of the expansion of the feminist movement and its decision to bring its agenda in line with Turkey's EU accession. Through 'sustained pressure' on the state,³³ the movement protested until their demands were acknowledged. Although it met formidable opposition from conservative and

nationalist parliamentarians, the movement helped to bring about both a new civil and penal code.

Changes in Domestic Law

Constitutionalisation of Gender Equality

In 2001, two years after the recognition of Turkey's EU candidacy, 34 articles of the constitution –mostly on human rights and fundamental freedoms– were amended.³⁴ Amendment of article 41 was fundamental for women because it redefined family as 'between equal spouses' and abolished the subordinate position of woman. In 2004, article 10 was amended to grant women and men equal rights and to make the State responsible for ensuring equality in practice.³⁵ Also article 90 was amended to recognise the supremacy of international agreements, including the CEDAW.³⁶

Between 1999 and 2007, a series of legal amendments were adopted to harmonise domestic law with EU law, aiming to achieve European standards of the rule of law and democracy, and improve the protection of human, cultural, and political rights. By improving minority rights, freedom of expression, freedom of association, and civil-military relations, they did much to offer women from different ethnic and religious backgrounds greater protection before the law.

When the AKP came to power in 2002, the country was pro-EU. Yet this soon changed as the AKP adopted only reforms that helped to promote its own agenda.³⁷ For example, when article 10, equality between women and men, was amended again in 2010, the AKP did not consider adding a clause on positive action for women despite the demands made by women. The amendment in 2010 only covered recognition of measures taken for children, elderly, disabled people, widows and veterans as not to be considered violation of the principle of

equality before the law. Considering the AKP's Islamist agenda, rejecting positive action for women was not surprising. Besides, the constitutional reform package in 2010 included reforms of the judicial system and civil – military relations.³⁸ And finally, in 2017 a referendum led to the amendment of the constitution and other laws that create a presidential system of government and suspended checks and balances on executive power. This made Erdoğan the first person to be simultaneously the head of government and head of the Turkish state, while also remaining chairperson of AKP. This has deepened authoritarianism and further restricted civic space in the country, especially for women.

A Family of Equals: Civil Code Reform

Compared to the Islamic law (sharia) that it replaced in 1926, the first civil code granted women rights in marriage, inheritance, divorce, and child custody. Over time, however, the code lost its relevance. Between 1951 and 2001, various proposals were made to reform the code but without any success.³⁹ As such, reforming this obsolete code in line with current needs and expectations of women became the main focus of feminist advocacy.⁴⁰ To achieve this goal, the feminist movement had to lobby and reach other women. Subsequently, *The Civil Code Women's Platform* was established by some 126 women's groups to campaign for a new civil code.⁴¹ They managed to create a 'general atmosphere where objections to equality between men and women were viewed with scorn'.⁴²

Lobbying of the feminist movement resulted in setting up of a commission at the Ministry of Justice that completed a draft proposal in late 1998, albeit one that was dismissed because of the upcoming general election in April 1999.⁴³ After the election, a new commission was formed to revise the civil code proposal. This new proposal was presented to the Turkish Parliament in 1999. Following, the Justice Commission had begun to work on the proposal in April 2000 and completed it in June 2001.⁴⁴

Of course, the new proposal caused debate especially among conservative parliamentarians and particularly with regards to the question of matrimonial property.⁴⁵ It suggested that women would be entitled to an equal share of the assets accumulated throughout the duration of a marriage. As a result of women's efforts, the opposing forces had to accept the new property regime but they managed to formulate a very last minute solution on the clause. Even though some parliamentarians of the Virtue Party (which later split into two parties - the AKP and the Felicity Party) voted against it,⁴⁶ the new civil code was accepted in 2001.

The old civil code that defined the husband as the head of the household and gave him sole custody over children in case of divorce was replaced by a new code that gave spouses 'equal decision making powers' and 'equal rights' over the marriage union, children, and any property acquired during marriage. It also offered women the right to a place of residence (under the old code, a wife's place of residence was her husband's) and equal rights to the family home (the so-called 'annotation on family abode')⁴⁷ which further gave women a 'voice' in family matters.

The new clauses relating to property in marriage meant that domestic work by housewives was now recognised as a contribution to marriage. And it also meant that any property obtained during marriage was to be equally divided between spouses in case of divorce. This promised much for women's economic empowerment but at a last-minute change in the Parliament, the new clauses only applied to property acquired after 1 January 2002. The feminist movement was against this restriction, having argued that the new clauses should apply to all property acquired during marriage, regardless of the time of acquisition.⁴⁸

The new civil code furthermore ended the supremacy of male children in the case of inheritance; removed the term 'illegitimate' for children born out of wedlock; and gave same inheritance rights to both legitimate and illegitimate children. In theory these new inheritance

rights improved women's status but the impact has been limited by Turkey's patriarchal culture and Islamic codes. Toktas and O'Neil, for example, have found that religious people choose to ignore the official civil code and apply Islamic law, i.e. religious women, although they have equal inheritance rights, tend to either renounce or give back their share (to a man in the family) because of religious customs.⁴⁹

Acknowledging women as individuals: Penal Code Reform

The old penal code (1926) was based on customs. It mainly considered women as 'belonging' to fathers, husbands and families. Therefore, crimes against women were considered crimes against the women's families and society in general. Since the old code endorsed gender inequality, the feminist movement also focussed on reforming the penal code. After a successful campaign for the civil code, many women and LGBT+ organisations gathered under a platform called *the Penal Code Women's Platform*.⁵⁰ The platform's reform campaign lasted three years and produced a draft penal code that recognised women's individuality, body integrity, sexual and bodily autonomy and rights.⁵¹

This campaign coincided with the AKP's first term in office – the period that the AKP had to convince both secularists in Turkey and EU bureaucrats in Brussels since the EU membership was still on the agenda.⁵² Therefore, when the AKP kept refusing to meet with the representatives of the Penal Code Women's Platform, the platform tried to sway opinion by holding press meetings and conferences and by lobbying media representatives, members of Parliament, and EU officials. Through exerting pressure both at national and European level, the platform in the end had managed to insert 30 of their 35 recommendations into the new penal code.⁵³

The new penal code became law in September 2004 and it was a significant improvement from the old penal code's vague patriarchal constructs like public customs, shame, chastity, morality, and decency.⁵⁴ The new code dismissed differential treatment of

girls and women, and eliminated discrimination against non-virgin and unmarried women, removed consent in articles regulating the sexual abuse of children, removed an article about mothers killing their new-born children, and abolished articles legitimising abduction and rape in cases where the perpetrator had married the victim.⁵⁵ These amendments did much to protect and acknowledge the sexual and bodily rights of women and girls, and included tougher sentences for violations of the law.

The new penal code also included articles that criminalised marital rape, defined sexual assault by security forces as an aggravated offence, criminalised domestic abuse and sexual harassment in the workplace.⁵⁶ Another important amendment to the penal code related to honour killings. Even before the new code was adopted, the feminist movement had campaigned for the annulment of Article 462 of the old code that granted a reduced sentence to anyone killing or wounding a family member. As part of the sixth EU harmonisation package in 2003, this article was annulled. Although the new penal code did not use the term ‘honour killings’, it included measures to prevent reduced sentences (article 29) and tougher penalties for killings in the name of custom (article 82).⁵⁷ However, under Erdoğan’s rule, case law tends to reproduce the patriarchal constructs such as customs and honour that underpinned the previous penal code as judges have continued to interpret the penal code through their patriarchal understandings of gender relations. As a result, case law has become an important aspect of feminist advocacy at the local level.

Capacity of the Feminist Movement to influence Law-making (2002 - 2018)

While the previous section examined key changes in domestic law from a gender perspective and the role that the feminist movement played in bringing this about, using interviews with

feminist activists, this section explores the ways in which the changing political context has impacted upon the feminist movement since the turn of the century.

