

The Position of Women in Turkey and in the European Union: Achievements, Problems, Prospects

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FOREWORD

Women in Turkey have an ambivalent position *vis-a-vis* the question of gender equality, and it is this ambivalence that has led to the envisaging of this book. As citizens of a secular country we enjoy undeniable rights and have come a considerable way in terms of equality; on the other hand we still have a long way to go to achieve full equality. The Women's movement in Turkey has been waging a substantial struggle to overcome the obstacles on the way to equality for more than a century. However, these efforts cannot be said to be fully appraised either in the country or the outside world. Thus, we thought it would both be meaningful and useful to draw a picture, however sketchy, of the women's position in Turkey within a comparative framework.

Since the outset of the Turkish modernization, "the position of woman" has been a major focus of attention and debate domestically and abroad. This debate has been stepped up in recent years due to the rise of Islamic fundamentalism on the one hand and Turkey's possible European Union membership on the other. Fundamentalism is not something unique to Islam; as in the example of the Protestant fundamentalist *Moral Majority* movement in the USA, it has been escalating in the West, as well. At the core of all kinds of fundamentalism lies the issue of women's position and the social control of their bodies and behavior, since women are used as symbols to represent the purity of the community and to mark its boundaries. Yet, Orientalist approaches ignore this reality, are blinkered by the illusion that the "social control of women" is unique to Islam and Muslim cultures and furthermore use this to con-

struct absolute and unalterable differences and walls between cultures. In this way, women living in Muslim societies are envisaged as “backward”, “passive”, “obedient”, reduced to the “other” of the Western “progressive”, “free” and “active” women.

Even some feminists, who have long criticized the totalizing and masculine discourse of the Western-centered modernization approach and who claim to be sensitive to differences, may partake in this reductionist attitude. For example, in opposing Turkey’s accession to EU membership, AFEM (Association des Femmes de l’Europe Meridionale) uses the alleged “backwardness” of women’s rights in Turkey, the existence of “honor” killings, and “the rise of Islam” as a pretext.¹ However, what is even more startling is the attitude of the eminent feminist historian, Elisabeth Badinter. Badinter also complains about the “backwardness” of the position of women in Turkey and the situation of [Muslim] minorities in France, asking, “If we cannot procure equality between women and men in our own suburbs, who turn their backs on Western values, how are we to think that we can liberate Anatolian women?”² It is not easy to believe that this question is asked by a feminist historian who has exerted so much effort to foreground women as active historical subjects and cast light on how they have contributed to the shaping of history as autonomous individuals. These words imply that the “other woman” (in this context “Anatolian women”) has to be “liberated” and assumes (naturally!) that it is “European women’s burden” to carry out this task.

A “liberation” problem is indeed the case for Anatolian women, if not “being liberated” by someone else; and they share this problem with many other women in the world and like them, they have been waging a struggle to achieve this end. Although women’s problem of liberation varies in degree and form from one society to another, it persists everywhere in the world. If it were not so, neither the United Nations nor the European Union would find it necessary to issue so many warnings and take legal as well as practical measures. The justification of “The Bill on Violence Against Women” ratified by the Swedish Parliament emphasizes that, “in spite of all the achievements in Sweden, there still exists

1 Position de l’AFEM sur l’opportunit  d’ouvrir en decembre 2004 des negociations en vue de l’adhesion de la Turki a l’Union Europeenne- 21 Avril 2004).

2 E. Badinter, *l’Express*, May 17 2004 issue, reported by Zeynep G g s, *H rriyet* newspaper, July 17, 2004.

unequal power relations between women and men. The most striking example of this inequality is violence inflicted on women by men. Regardless of numerous measures taken, especially in recent years, thousands of women have been subjected to violence.”³ Sweden is not an Islamist society, yet as pointed out above, it is a society where the power imbalance between women and men still goes on, the most visible expression of which being the male violence exacted on women. The form of this violence may differ by cultures; it may take the form of “honor killings” in Turkey, “women’s circumcision” in some parts of Africa, or men killing their female partners in Sweden or France but the essence of the reality stays the same. In this sense, the struggle for liberation of women goes on in the whole world. Winning this fight depends everywhere on women’s own efforts and the solidarity they can build among themselves, both on a universal and domestic level.