Using the EU Accession Agenda

Until the late 2000s, the EU accession agenda offered leverage for the feminist movement. While the EU accession agenda is not, like the CEDAW, about women's rights per se interviewees mentioned that they used the EU accession agenda as much as Turkey's ratification of CEDAW to advance women's rights in domestic law.⁵⁸ According to one interviewee, it would have not mattered which party was in government in the early 2000s because all had to make progress with EU accession, even the AKP. Kubicek has argued that when it first came to power, the AKP tried to gain allies both among European countries and liberals at home to help in its 'domestic political battles with the secular, Kemalist establishment'.⁵⁹ For that reason, according to Arat,⁶⁰ in its first term, the AKP reconciled itself with economic liberalism, the EU, and liberal democracy. Comparing it to today's AKP which supports the death sentence, criminalisation of abortion and adultery and is against gender equality, one interviewee described the AKP's first term in office as just an 'advertising campaign'.⁶¹

When interviewees brought up their activities in the 2000s, they frequently mentioned women's platforms where they drafted law proposals. While they emphasised the importance of EU accession in the acceptance of their proposals to change the penal and civil codes, they also stressed the impact of their lobbying of parliamentarians, business organisations, trade unions, and the mass media.⁶²

Some interviewees argued that for various reasons the AKP neither cooperated with nor hindered the feminist movement during its first years in power.⁶³ However, one interviewee suggested that that the early AKP mirrored to some extent today's AKP:

It took one year to even get an appointment. We hadn't even received a reply to our calls, I haven't witnessed anything like that before, no response. We couldn't reach anyone... Then we got in touch with the mass media, there had been headlines like 'the government refuses women's requests', 'government won't talk to women', etc. After that, they finally scheduled a meeting under duress, or it was going to become a problem for them. Yet, they were behaving like they were doing us a favour, 5-10 minutes of a meeting. They didn't have any intention to listen our demands... The campaign for (penal code) reform had continued for three years. The progress was very strained. The door for dialogue was opened by the Parliamentary Committee on Justice. They got used to our demands in this process. Yet, we had to work 24/7 in the process. For example, let's say we receive news from the Justice Committee: X clause is rejected at the Parliament. Then we sit and work until 2 am in the morning and write articles for newspapers so they have headlines, we reach out to columnists, etc. All this happens by the skin of our teeth. We scraped through our reforms. Massive pressure from public, from mass media, the EU, but to create that, we had to work ourselves to the bone.⁶⁴

When referring to the late 2000s, interviewees only mentioned their demands for a parliamentary committee on gender equality and the *Women's Platform for New Constitution* that was established by 86 women's groups and grew to include some 200 women's groups. Unfortunately, both the committee and the new constitution demands were ignored. The AKP established instead an 'equal opportunities' parliamentary committee. Some interviewees think that this was the first blatant step of the AKP to omitting gender equality from the government's agenda.

Furthermore, one interviewee interestingly referred to the late 2000s as a 'project' period at the local level because of the availability of EU funding to promote civil society and human rights through the Instrument for Pre-accession Assistance (IPA). The main goal of the IPA was to achieve national policy objectives as part of the EU accession agenda. Areas like democracy, the rule of law, human rights, and protection of minorities were supported. The European Court of Auditors underlined that EU financial assistance (IPA-I) for Turkey

amounted to €4.58 billion between 2007 and 2013⁶⁵ and emphasised that Turkey was the top beneficiary country of EU aid outside the EU. Although there is an IPA-II allocation for the 2014–2020 period, the AKP does not display the necessary political will to continue the EU accession agenda.

Of course, we can only speculate what the feminist movement could have achieved if the AKP had not come to power in November 2002. One interviewee suggested that maybe the feminist movement would have become an ally in law-making and created better laws for women and ensured that they are implemented.⁶⁶ Yet another interviewee pointed to the impact of 9/11 that made national security a main concern everywhere and deprioritised human rights' agendas, including women's rights. Accordingly, one might need to consider today's global political trend of hetero-patriarchal and usually misogynistic authoritarianism while pondering on instrumentality of the EU for the feminist movement if the AKP was not in power.

Figure 1 (below) visualises the milestones in feminist advocacy and gendered law-making since 2002. Themes on the Y-axis derive from a thematic analysis of interviewees' experiences with feminist advocacy. Like many other countries in the world, the Turkish state lacks a feminist government and also does not have a feminist agenda. Therefore, the '0' point is determined as (deliberate) *ignorance* of women's issues by the state.

[insert] Figure 1. Milestones in feminist advocacy and gendered law-making

The road to fitrat, complementarity, and gender justice

In 2010, Erdoğan met with representatives of women's groups in Istanbul. There, for the first time, he openly stated that he does not believe in equality between women and men. He did not make this statement off the cuff: it was a deliberate announcement in front of many activist women. Interviewees mostly refer to this event as a crossroads; that is, the beginning of a new era with a complete disconnection between the government and the feminist movement. One interviewee summarised her reaction as follows:

After all our achievements in domestic law during the 2000s, how could he say this? That he doesn't believe in gender equality? He could. He did. After the 2010 referendum, he has consolidated his power, he started to attack the feminist movement but not just us, the civil society, human rights, workers' rights, union rights, child rights, etc. With the euphoria of power he had, he then had power to follow his real Islamist and conservative ideology, and started to take steps concerning women's rights.⁶⁷

From 2010 onwards, the AKP began to remove the term 'gender equality' from policy papers, and consider gender relations under the heading 'family' issues. Since then, not only have debates about gender equality been silenced but attempts have been made to change gender relations according to the ideas of *fitrat* (purpose of creation), complementarity, and gender justice (which echoes the gender equity discourse of the Vatican at the Beijing Conference in 1995).⁶⁸ As part of this, state agencies dealing with women's issues have either been reorganised or ceased to exist. The Ministry of Women, for example, has become first the Ministry of Family and Social Policies then the Ministry of Family, Labour and Social Services,⁶⁹ while the General Directorate for the Status and Problems of Women is now a small branch, and the word 'problems' has been removed from its name.⁷⁰

For many years, gender inequality in Turkey has been evident in law, politics and society. Domestic law has always encouraged patriarchy, defending the privilege and dominance of men in such areas as family life, the labour market, civil rights and property

rights. Therefore, progress in gender politics between the late 1990s and the late 2000s under the Europeanisation agenda was not sufficient to create a *de facto* improvement in gender equality.

The AKP has been modifying education policies since 2010 towards creating more pious future generations. Education policies are now imbued with Islamist and patriarchal ideals and act as propaganda for divisive and sectarian religious nationalism.⁷¹ Current AKP social welfare policies regard women first and foremost as members of the family, responsible for housework and care work. This relieves the state from having to provide care facilities for children or elderly or disabled people. One interviewee underlined that Erdoğan sees motherhood as the *real career* for women, and that all policies, including labour and social policies, are infused by this thinking. In addition, when referring to women Erdoğan uses the term ‘appropriate womanhood’, and aims to polarise women and avoid building of an alliance of women. The term ‘appropriate womanhood’ includes notions of propriety and submission, which Kandiyoti has described as a ‘patriarchal bargain’ whereby men provide protection in exchange for women’s submission and their domestic work.⁷² According to one interviewee, for Erdoğan feminism and ‘appropriate womanhood’ are mutually exclusive, so that the feminist movement has no possibility of affecting law-making anymore.

Under the new penal code, a person conducting a religious marriage ceremony without legal proof of civil marriage was liable to prosecution (Article 230). However, in May 2015, the Constitutional Court (by majority) cancelled the clause that punished both the couple and the person conducting the ceremony.⁷³ In 1999, the Constitutional Court had unanimously refused annulment of the same clause, referring to the civil code, women’s rights, and the threat of religious marriage to the welfare of women and children, in addition to public interest and public order.⁷⁴ However, in 2015, these concerns were no longer part of consideration: only four of the fifteen judges on the constitutional court disagreed with cancelling the clause.

Women's groups were also against the 2015 amendment because this decision would escalate the number of child marriages. Since Islam allows girls to get married at a very young age, the 2015 decision would, without a compulsory civil marriage at the legal age of 17,⁷⁵ jeopardise women's rights, increase arranged marriages and eventually have a severe impact on women's lives, especially on their future welfare and independence.⁷⁶ Not long thereafter, the AKP passed a controversial regulation that authorised muftis to conduct civil marriage ceremonies (known as 'muftis bill').⁷⁷ Interviewees usually referred to this regulation as a fight that had been lost. One interviewee portrayed this regulation as the epitome of the strong partnership between the judiciary and the AKP, and added: 'A process of chipping away women's rights in the civil code has now begun with a judgment of the Constitutional Court'.⁷⁸

Women's groups declared that this regulation was not created because of the society's needs or demands, it was only necessary for the AKP's Islamisation agenda. It is important to remember that after the coup attempt in July 2016, a state of emergency was declared and continued until July 2018. In such an atmosphere, many NGOs were closed down and many people were arrested. Such shrinking of the civic and political space affected the feminist movement too. Even though there had been a backlash from various women's groups against the muftis bill prior to parliamentary discussions, Erdoğan vowed that '[whether] you like it or not, this bill passes'.⁷⁹ One interviewee described the atmosphere of the days when the muftis bill has passed as follows:

I think they changed this (muftis bill) despite women's resistance because of their real agenda: They want to create a state that is bound by Islamic rules, one way or another. This is very important for them; they want this to happen at any price. This kind of amendments can only be stopped by massive societal resistance. However, this regulation has passed during a nationwide state of emergency. People are afraid of going out, police violence is everywhere. Everything is banned. People are afraid. People are intimidated. Consequently, massive demonstrations are averted... They can

ban anything indefinitely nowadays because of ‘public security’ reasons, which is very ambiguous. For example, they cancelled the Pride march indefinitely.⁸⁰

The Directorate of Religious Affairs (*Diyanet*) as initially established in 1924 as a state instrument to promote the secular agenda and to keep religious services under control. To do so, the Directorate employed muezzins, muftis and imams, and created a form of Islam that served the secular agenda of the Republic.⁸¹ However, the budget of the directorate quadrupled to over US\$2 billion under the AKP’s rule.⁸² Nowadays, the directorate is one of the largest state institutions and has been instrumental in the AKP’s agenda of socially engineering a pious, patriarchal generation.

The Diyanet has been included in policies shaping gender relations in line with fitrat, complementarity and gender justice. Especially after the 2016 coup attempt, many women’s NGOs have closed,⁸³ and GONGOs and nationwide family counselling bureaus of Diyanet have opened instead. The Diyanet’s family counselling bureaus have been giving women advice on fitrat, complementarity and gender justice which has undone much of the work that NGOs did on gender equality at the local level. One interviewee summarised the current functioning of the Diyanet to shape gender relations:

Family law is completely transferred to Diyanet. Family as a unit, a private sphere, has to be organised secularly. Firstly, giving Muftis marriage authority so they build families with religious norms, and now social benefits to both women and family are considered ‘family matters’. Hence, what we called the private sphere is transformed into the religious arena. This is problematic. Now that the Ministry of Family is combined with the Labour Ministry, women’s labour is transferred to this Ministry which is already led by neoliberal policies, and oppressive politics that are the enemy of the working class. Thus, the private and family spheres are transferred to religious norms while women’s unpaid work is transferred to the ministry of labour through the ministry of family.⁸⁴

Survival strategies: alliance of resistance

When interviewees shared their experiences of feminist advocacy, they often referred to a women's platform around a particular issue that they had helped to establish. While not all organisations (or activists) involved in these platforms consider themselves 'feminist', these platforms clearly were conceived by feminist movement. One interviewee described the nature of this alliance of different women's groups and activists as follows: 'Various women's movements can unite according to the matter at hand, such as abortion rights or the rape bill. Of course this is not an everlasting reconciliation, it can never be, there are different political determinants, yet, the capacity to reconcile under certain themes, certain campaigns is crucial to the resistance'.⁸⁵

Turkey signed the Council of Europe Convention on 'preventing and combating violence against women and domestic violence' (Istanbul Convention) in May 2011.⁸⁶ One interviewee highlighted that the AKP probably signed the Istanbul Convention to raise its international reputation. Considering the timing of the Convention and the general election (June 2011), and the evaluation report of the monitoring mechanism of the Convention,⁸⁷ the AKP's signing of the convention appears instrumental. Following the Convention, women's '*No to Violence*' Platform assembled to draft a new protection bill for women. It tried to work with the Ministry of Family and Social Policy. One of the interviewees vividly portrayed this process:

The draft had become my daily life, mine and some other women's. That period of 10-12 months is a void in my life. It had been exhaustive. First of all, we were trying to write a new law, trying to handle the Minister and handle women's groups because the women's movement was also very divided. Therefore, we were trying to be effective within the frame of space and opportunities created for us. However, once they block us, we cannot have any more impact because we cannot enter through that door. If you cannot enter that door, you cannot create any difference. It is delusion.⁸⁸

Interviewees frequently referred to the Minister of the time, Fatma Şahin, as someone who was open to working with the feminist movement. The process of drafting a women's protection bill had taken place during Şahin's time at the Ministry. Interviewees mostly referred to this process as *the cooperation or communication period*. One interviewee stated: 'This process of 6284 [no of the law] was the last meaningful connection between the feminist movement and the government. After Sahin left there was no relationship whatsoever, it was more like a lack of relationship, indifference to our existence. It was over'.⁸⁹

Although there had been communication between the platform and the Minister, by the time the bill was sent to the Parliament in early 2012, the amendments provided by the women's platform had been excluded. Some interviewees referred again to their lobbying activities in Parliament before the bill was put to a vote. One interviewee explained their shock:

Once the bill was sent to the Parliament, our recommendations were excluded from the bill. This was a tragic but very clear message to women's movement, a message saying that 'we will no longer work with you'. Again struggling, working hard to lobby at the Parliament we managed to add some amendments to the bill. Yet the revenge soon came with Erdoğan's efforts on criminalising abortion and caesarean delivery.⁹⁰

In line with her views, when law 6284 entered into force, the aim was to protect 'family' and prevent VAW rather than protecting women.⁹¹ In the 1990s too, a fight to name the protection law as the 'protection of women' rather than 'family' had taken place and lost. However, law 6284 still offers women more protection than they had before.

Interviewees usually used the word 'resistance' and mentioned 'women's alliance' to refer to their activities after 2013. Likewise, following the passing of law 6284, no one mentioned communication (with the state) anymore since GONGOs are used by the AKP to promote fitrat, complementarity and gender justice. All interviewees referred to two success stories by women's alliances to stop the AKP's attempts to worsen women's rights: the bill to criminalise abortion and caesarean delivery, and the bill to pardon statutory rape if perpetrators

married the victims. In 2012, Erdoğan publicly expressed his view on abortion, using a very unusual metaphor: ‘Each abortion is one *Uludere*’⁹² (referring to the Roboski Massacre when 34 Kurdish civilians were killed by the Turkish military in an air strike near the Iraqi border). Abortion has been legal in Turkey since 1983. As any amendment to the bill would affect all women whether feminist or not, many women took part in protests. One interviewee explained the reason behind massive protest of women as follows:

Women listen to the feminist politics when they realise that a legal amendment can turn men to direct threats into their lives. Then they listen to us. For instance, the abortion bill, this is the finest example... They stepped back because they noticed that we (the feminist movement) have an impact on women. No woman says ‘okay, I am religious, I vote for AKP therefore let abortion be banned’. Women do not want to give birth to so many children because of men’s oppression, or having pain because of a ban on caesarean. That’s why we had so much impact.⁹³

Some parliamentarians filed an annulment action of law no 6354 that restricts caesarean delivery however the Constitutional Court rejected this by a large majority.⁹⁴ In other words, the Court decided that allowing only a caesarean delivery when it is medically necessary is not unconstitutional.