Identifying the “backwardness” of women or notions such as “honor killings”, “circumcision of women”, and so on with minority groups, Middle Eastern countries, Islam, etc. means stigmatizing these groups or cultures as “problematic”. This view accepts culture as a homogeneous notion; assuming that certain groups have a given, monolithic culture and that culture uniformly approves of these practices. Hence, overlooking the differences of opinion and attitude between members of the group, it homogenizes them and builds an insurmountable wall between the group and “outsiders”. Moreover, somehow, “it assumes in ‘outsiders’ an ability [and right] to criticize and constructs the problematised group/culture as a backward ‘other’. Such a formulation fails to recognize and therefore hear or support, voices of dissent among ‘insiders’.”⁴ When you define a whole culture/group/religion as problematic it would certainly not be possible to see the existence of internal opposition and struggle within and hence constructive alliances and solidarity cannot be built between autonomous actors sharing similar values. In the end, this approach would play into the hands of conservative alliances that take cultural values and attitudes as absolute and fixed. Thus, instead of erecting insurmountable walls resting on absolute cultural differences, trying to build bridges by acquiring knowledge on “other groups” may help

3 Swedish Government Offices Fact Sheet on Violence Against Women, 1999.

4 Purna Sen, key-note address for CIMEL/INTERIGHTS Project on Crimes of “Honour”, cited in Expert Meeting on Violence in the Name of Honour, Stockholm, 4-5 November 2003, p.25.

overcome the obstacles for understanding other cultures. This reality holds for those on both sides of the bridge because once you build the bridge, you give both sides the opportunity to cross.

One of the main purposes of this book is to be able to contribute to such a process of mutual understanding and solidarity. Starting from the observation that debates surrounding the position of women in Turkey rely on clichés and prejudices rather than facts, especially the achievements and the problems faced by the women's movement after 1980 are addressed. In Turkey, women have begun fighting for recognition as equal citizens since the 19th century and with the foundation of the Republic and especially with the 1926 Civil Code and 2001 amendments to it, they have formally won this fight. Nonetheless, women's struggle for liberation, as mentioned above, continues here in this geography like the rest of the world. This is partly due to the never-ending nature of this struggle, but it is also obvious that women in Turkey still confront several concrete problems. That is why the book in your hands aims not to list achievements in a one-sided way and paint a rosy picture but rather lay out a realistic picture as to where we stand in terms of gender equality. In this respect, although the women's movement before 1980 is referred to in places, mainly the period after 1980 is dealt with. The women's movement, which has developed in Turkey in this period and has declared its feminist approach openly, is also notable as being part of the new social movements emerging in the whole world in the second half of the 20th century.

In the first article on Turkey in Part I, Inci Kerestecioglu runs through the social position of women in general and points to problem areas; in the second article Sevgi Uçan explains how women from Turkey coped with these problems and the paradigm shift that has occurred in that area. With her article, "The Women's Movement in the 1990s: Demand for Democracy and Equality", Inci Kerestecioglu evaluates the institutionalization of the women's movement that went hand in hand with the demand for a more advanced democracy. Sevgi Uçan's analysis of women's NGOs in Turkey cites specific examples of this demand and stresses the importance of women's activities in civil society for the future of democracy.

A comparative approach is invaluable to deepen our knowledge on ourselves as much as being informed about others. In this framework, in Part II, Özlem Terzi and Zeynep Kivılcım Forsman study the position of women in some European Union countries and newly joining members to bring in an element of comparison. Özlem Terzi's article "Gender

Policies in the European Union" reviews the equality policies of the EU and underscores that beyond simple equality, now the agenda of the Union is predominated by the gender mainstreaming approach. This study serves as an admonition for the political will in Turkey to realize that the approach in question has crucial consequences for Turkey's harmonization process, too. The article "Women's Rights as a Pre-Condition of Turkey's EU Membership", again by Özlem Terzi, reinforces this admonition by delineating Turkey's responsibilities regarding the achievement of equality between women and men.

The guarantee of a substantial change in women's position and improvement of policies and measures pertaining to gender equality is unquestionably the struggle carried out by women themselves in Turkey. Yet, international solidarity has always been important historically in the women's struggle for equality; it is still important. Women in Turkey are well aware of this. It is refreshing to know that there are several women's organizations and networks aware of this need and fulfilling its requisites in Europe. The European Women's Lobby (EWL), among others, raises its voice against conservative attitudes that fear the enlargement process of the EU and welcomes this development because "an enlarged EU offers new and exciting opportunities and challenges with regard to strengthening gender equality." The EWL's call for solidarity is today more meaningful than ever:

"A Europe where the women's movements work together to make sure that women's human rights are fully respected and that women and men share the power and resources equally. The EWL looks forward to even closer co-operation with women's associations across the new EU to achieve our goal- full equality between women and men!"⁵

We endorse and join in this call of the EWL, whose Turkish secretariat is currently held by KA-DER, and genuinely hope that this book will contribute to our common goal of solidarity and mutual understanding across Europe.

FATMAGÜL BERKTAY

5 European Women Lobby's message of celebration on May 1, 2004: "Celebrating the Women's Movement in the Enlarged EU".

INTRODUCTION
BUILDING BRIDGES TO RAISE MUTUAL UNDERSTANDING
AND COLLABORATION

FATMAGÜL BERKTAY

The idea of “European unity” dates back much further. However, the questions about how far Europe’s boundaries will extend and whether it will be a cultural union or a constitutional community, have still not been answered. One of the main subjects discussed in relation is the “European identity”. The most common answer to the question posed here is “diversity in unity” but these two concepts may be used without sifting them through a really critical filter. Mostly, “diversity” is exalted as a value and purpose in itself but at the same time “unity” does not rest on a clear-cut conceptualization, either. As Ionna Kucuradi, the chairwoman of the *Turkish Philosophical Society* puts it, “to many this ‘unity’ should be a ‘cultural unity: the ‘European cultural identity’. It escapes attention that ‘cultural Europe’ (*l’Europe de la culture*) and ‘European culture’ (*la culture Européenne*) do not denote the same thing. The question of the ‘European cultural identity’...seems to stem from losing sight of this difference between ‘cultural Europe’ and ‘European culture’, i.e. between the ‘idea of Europe’ (*das Europa im geistigen Sinn*) and empirical Europe.”¹

Swedish writer and diplomat Ingmar Karlsson also notes that it is tricky to define a “European identity” based on a common cultural her-

¹ Ionna Kuçuradi, “Introduction: Two Europes”, *La Métamorphose de L’Europe Comme Problème Phénoménologique*, Actes du Colloque International de Philosophie, ed. Ö.Sözer, A.V. Turhan, Société Turque de Philosophie, Ankara, 2002, p.28. Professor Kucuradi is also the President of *FISP* (Federation Internationale des Societes de Philosophie).

itage and history, thought largely as Christianity.² In fact, such a perspective highlighting Christianity is not valid even for countries making up the core of the EU; when we think of Europe from its West and East, North and South, Catholic, Protestant and Orthodox as well as the gradually growing Muslim population, the difficulty to conceive a common identity that could be valid for the whole of Europe is evident. As such, it was not a coincidence that the forefathers of the EU did not behold the question as “European identity” in the beginning of the process. They knew that specific and absolute definitions would not easily be accepted by Europeans who had had to wage very bloody wars in the name of religion, sect and nationalism. Therefore, justifiably, they approached the EU not as a question of “identity” but a question of “consciousness”.

The dilemmas incited by the EU’s policy of expansion could only be overcome given that they were dealt within the framework of “consciousness of Europe”. Accordingly, after 1987 when Turkey applied for full membership, debates on the European Union and the geography of this union were intensified. Having accepted Turkey’s candidacy for membership, Europe gave up the option of adopting an identity based on a culture of exclusion and -by incorporating its “historical other”- stayed true to the vision of Europe as a “project of civilization”, namely a political unity which carries out enlargement within a framework of commitment to a general set of regulations and fulfillment of minimum constitutional conditions.³

Indeed, the European “union” can turn into a real hope only when the issue is viewed from such a dimension of “consciousness”. As historian Jacques Le Goff suggested, “Europe is being built. This is a great hope. The realization of this hope depends on taking history into account... However, the memory of the past should not cripple today, on the contrary, it should help us develop new friendships on the basis of this conception, and should guide our progress.”⁴

There are two points stressed by Le Goff here: The first one is that

2 I.Karlsson, “How To define the European Identity Today and in the Future?”, *Reflections on European Identity*, ed. T.Jansen, European Commission, Brussels, 1999; quoted in M. Koray, *Avrupa Toplum Modeli (The European Model of Society)*, Tüses Publications, p.350.

3 Ç.Keyder, *Memalik-i Osmaniye'den Avrupa Birliği'ne (From the Ottoman Empire to the European Union)*, İletişim Publications, İstanbul, 2003, p.235.