Even though no legislation has been introduced to date to criminalise abortion, the service is practically unavailable. O’Neil has verified that only 34 of 431 state hospitals (7.8%) and 9 of 58 teaching and research hospitals (15.5%) provide abortion without restriction to reason.⁹⁵ One interviewee highlighted that the AKP has now turned abortion rights into a class problem, as only the richer classes can access abortion in a limited number of very expensive private clinics. Referring to abortion, one interviewee emphasised the importance of women’s alliances in today’s political context:

State makes law. We don’t care about this anymore. The state’s laws do not guarantee anything. If mind-sets do not change, laws are broken. We have learned this with AKP’s terms in government. Therefore, we are going to guard our achievements. All

achievements of women that the government confiscated. We absolutely resist. We are going to organise together.⁹⁶

Moreover, in 2016, the AKP proposed a bill that would prevent the prosecution of the male perpetrator of sexual assault in case he agreed to marry the female victim (known as ‘the rape bill’). Many women’s groups marched on streets and organised protests in different cities to create public awareness. Not long thereafter, the government revoked the bill.⁹⁷ This is the second case provided by interviewees for the impact of the women’s alliances. One interviewee uses ‘the rape bill’ as an example to describe how women resist and try to prevent the government’s attempts to worsen their rights:

The women’s movement is the most successful movement right now. Not only have we intervened with their attempts to worsen our rights, but also we’ve contributed to some new law-making. But other than those, we only prevented. For instance, that rape bill...The feminist movement exists more as a point of ‘resistance’ now. This is the extent of our power in such an atmosphere. We are against such a tyrannical regime, even resisting is an achievement right now.⁹⁸

However, the women’s alliance lost the fight over article 103 of the penal code – child sexual abuse. There have been many cases before the Constitutional Court relating to this article. First, law no 6545 has made amendments to the first and second paragraphs of Article 103. The Constitutional Court received three annulment actions for article 103. The first action was received before law 6545 was adopted, and the Constitutional Court declined the action with reference to Turkey’s international agreements.⁹⁹ The second annulment action led to cancellation of the second provision of article 103; that is: ‘In case of performance of sexual abuse by inserting an organ or instrument into a body, the offender is sentenced to a term of imprisonment no less than 16 years’. The Court annulled this second provision stating that it was against the principle of proportionality between offense and penalty.¹⁰⁰ The third annulment action related to the first three clauses of article 103. The justification for the

decision referred to child sexual abuse cases where the victim might be four years old or fourteen years old and asks for a categorisation according to the victim's age. The same justification also states that victims between twelve and fourteen years old can comprehend the offense taking place against them. The Constitutional Court decided to annul the first and second paragraphs of article 103 in terms of 'non-completion of 15 years of age' and asked for categorisation of penalties with a new regulation. In late 2016, a provision in yet another Omnibus Bill – that amends various disparate, unrelated laws – amended Article 103 to specify the age of abused children (law no. 6763).¹⁰¹

An alliance of women called *TCK 103 Women's Platform*, comprised of 137 women's groups,¹⁰² protested this regulation. The Platform stressed that there was a legal loophole in the definition of *child* and a de facto search for the consent of the victim if the child was aged between twelve and fifteen. The platform's demands included amending the article to refer to 66-1/b of the penal code which states that anyone younger than eighteen is a child.¹⁰³ The second request was to set the age of consent as fifteen in the text, and to consider it a major crime if the victim is under twelve years old, in order to avoid creating a loophole that allowed courts to question the consent of children in this age range, and thus indirectly encourage child marriage. Children under fifteen cannot give consent, and assent of family cannot cover up a crime committed by the perpetrator.¹⁰⁴ Unsurprisingly, the platform's demands were not well received by the AKP. Today, article 103 includes a loophole for consent of children aged between twelve and fifteen because of the two categories of child sexual abuse: under and above twelve years old. Women have continued to fight this and other battles for women's rights. Women's groups such as the platform 'we will stop femicide', women's coalitions, women's assemblies (*kadın meclisleri*) often attend court cases and follow case law that involves femicides, VAW, and child sexual abuse. They monitor sexism in courtrooms, and by

their mere presence create an atmosphere where judges know that they are watched by women's groups.

It needs to be stressed that the Kurdish Women's Movement and the feminist movement work in the Parliament together. Although some Kurdish women parliamentarians are now imprisoned, they had been supporting and defending the feminist agenda together in the Parliament. One interviewee depicted the alliance in the parliament while another described the critical reason why there is a need for a women's alliance:

It is crucial that we have friends from the Kurdish Women's Movement who have been defending our voice in parliament since 2007. This has extended our sphere of influence. Our friends from the Kurdish Women's Movement have carried our voice to the parliament's benches.¹⁰⁵

Especially after 2011, building a women's alliance has become more important because the principle of equality, which was one of the main principles of the Republic, is being eroded by the AKP. The principle of equality was a state policy since the early days of the Republic even though it was rarely fully implemented in practice: the State did not do much to establish equality between women and men but it obeyed the principle. The very existence of this principle had helped feminist advocacy and our achievements in law-making. The AKP has taken this ground away from us. Therefore, what we now have is legislation that was built on the principle of equality between women and men, which is now a pile of legislation suspended in the air, with no ground.¹⁰⁶

Interviewees believe that the women's alliance is strong enough to oppose the AKP. They have faith in resistance, in the women's alliance, and are sure about their part in the future of the country:

They are against equality between women and men and therefore we cannot find common ground. Especially after 2012. Personally, I cannot go back from international standards and conventions on human rights of women that Turkey has signed and agreed. I, as an activist, a feminist, a woman, I cannot go back...The AKP wants us to retreat. From now on, all I can do is to demand more: First to resist, so the AKP cannot

worsen women's rights, revoke our achievements. Secondly, demand more to achieve more... This is my mission at hand.¹⁰⁷

Conclusion

Women's rights in Turkey improved to some degree during the Europeanisation period (1998–2007) due largely to efforts of the feminist movement. However, the patriarchal structure of Turkey has continuously hindered progress, as evidenced in the previous discussions on civil code and penal code reforms in the parliament.¹⁰⁸ The first draft for a new penal code, for example, was not different to the previous code with regards to women's rights. Only after the feminist movement became involved in discussions were women's individuality, bodily integrity, and sexual and bodily autonomy incorporated into the code.¹⁰⁹

The period of selective Europeanisation (2007–2011) witnessed efforts of the feminist movement to communicate with the AKP. However, once Erdoğan publicly denied equality between women and men, there was no 'common ground left'. Subsequently, the AKP began to redesign gender relations. It increased the budget of Diyanet and its visibility, and included the institution in policies shaping gender relations according to religious dogma through family counselling bureaus. Moreover, education policies rooted in Islamist and patriarchal ideals and propaganda of divisive and sectarian religious nationalism may affect women's rights for an unforeseeable period.¹¹⁰

Since the 2011 general election, Turkey has seen a decline in secularism, rule of law and democratic practices combined with the de-Europeanisation of policies and ongoing institutionalisation of political Islam.¹¹¹ Simultaneously, society is polarised between 'us and them'. Who the 'others' are differs. At times, it refers to feminist women, to ethnic and religious minorities, to LGBTQ+, and to secularists, or it might encompass all people who do not vote for the AKP and Erdoğan. Kandiyoti has argued that 'us' refers to the 'real' people who are 'God-fearing, AKP-voting Sunni Muslims' while 'them' consists of 'all political

detractors, potentially treasonous others'.¹¹² Furthermore, the coup attempt in 2016 and subsequent state of emergency have shrunk civic space even more. Many people are arrested and have lost jobs and are blacklisted for other jobs, including in academia. Kurdish politicians are imprisoned, trustees are appointed to Kurdish local governments, and women's NGOs working for Kurdish women are closed.¹¹³ Thus, in today's political climate, there is no sign of communication between the feminist movement and AKP.

Such an atmosphere and constant emphasis on traditional gender roles hinder any progress on women's rights and equality, including effective implementation of law 6284. In addition, women's labour market participation has been decreasing and women are increasingly confined to the home, to traditional gender roles or working in precarious, flexible, low-paid jobs as a result of the AKP's gender justice policies and neoliberal market policies. Therefore, today's activism of the alliance of women's groups is more about survival, than law-making.

Resistance is survival. Today's mission is holding onto the achievements of the past, that is fighting against any attempt to worsen women's rights. An alliance of various women's groups serves to create a strong bond throughout the country, building resistance despite the shrinking space for activism. Interviewees agreed that the women's alliance succeeded twice to stop the AKP's attempts to worsen women's rights. However, they also agree that today's restricted civic space has affected their capacity for organisation and mobilisation. For example, interviewees considered the muftis regulation and the amendment of article 103 of the penal code as two amendments that the women's alliance was unsuccessful in stopping.

Likewise, since 2016, the women's alliance has been fighting against the controversial report of the parliamentary commission on protecting the integrity of family that includes many clauses that will worsen women's rights and erase women's agency. While writing this article, fanatic religious media, some GONGOs and other groups have been campaigning to end

women's alimony rights, and have criticised the various legal protections on preventing and combatting violence against women and domestic violence, such as the Istanbul Convention and law 6284.

This study has demonstrated that since the late 1980s feminist advocacy in law-making changed according to the political context. In doing so, the study has contributed to literature by establishing a timeline of feminist advocacy and providing activists' interpretations of challenges or potential areas of success in today's political context in which they try to operate. Although there are various women's movements in Turkey,¹¹⁴ they do not strictly separate from each other because efforts of the feminist movement on law-making are supported by various women's groups, who do not necessarily define themselves as feminists. A non-exhaustive list of platforms established by the women's alliance includes *Civil Code Women's Platform*, *Penal Code Women's Platform*, *Women's Labour and Employment Initiative Platform*, *'No to Violence' Platform*, *Istanbul Convention Monitoring Platform*, and *TCK 103 Women's Platform*.

These platforms prove that women are aware that the civic space surrounding them is shrinking more every day, and that an alliance of various women's groups is a way to survive, resist Erdoğan and the AKP, and protect earlier achievements in domestic law, while also bringing about change whenever it is possible. One example is the effort to follow case laws of femicides, VAW and child abuse. Women's groups try to organise, raise awareness, and travel court to court to follow these cases, and the presence of women's groups in a courtroom generates a tendency towards implementation of law, as opposed to good conduct abatement for the perpetrator.

Disclosure statement

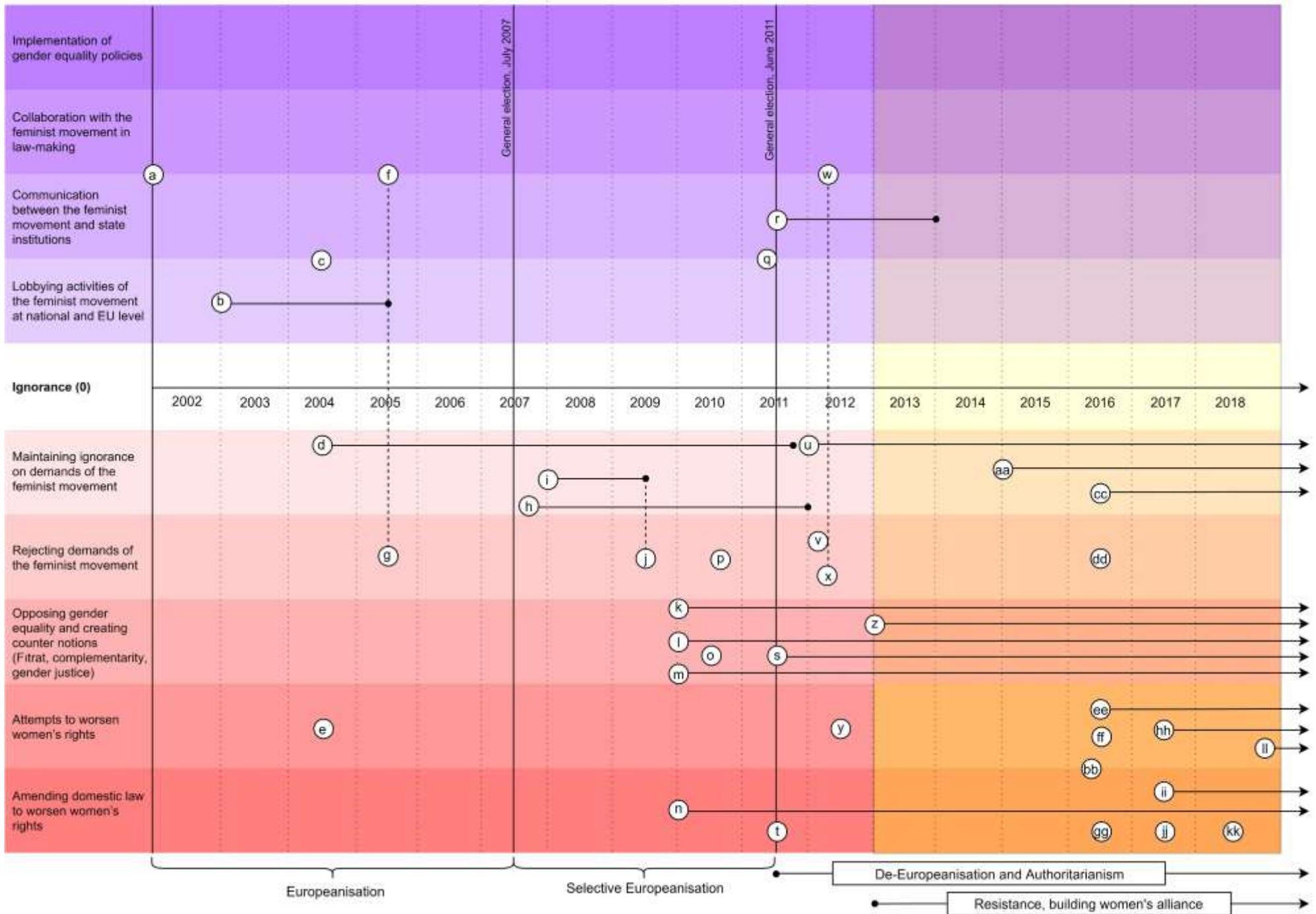
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Appendix

1. Figure 1 - Milestones in feminist advocacy and gendered law-making
2. Key for Figure 1.



Key for Figure 1.

- a. The new civil code, January 2002
- b. Women's platform for new penal code
- c. Amendment of article 10 of constitution
- d. Demand for women's political participation and gender quota
- e. AKP's attempt to criminalise adultery in the new penal code (stopped by pressure from both EU and women's platforms)
- f. The new penal code, June 2005
- g. Exclusion of some amendments of women's platform from the new penal code
- h. Women's Platform for new constitution
- i. Campaigns for the establishment of a parliamentary committee on 'gender equality'
- j. Establishment of a Parliamentary Committee on Equal Opportunities
- k. Omission of 'gender equality' from policy papers
- l. Redesign of gender relations according to 'fitrat' (purpose of creation), complementarity, and gender justice
- m. Islamist ideals, patriarchy, and propaganda of religious nationalism embedded in education policies
- n. Increasing budget of the Directorate of Religious Affairs (*Diyanet*) and including Diyanet in policies shaping gender relations (nationwide family counselling bureaus)
- o. Erdogan: 'Women and men are not equal', July 2010
- p. No positive action measure for women in article 10 of constitution, September 2010
- q. Convention on 'preventing and combating violence against women and domestic violence' of the Council of Europe (Istanbul Convention), May 2011
- r. Fatma Şahin's term at the Ministry of Family & Social Policies, July 2011 - December 2013
- s. Intensified misogynist discourse of Erdogan and the Justice and Development Party (AKP)
- t. Ministry of Women is changed to 'Family' and Social Policies
- u. Demand for Zipper System
- v. Demand for 'Women' in the title of Law 6284
- w. Law 6284 to Protect 'Family' and Prevent Violence against Women (VAW)
- x. Omission of some amendments of Women's Platform from Law 6284
- y. Bill to criminalise abortion and caesarean delivery
- z. Closure of feminist organisations and setting up GONGOs
- aa. Women's demands for enforcement of Law No 6284 because of extreme numbers of VAW
- bb. Controversial report of the parliamentary commission on 'protecting the integrity of family'
- cc. Opposition of women's groups to the controversial report

- dd. Recommendations of TPC 103 Women's Platform on Article 103 (child abuse) of penal code
- ee. Defamation of Law 6284 by fanatical religious media and GONGOs
- ff. Bill to pardon statutory rape if perpetrators marry victims (known as 'the rape bill')
- gg. Article 103 of the penal code is amended and has created loophole for consent of children between 12 and 15
- hh. Denigration of alimony rights
- ii. Implementation of the controversial report of the parliamentary commission on protecting the integrity of family
- jj. *Muftis* able to perform civil marriages (known as the 'the muftis bill')
- kk. Ministry of family and social policies is combined with labour: The Ministry of Family, Labour and Social Services, July 2018
- ll. Second attempt to pass 'the rape bill'

Notes

¹ UNDP, *Human Development Indices and Indicators: 2018 Statistical Update* (New York: UN 2018): p.38

² *Opuz v. Turkey*, Application no. 33401/02, Council of Europe: European Court of Human Rights, June 9 2009, <http://hudoc.echr.coe.int/eng?i=001-92945>, (accessed: Oct, 20 2019), [191].

³ Deniz Kandiyoti, 'Emancipated but Unliberated? Reflections on the Turkish Case'. *Feminist Studies*, 13(2), (1987): 317-38, 324.