4 “General Preface” of the editor to the series, *The Making of Europe*, Blackwell Publishers and four other publishers, 2000.

rather than a static establishment based on a given and inherent identity, Europe is an ongoing process, a dynamic conception, a “project”, open to the intervention of human action and consciousness; secondly, there is the idea that this project is oriented towards the future, towards creating a better world. This is where the paths of Turkey and Europe intersect because as much as the “Europeanization” project of Europe, Turkey’s “Europeanization” project, too is a conscious conception passed on from the past to the future as a dynamic construction. Turkey perceives being part of the European Union not as a manifestation of fate or a telos but as *a conscious choice* and a *conscious effort*.

Gender Equality in Turkey: A Possibility Yet to be Realized

The idea of “European Union as a project of civilization” rests above all on the conception and principles of human rights. A very important component of these rights is women’s human rights as defined in the Declaration of Vienna World Conference on Human Rights (1993): “The human rights of women are an inalienable, integral and indivisible part of universal human rights. The full and equal participation of women in political, civil, economic, social and cultural life at the national, regional, and international levels, and the eradication of all forms of discrimination on the grounds of sex are priority objectives of the international community.” Gender equality is viewed as a fundamental principle of democracy and a prerequisite for sustainable human development.

The realization of gender equality is indispensable for increased citizen participation in public life, women’s NGOs to play more effective and creative roles and surveillance of the performance of state institutions. As such, it is a requisite for the development and further “democratization” of democracy! Women and their organized civil initiatives participate effectively in the discussion of these issues that are on the agenda of Turkey, as in the rest of the world, and try to come up with solutions. The increased sensitivity of the Turkish state to gender equality thanks to the effective intervention by women and international pressure is an important development but women’s road to equality is still long and challenging.

Major times of change may lead to new definitions and interpretations of gender norms and relations. Nevertheless, this does not happen

automatically, but requires effective and conscious intervention by activists and leaders. In addition, the change in the concept of sovereignty under the impact of processes of globalization, opens new spaces for women (and other invisible actors) in gaining visibility in international relations and becoming subjects in international law.⁵ In a country, there may exist different, sometimes even opposite or complementary, gender norms in the fields of marriage, the legal system, politics and religion. Opposite norms are especially valid for societies like Turkey where disparate traditions and world views coexist and global processes lead local institutions to change. But when such incongruity meets convenient material conditions, it may turn into an *opportunity* ensuring new areas and opportunities to open because all institutions in a society are related to each other and the change of gender relations in a series of institutions leads to changing relations in other institutions as well.⁶ In Turkey, at the threshold of the European Union, the presence of such an *opportunity* is obvious but turning this opportunity into reality depends on many factors coming together. In this context, the support of the European public in favor of gender is particularly significant.

The Need for a Comparative Approach

In Turkey, women have been waging a notable struggle for equality since the mid-19th century and redefining their citizenship ties to the state as more autonomous and equal individuals. This struggle of Ottoman and Republican women is not a unique (*sui generis*) movement; and it is not disconnected from women's history in the West, either. A comparative approach may induce the questioning of a self-centered feeling of uniqueness - "we can only be compared to ourselves" - for both sides and may foster building bridges in between. Europe's casting aside "otherizing" by claiming the positive legacy of the Enlightenment project understood not as a historical era or a worldview but as "daring to know" in the Kantian sense and aspiring for a "common family of humanity", can only be possible through engaging in conscious efforts to build bridges. The building of such a bridge between Turkey and the European Union countries may make an important contribution among other things in

5 Saskia Sassen, *Globalization and Its Discontents*, The New Press, 1998.

6 Jane Bayes and Rita Mae Kelly, "Political Spaces, Gender and NAFTA", in Kelly et.al. eds., *Gender, Globalization and Democratization*, 2001.

turning the opportunity mentioned above into *reality* for women.

It is clear that Turkey must overcome many more obstacles on its way towards equality but it should be born in mind that societies more advanced in this respect did not reach their present state overnight and they, too have distances to travel. Especially when gender equality is in question, the greatness and comparability of similarities between societies with different structures, cultures and religions is startling. The European Council points to this striking phenomenon:

"European democracies have been slow to enforce the idea of equality between men and women in the working of democracy. Since the onset of democratic culture, the right of universal suffrage and to stand for election was the privilege of men. Even the overt contradiction between the universal principle of equality of rights and the exclusion of women from political life did not help the long struggle towards acquiring civil rights. In places where they eventually achieved the right to vote, women were still marginalized in political and public life due to traditional liberal thought emphasizing equality of opportunity instead of equality of outcome. The marginalization of women was founded especially on centuries-old structural gender inequality, making women dependent and imprisoning them to the private realm."⁷