⁴ Kemalism: 'The ideas and principles of Mustafa Kemal Atatürk, the founder and first president of the Turkish Republic, are termed Kemalism; Kemalism constitutes the official ideology of the state, and endured publicly unchallenged until the 1980s.' For further information see: Mete Tunçay, 'Kemalism', Oxford Islamic Studies Online, <http://www.oxfordislamicstudies.com/article/opr/t236/e0440>, (accessed: Jul 12, 2019).

⁵ Meltem Müftüler-Baç, 'Turkish Women's Predicament', *Women's Studies International Forum*, Vol:22, No:3, (1999): 303-315.

⁶ Fatmagül Berktaş, 'Türk Solu'nun Kadına Bakışı: Değişen Bir Şey Var mı? [The Turkish left's approach to woman: Has anything changed?]' (1990) quoted in: Özçürümez and Cengiz,

‘On Resilience and Response beyond Value Change: Transformation of women's movement in post-1980 Turkey’, *Women's Studies International Forum*, Vol.34, (2011), pp. 20-30, p.28.

⁷ The share of women (39.7%) in Turkey's rate of young people not in employment, education or training (NEET) is more than twice of the share of men (17.5%) in: ETF, *Young People Not in Employment, Education or Training (NEET) An Overview in ETF Partner Countries*, European Training Foundation (Torino: 2015), p.20.

⁸ Young male employment rate in Turkey is twice that of young females (43% vs 21%) in: ETF, *Young People Not in Employment, Education or Training (NEET) An Overview in ETF Partner Countries*, European Training Foundation (Torino: 2015), p.19.

⁹ The global trend is that women work fewer hours in paid employment while performing the vast majority of unpaid household and care work. Likewise, women in Turkey devote more than three times as much time to unpaid care work as men do. In: ILO, *Women at Work Trends 2016*, International Labour Office (Geneva: 2016), p.68.

¹⁰ In Turkey, men without upper secondary education were over three times more likely to be employed than similarly educated women. Among those with upper secondary or post-secondary nontertiary education, men were also over 2.5 times more likely to be employed than women. In contrast, tertiary-educated men were 1.4 times more likely to be employed than similarly-educated women. In: OECD Country Notes, *Education at a Glance 2019: OECD indicators*, OECD Publishing, (Paris: 2019), https://read.oecd-ilibrary.org/education/education-at-a-glance-2019_0724b81f-en#page1 (accessed: Oct 20, 2019).

¹¹ Share of informal economy in total employment in Turkey is 34.8% of which 48.3% is women. In: ILO, *Women and Men in the Informal Economy: A Statistical Picture*. 3rd Ed. (Geneva: International Labour Office, 2018), ISBN 978-92-2-131581-0, pp. 89-118.

¹² BİA, independent communication network, monitors male violence in Turkey. Its monitoring report for 2018 shows that 64% of women were killed by their husbands, boyfriends, ex-husbands, family members, relatives or acquaintance: <http://bianet.org/english/women/205502-men-killed-255-women-in-2018>, (accessed: Oct 20, 2019). The platform of ‘we will stop femicide’ declares that 440 women were murdered and 317 women were sexually assaulted in 2018. Among others, pretexts of femicides include women's will to make decisions about their own lives, women's will to divorce or break up or reject date requests: <http://kadincinayetlerinidurduracagiz.net/veriler/2870/440-women-were-murdered-and-317-women-were-sexually-assaulted>, (accessed Oct 20, 2019)

¹³ Nühket Sirman, 'Feminism in Turkey: A Short History', *New Perspectives on Turkey*, Vol. 3, no. 1, (1989):1-34.

¹⁴ Suggestions for further reading on women's movements in Turkey: Cagla Diner and Şule Toktaş, 'Waves of feminism in Turkey: Kemalist, Islamist and Kurdish Women's Movements in an era of Globalization', *Journal of Balkan and Near Eastern Studies*, 12:1, (2010): 41-57; Ömer Çaha, 'The Kurdish Women's Movement: A Third-Wave Feminism Within the Turkish Context', *Turkish Studies*, 12:3, (2011): 435-449; Saime Özçürümez and Feyda Sayan Cengiz, 'On Resilience and Response beyond Value Change: Transformation of the Women's Movement in post-1980 Turkey', *Women's Studies International Forum*, 34 (2011): 20-30; Şule Toktaş, and Mary Lou O'Neil, 'Competing Frameworks of Islamic law and Secular Civil Law in Turkey: A Case Study on Women's Property and Inheritance Practices', *Women's Studies International Forum*, vol. 48, (2015): 29-38; Yasemin Karakaşoğlu, 'Research Project Report: Comparing Women's Movements in Different Cities in Turkey', Sept 2017, https://www.blickwechsel-tuerkei.de/en/projects/2014-2016/Project_Women_Movements/Research_Findings_Womens_Movements1.php,

(accessed: Apr 1, 2019); Yeşim Arat 'Islamist Women and Feminist Concerns in Contemporary Turkey: Prospects for Women's Rights and Solidarity', *Frontiers*, Vol. 37, No. 3, (2016):125-150.

¹⁵ Suggestions for further reading: Gülbahar, Hülya and Serpil Çakır, 'Türkiye'de Kadın Hareketinin Yüz Yılı Kronolojisi' [Centenary Chronology of Women's Movement in Turkey], Türkiye'de Kadın Hareketi'nin Yüzyılı Ajandası – 2000 Ajandası [A Century of the Women's Movement in Turkey – 2000 Agenda], Istanbul, (Women's Library and Information Center Foundation Publication, 1999), No. 17; Hülya Osmanağaoğlu, *Feminizim Kitabı: Osmanlı'dan 21. Yüzyıla Seçme Metinler*. (İstanbul: Dipnot Publishing, 2015); Saime Özçürümez and Feyda Sayan Cengiz, 'On Resilience and Response beyond Value Change: Transformation of the Women's Movement in post-1980 Turkey', *Women's Studies International Forum*, 34 (2011): 20-30; Serpil Çakır, *Osmanlı Kadın Hareketi [The Ottoman Women's Movement]*, (Istanbul: Metis Publishing, 1994, revised and expanded in 2011); Şirin Tekeli (ed.), *Kadın Bakış Açısından 1980'ler Türkiye'sinde Kadın [Women in Turkey in the 1980s from a Woman's Perspective]*, Istanbul, İletişim Publishing: 7-41.

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¹⁸ Robert Ladrech, ‘The Europeanization of Domestic Politics and Institutions: The Case of France’, *Journal of Common Market Studies* 32(1) (1994):69-88.

¹⁹ Claudio M. Radaelli, ‘The Europeanization of Public Policy’ in *the Politics of Europeanization*, ed. Kevin Featherstone and Claudio M. Radaelli (Oxford: Oxford University Press, 2003):27-56, p.30.

²⁰ Ibid. p.38.

²¹ Senem Aydın-Düzgit and Alper Kaliber, 'Encounters with Europe in an Era of Domestic and International Turmoil: Is Turkey a de-Europeanising Candidate Country?', *South European Society and Politics*, vol. 21, no. 1, (2016):1-14, p.5.

²² *Ibid.*, p.6.

²³ *Ibid.*, p.6.

²⁴ GONGOs are non-governmental organisations established by ruling regimes, i.e. government-organised non-governmental organisations. They are loyal to the regime, and instrumental to promoting the ruling regime's agenda at a local level. Compared to NGOs, GONGOs receive immense funding from the regime so they can reach a wider audience through events including nationwide campaigns and conferences. The biggest GONGO in Turkey is Kadın ve Demokrasi Derneği [Women and Democracy Association] known as KADEM, of which Erdoğan's daughter is one of the founders. For further analysis of KADEM's campaigns, see: Selin Akyüz and Feyda Sayan-Cengiz, 'Overcome your anger if you are a man': Silencing Women's Agency to Voice Violence Against Women.' *Women's Studies International Forum* Vol. 57 (2016):1-10.