"Eastern Woman": The Perennial "Other" of Western Imagination

Discriminating cultural practices exist in every society in varying degrees and reflect the deeply rooted patriarchal attitudes; however, in the general opinion of the people in Western societies these patriarchal cultural practises are deemed to be restricted to the East, particularly to the Islamic world. Existing stereotyping in the West defines "other" women as disadvantaged *visavis* emancipation, very obedient, subordinate and repressed irrespective of diversity among them. This is especially true of the image of migrant Muslim women in the West. What a Turkish sociologist working in Germany points out with respect to the existing studies about Turkish immigrant women is telling:

7 European Council Document: EG-S-PA (2000)07+3.

“These studies say little that is relevant to the actual situation of Turkish women; in short they are an expression of the collective Western dream of the Orient. The result is that to this day the Orient is defined as being fundamentally different from the West with this characterization as ‘different’ in no way serving as a neutral term, but rather assuming and confirming the West’s cultural, economic and social superiority.”⁸

As the writer delineates too, in these circumstances it seems almost impossible for a Turkish woman to define herself in a way that does not correspond to a stereotype and because foreign women have been seen as stereotypes, it is generally believed that every member of their society, personally, corresponds to this characterization. This view is dramatically captured in the words of a 19th century Ottoman lady and stands witness to the persistence of stereotypes concerning “Eastern” women. Seniha Sultan, daughter of Sultan Abdulmedjid writes to her friend in France:

“Oh ma chere, nous les femmes turques, nous ne sommes pas du tout connues en Europe...ils invent des choses incroyables sur nous. Qu’importe? Ils croient que nous sommes prisonnières, qu’on nous enferme vivantes dans des chambres, que nous vivons dans des cages, que nous sommes quasi enchaînées et que nous sommes sous la surveillance des negres sauvages completement armés, des autres esclaves qui de temps en temps nous mettent dans des sacs pour nous jeter a la mer...”⁹

In the shaping of this outlook by the West towards Eastern women, some standard examples were at play such as Chinese footbinding, which disabled women, circumcision of women and the suttee tradition in India. Many Westerners taking the image of Eastern women’s “unconditional obedience to men” as given probably do not know that one of

8 M.Akkent, “A Necessary Correction”, in S.Tekeli, ed., *Women in Modern Turkish Society*, Zed Books, 1995. p.viii.

9 Claude Farrere, *The Spiritual Power of Turks* (La Force spirituelle des Turques) Tercüman Newspaper 1001 Basic Works, no.10, p.97: “My dearest, us Turkish women are not recognized in Europe at all...They make up inconceivable things about us. But so what? They think we are captives, confined to rooms, live in cages, are almost bound to chains, incarcerated by savage blacks armed from head to toe or by other slaves and that they put us in sacks and throw us into the sea from time to time...”

the most salient examples of regarding women as the property of their husbands, a key indicator of patriarchy, was the tradition of wife selling in England. According to this tradition chronicled in Thomas Hardy’s *The Mayor of Casterbridge* (1886), a husband who wanted to get rid of his wife, but not having the means for divorce auctioned “his wife” and the woman would be sold to the man bidding the highest price. In order to display his right of owning his “wife” as property, the husband would take her to the market place with a halter around her neck!¹⁰ It was not for nothing that John Stuart Mill, one of the paramount representatives of the liberal tradition, complained in the mid-19th century that slavery still existed in England within marriage.¹¹

“Wife selling” may seem like an extreme example but one has to remember that in the 19th century, as in many other places, women in England - traditionally treated by English law in a way that would stress the cultural, economic, political and legal dominance of the husband - were regarded to be the property of their fathers and husbands and until 1882 were denied the right to own and run property.¹²

Patriarchal Bias: Not Unique to “Backward” Societies

In the English society of the 19th century where the discourse of modernization and progress peaked, women were confined to the household and the private domain, were deprived of the right to vote, restricted from entering universities and professions and were subjected to the will of their husbands in marriage.* The state of married women echoed husbands’ absolute dominion within the family: Besides advocating a husband’s right to “tame” his wife in 1736, Bacon indicated that a husband could beat his wife without “hurting her too much” and that

10 Lawrence Stone, *Road to Divorce: England 1530-1987*, Oxford Univ. Press, 1992; S.Menafee, *Wives for Sale*, Oxford Univ. Press, 1981; quoted in Hilaire Barnett, *Introduction to Feminist Jurisprudence*, Cavendish Publishing Limited, 1998, p.34.