²⁵ Suggestions for further reading: Meltem Müftüler-Baç. 'Turkey's Political Reforms: The Impact of the European Union', *Southeast European Politics and Societies* 10, no. 1 (2005): 16–30; Nathalie Tocci, 'Europeanization in Turkey: Trigger or Anchor for Reform?', *South European Society and Politics*, 10:1, (2009): 73-83; Paul Kubicek, 'Political conditionality and European Union's cultivation of democracy in Turkey', *Democratization*, 18:4, (2011): 910-93; Gözde Yılmaz, 'From Europeanization to De-Europeanization: The Europeanization Process of Turkey in 1999–2014', *Journal of Contemporary European Studies*, 24:1, (2016): 86-100; Demet Lüküslü, 'Creating a Pious Generation: Youth and Education Policies of AKP in Turkey'. *Southeast European and Black Sea Studies* 16, no. 4, (2016): 637–649; Selin Çağatay, 'Women's Coalitions beyond the Laicism–Islamism Divide in Turkey: Towards an Inclusive Struggle for Gender Equality?', *Social Inclusion*, 6(4), (2018): 48-58.

²⁶ Simon Watts, 'User Skills for Qualitative Analysis: Perspective, Interpretation and the Delivery of Impact', *Qualitative Research in Psychology*, 11:1, (2014):1-14.

²⁷ For further information on the 1980 coup: Elif Karacan, *Remembering the 1980 Turkish Military Coup d'État Memory, Violence, and Trauma*, (Wiesbaden: Springer VS, 2016).

²⁸ Gül Aldıkaçtı Marshall, 'A question of compatibility: Feminism and Islam in Turkey', *Critique: Critical Middle Eastern Studies*, 17(3) (2008): 223-238.

²⁹ *Ibid.*

³⁰ Pınar İlkaracan, *Reforming the Penal Code in Turkey: The Campaign for the Reform of the Turkish Penal Code from a Gender Perspective*, Institute of Development Studies, (2007).

³¹ In 2002, the new civil code embraced this achievement of the feminist movement. Article 192 states that neither spouse is obliged to seek permission from the other regarding the choice of work or profession.

³² Meltem Müftüler-Baç, 'Turkey's Political Reforms: The Impact of the European Union', *Southeast European Politics and Societies* vol 10, no. 1 (2005): 16-30; Nathalie Tocci, 'Europeanization in Turkey: Trigger or Anchor for Reform?', *South European Society and Politics*, 10:1, (2009): 73-83; Ziya Öniş, and Şuhnaz Yılmaz, 'Between Europeanisation and Euro-Asianism: Foreign Policy Activism in Turkey during AKP Era', *Turkish Studies*, Vol. 10, no. 1, (2009): 7-24; Paul Kubicek, 'Political conditionality and European Union's cultivation of democracy in Turkey', *Democratization*, 18:4, (2011): 910-931.

³³ Gül Aldıkaçtı Marshall, 'Authenticating Gender Policies through Sustained Pressure: The Strategy behind the Success of Turkish Feminists.' *Social Politics* 16 (3), (2009): 358-378.

³⁴ Nathalie Tocci, 'Europeanization in Turkey: Trigger or Anchor for Reform?', *South European Society and Politics*, 10:1, (2009):73-83

³⁵ Law No. 5170, Official Gazette May 22, 2004, No.25469.

³⁶ Ibid.

³⁷ Gözde Yılmaz, 'From Europeanization to De-Europeanization: The Europeanization Process of Turkey in 1999–2014', *Journal of Contemporary European Studies*, 24:1, (2016): 86-100, p. 87.

³⁸ Suggestions for further reading on these reforms: Gergana Noutcheva and Senem Aydın-Düzgit, 'Lost in Europeanisation: The Western Balkans and Turkey', *West European Politics*, 35:1 (2012): 59-78; Gözde Yılmaz, 'From Europeanization to De-Europeanization: The Europeanization Process of Turkey in 1999–2014', *Journal of Contemporary European Studies*, 24:1, (2016): 86-100; Yaprak Gürsoy, 'The Impact of EU-Driven Reforms on the Political Autonomy of the Turkish Military', *South European Society and Politics*, 16:2, (2011): 293-308.

³⁹ Ela Anıl, et al. *Turkish Civil and Penal Code Reforms from a Gender Perspective*, (2005).

⁴⁰ Marshall, 'A question of compatibility', (2008).

⁴¹ Meltem Müftüler-Baç, *Diverging Pathways: Turkey and the European Union, Re-Thinking the Dynamics of Turkish-European Union Relations* (Berlin: Budrich publishers, 2016): 116.

⁴² Ela Anıl, et al. *Turkish Civil and Penal Code Reforms from a Gender Perspective*, (2005).

⁴³ Yeşim Arat, 'Women's Rights and Islam in Turkish Politics': The Civil Code Amendment', *Middle East Journal* Volume 64, No. 2, Spring (2010): 235-251.

⁴⁴ Ela Anıl, et al. *Turkish Civil and Penal Code Reforms from a Gender Perspective*, (2005).

⁴⁵ Hülya Gülbahar, 'Herkesin safı belli oldu' [Everyone has chosen their sides], *Pazartesi Magazine*, No.73, Apr 2001, <http://www.pazartesidergisi.com/pdf/73.pdf> (accessed: Apr 1, 2019).

⁴⁶ For more information on voting on the new civil code: Yeşim Arat, 'Women's Rights and Islam in Turkish Politics', (2010).

⁴⁷ Annotation on family abode requires both spouses to give consent in case of any disposal of matrimonial property.

⁴⁸ Ela Anıl, et al. *Turkish Civil and Penal Code Reforms from a Gender Perspective*, (2005).

⁴⁹ Şule Toktaş, and Mary Lou O'Neil, 'Competing Frameworks of Islamic law and Secular Civil Law in Turkey: A Case Study on Women's Property and Inheritance Practices', *Women's Studies International Forum*, vol. 48, (2015): 29-38.

⁵⁰ TCK Kadın Çalışma Grubu [Women Working Group for the TCP], *Kadın Bakış Açısından Türk Ceza Kanunu: TCK Tasarısı Değişiklik Talepleri* [Turkish Penal Code from the Perspective of Women: Draft TPC Amendment Proposals], *Women for Women's Human Rights – New Ways*, (Istanbul: 2003).

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⁵² Melinda Negrón-Gonzales, 'The Feminist Movement during AKP Era in Turkey: Challenges and Opportunities', *Middle Eastern Studies*, 52:2, (2016): 198-214.

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⁵⁴ Ela Anıl, et al. *Turkish Civil and Penal Code Reforms from a Gender Perspective*, (2005).

⁵⁵ Turkish Penal Code including Current Legislative Amendments, Code No 5237 <https://www.mevzuat.gov.tr/MevzuatMetin/1.5.5237.pdf>, (accessed: Apr 1, 2019).

⁵⁶ Although the code criminalises sexual harassment, it does not define harassment or mobbing in general.

⁵⁷ For further details on honour killings in the new penal code: Ela Anıl, et al. *Turkish Civil and Penal Code Reforms from a Gender Perspective*, (2005), pp. 62-64.

⁵⁸ Discussion with interviewee 1, interviewed by the author, online, Jul 23, 2018; discussion with interviewee 3, interviewed by the author, online, Jul 27, 2018, discussion with interviewee 6, interviewed by the author, online, Aug 11, 2018; discussion with interviewee 7, interviewed by the author, online, Aug 13, 2018; discussion with interviewee 8, interviewed by the author, online, Aug 14, 2018; discussion with interviewee 10, interviewed by the author, online, Sept 12, 2018; discussion with interviewee 12, interviewed by the author, online, Sept 18, 2018;

⁵⁹ Paul Kubicek, 'Political conditionality and European Union's cultivation of democracy in Turkey', *Democratization*, 18:4, (2011):910-931, p.917.

⁶⁰ Yeşim Arat 'Islamist Women and Feminist Concerns in Contemporary Turkey: Prospects for Women's Rights and Solidarity', *Frontiers*, Vol. 37, No. 3 (2016):125-150.

⁶¹ Discussion with interviewee 17, interviewed by the author, online, August 5, 2018.

⁶² It is important to remember that in the early 2000s mass media in Turkey was *relatively* independent. In 2019, Turkey is on 157 out of 180 countries on the World Press Freedom Index of the Reporters Without Borders (RSF), <https://rsf.org/en/turkey> (accessed Oct 21, 2019). For more information on 'freedom' of mass media in Turkey in the last decade, please see Gözde Yılmaz, 'Europeanisation or De-Europeanisation? Media Freedom in Turkey (1999 - 2015)' *South European Society and Politics*, 21:1, (2016):147-161

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⁶⁴ Discussion with interviewee 16, interviewed by the author, online, Aug 29, 2018.

⁶⁵ European Court of Auditors, 'Special report 07/2018: EU Pre-Accession Assistance to Turkey: Only Limited Results So Far', No 07, European Union, https://www.eca.europa.eu/Lists/ECADocuments/SR18_07/SR_TURKEY_EN.pdf, (2018), p.9 (accessed: Apr 1, 2019).

⁶⁶ Discussion with interviewee 8, interviewed by the author, online, Aug 14, 2018.

⁶⁷ Discussion with interviewee 8, interviewed by the author, online, Aug 14, 2018.

⁶⁸ Pınar İlkkaracan, ‘Vatikan'dan Kopya. Toplumsal Cinsiyet Adaleti [Copy from the Vatican: Gender Justice]’, January 2, 2015, http://kazete.com.tr/makale/vatikandan-kopya-gundemsal-cinsiyet-adaleti_1013, (accessed: Apr 1, 2019).

⁶⁹ In 2018, the Ministry of Family and Social Policies was combined with Labour, and renamed ‘The Ministry of Family, Labour and Social Services’.

⁷⁰ Decree Law 633, Official Gazette, June 8, 2011, No.27958, <http://www.resmigazete.gov.tr/eskiler/2011/06/20110608m1-1..pdf>, (accessed: Apr 1, 2019).

⁷¹ Gökçeçişek Ayata, and Ayşen Candaş, ‘Turkey’ in *Feminist Advocacy, Family Law and Violence against Women International Perspectives*, ed. Mahnaz Afkhami, Yakın Ertürk and Ann Elizabeth Mayer, (Routledge Publishing, 2018), 178-198.

⁷² Deniz Kandiyoti, ‘Bargaining with Patriarchy’. *Gender and Society* 2(3), (1988): 274-290.

⁷³ Decision No 2015/51, Constitutional Court, May 27, 2015, <http://www.resmigazete.gov.tr/eskiler/2015/06/20150610-5.pdf> (accessed: Apr 1, 2019).

⁷⁴ Decision No 1999/42, Constitutional Court, Nov 24 1999, <http://www.resmigazete.gov.tr/eskiler/2002/05/20020502.htm#12>, (accessed: Apr 1, 2019).

⁷⁵ Article 124 of the civil code states that man or woman cannot get married until the age of 17 is over. However, the judge could allow the man and the woman who are over the age of 16 due to an extraordinary situation and a reason of primary importance. If the circumstances allow, the parents or the guardian shall be listened before the decision is taken.

⁷⁶ Çiçek Tahaoğlu, ‘AYM'nin Dini Nikah Kararı Ne Anlama Geliyor?’ [What does the constitutional court’s decision on religious marriage mean?], May 29, 2015, <https://bianet.org/bianet/toplumsal-cinsiyet/164921-aym-nin-dini-nikah-karari-ne-anlama-geliyor>, (accessed: Apr 1, 2019).

⁷⁷ Cabinet Decree 2017/11079, Regulation on Marriage Registry Office, November 28, 2017, <http://www.mevzuat.gov.tr/MevzuatMetin/3.5.859747.pdf>, (accessed: Apr 1, 2019).

⁷⁸ Discussion with interviewee 17, interviewed by the author, online, Aug 5, 2018.

⁷⁹ Diken News, ‘Erdoğan: Müftülere nikah yetkisi’ne nokta koydu: İsteseniz de istemeseniz de geçecek’, October 13, 2017, <http://www.diken.com.tr/Erdoğan-muftulere-nikah-yetkisine-nokta-koydu-isteseniz-de-istemeseniz-de-gececek/> (accessed: Apr 1, 2019).

⁸⁰ Discussion with interviewee 11, interviewed by the author, online, Sept 13, 2018.

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⁸² Ahmet Erdi Öztürk, ‘Turkey’s Diyanet under AKP Rule: From Protector to Imposer of State Ideology?’ *Southeast European and Black Sea Studies*, 16:4 (2016): 619 - 635.

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⁸⁶ Istanbul Convention was ratified on March 14, 2012.

⁸⁷ GREVIO/Inf(2018)6, ‘GREVIO’s (Baseline) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)’ – Turkey, Council of Europe, Oct 15, 2018, <https://rm.coe.int/eng-grevio-report-turquie/16808e5283>, (accessed: Apr 1, 2019)

⁸⁸ Discussion with interviewee 8, interviewed by the author, online, Aug 14, 2018.

⁸⁹ Discussion with interviewee 8, interviewed by the author, online, Aug 14, 2018.

⁹⁰ Discussion with interviewee 9, interviewed by the author, online, Aug 14, 2018.

⁹¹ Law No 6284, ‘Law on Protection of Family and Prevention of VAW’, Official Gazette March 20, 2012, No. 28239, and ‘Implementing Regulations of Law No 6284 (by law)’ in Official Gazette, Jan 18, 2013, No. 28432.

⁹² Justin Vela, ‘Abortions are like air strikes on civilians: Turkish PM Recep Tayyip Erdoğan's Rant Sparks Women's Rage’, May 30, 2012, <https://www.independent.co.uk/life-style/health-and-families/health-news/abortions-are-like-air-strikes-on-civilians-turkish-pm-recep-tayyip-erdogans-rant-sparks-womens-rage-7800939.html>, (accessed: Apr 1, 2019).

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⁹⁵ Mary Lou O’Neil, ‘the Availability of Abortion Services at States Hospitals in Turkey: A National Study’. *Contraception* 95 (2017):148–153.

⁹⁶ Discussion with interviewee 13, interviewed by the author, online, Oct 11, 2018.

⁹⁷ By the time this article was written, the AKP government has started to discuss the same bill again (Jan 2019).

⁹⁸ Discussion with interviewee 3, interviewed by the author, online, Jul 27, 2018.

⁹⁹ Decision No 2015/101, Constitutional Court, Nov 12, 2015, <http://www.resmigazete.gov.tr/eskiler/2015/12/20151211-7.pdf>, (accessed: Apr 1, 2019).

¹⁰⁰ Decision No 2015/100, Constitutional Court, Nov 12, 2015, <http://www.resmigazete.gov.tr/eskiler/2015/12/20151211-6.pdf>, (accessed: Apr 1, 2019).

¹⁰¹ Turkish Penal Code including Current Legislative Amendments, Code No 5237, <https://www.mevzuat.gov.tr/MevzuatMetin/1.5.5237.pdf>, (accessed: Apr 1, 2019).

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¹⁰³ Author’s interview notes, 2018.

¹⁰⁴ CSKKP, ‘Article 103 of the Turkish Penal Code’, 2016.

¹⁰⁵ Discussion with interviewee 1, interviewed by the author, online, Jul 23, 2018.

¹⁰⁶ Discussion with interviewee 9, interviewed by the author, online, Aug 14, 2018.

¹⁰⁷ Discussion with interviewee 8, interviewed by the author, online, Aug 14, 2018.

¹⁰⁸ One of the main controversial debates at the parliament about the civil code reform was the matrimonial property regime. Nationalist and conservative parliamentarians were against it, claiming that ‘such a regime turns families into corporations’ or ‘women’s lovers/gigolos will hire hitmen to confiscate properties’ in: Hülya Gülbahar, ‘Herkesin safi belli oldu’, *Pazartesi Magazine*, (2001).

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¹¹³ Çiçek Tahaoğlu, 'Kadın Dernekleri Kapatıldı, Hangi Çalışmalar Yarıda Kaldı?' [Which women's NGOs are closed, which endeavours are abandoned?], Nov 16, 2016, <https://m.bianet.org/bianet/toplumsal-cinsiyet/180798-kadin-dernekleri-kapatildi-hangi-calismalar-yarida-kaldi>, (accessed: Apr 1, 2019); Gazete Karınca, 'Kayyumların ilk hedefi kadın kurumları: İşte kapatılan 52 kadın merkezi' [First target of trustees is women's institutions: Here are 52 women's centres that are closed down], March 2, 2017, <http://gazetekarinca.com/2017/03/kayyumlarin-ilk-hedefi-kadin-kurumlari-iste-kapatilan-52-kadin-merkezi/> (accessed: Apr 1, 2019).

¹¹⁴ See note 14.