11 JS Mill, *The Subjection of Women* (1869), 1989, Cambridge:CUP.

12 *The Married Women’s Property Act, 1882*; quoted in Barnett, *op.cit.*, p.35. This point also presents an interesting element of comparison with regard to the stature of women in the Ottoman state where women, single or married, had the right to own and run property.

(*) The reason why this comparison is drawn via England is not that similar examples did not exist in other countries but that the liberal theory of individual rights historically manifested itself the earliest and most strongly in England and the country served as the cradle to the development of feminist thought and movement.

he could detain her at home to make her obey!¹³ (It is an interesting element of comparison that in Sweden as well, husbands lost their *legal* right of beating their wives in 1864¹⁴). The fact that in England, domestic violence was not brought to the attention of law makers until 1975 and marital rape was not held to be a crime until 1992, illustrated that the traditional approach deeming male dominance in the private life of the family natural, had not been questioned by law makers until that time.¹⁵ The questioning and finally the amendment in the law were the outgrowth of the struggle waged by the second wave feminist movement in England.

One of the longest standing indications of women's exclusion from the public sphere was their deprivation of voting rights. In 1832, women launched a campaign for the right to vote but the English Parliament responded to this by banning women from voting-not existing until that time- with a law. (In France, by 1848, voting rights were only granted to men. In 1850, Germany ratified laws prohibiting women from participating in political meetings in many places.) Following the First World War, in 1918, England granted the right to vote to all men and only women over 30. Full equality with men was thus deferred to 1928. Women could gain equal rights with men concerning custody of children only in 1973. Although equality in divorce had been secured after the Second World War, until 1970, husbands in England had the right to claim compensation from men established to have committed adultery with their wives; the same right was not given to women. This point -the husband's right to claim compensation for adultery by the wife-, was an extension of the consideration of women as property of their husbands. The law ending Gender Discrimination passed in 1975 and the law outlawing marital rape only in 1992.

As elsewhere in the world, in England, too women had to wage a fierce struggle from the 19th century until the 20th century, to obtain the right of education. The hardest gains in education were in the fields of medicine and law. In 1982, only 24 % of doctors were women in England and 7 % in the US. In law, from 1921, the year in which women were allowed to the bar, until 1955 only 3.2 % of lawyers were female

13 Bacon, *Abridgement of the Law*, 1736, Tit Baron and Feme (B); quoted in Barnett, *ibid.* P.65.

14 *Equal Worth, The Status of Men and Women in Sweden*, Swedish Institute, 1993.

15 Barnett, *op.cit.*, p.66.

adding up to 8.1 % in 1976; the percentage of women practicing law had risen to merely 24 % in 1997. In Turkey in 1991, the rate of women students in law were 28 %, and 47.64 % of graduates from medical faculties were women; in 1996, women students added up to 39 % in dentistry, 39 % in architecture, and 13.5 % in engineering. According to 2001 data in Turkey 33 % of public employees, 36 % of academicians, 19.7 % of public prosecutors and judges (30 % when practising lawyers are included), and 33.8 % of doctors are women.¹⁶ Even such a superficial comparison reveals how controversial stereotypical judgments are concerning gender equality.

Foremost among phenomena reflecting patriarchy in its most evident form is violence against women. Especially because domestic violence is very scarcely registered, it is difficult to make an exact measurement of violence in society; still, it is known that violence against women is endemic in all societies. As stated in the UN Declaration of Elimination of Violence Against Women, violence against women "continuing to be a universal phenomenon independent of economic conditions, inter-societal differences in religion and culture or class divides is both a general human rights issue and a question of gender discrimination."¹⁷ Ms. Yakın Ertürk (UN Special Rapporteur on Violence Against Women and Professor of Sociology in the Middle East Technical University of Ankara) observes that, "even in situations where traditional patriarchy is ruptured, as in many of the Western countries, discrimination and violence against women continues to persist in modified, subtle and discreet forms". Statistical data proves this observation and, moreover, shows violence is not so "subtle and discreet"!¹⁸

By the data of the European Women's Lobby (EWL) for 2003, in the EU, at least 1 in every 5 women (30 % of women in England) is subjected to violence by their husbands. About 2 British women are killed by their partners per week. In France, 25,000 women are raped every year. The data of the Italian *National Institute of Statistics* shows that 50 % of women encounter male violence in Italy. In the US, a woman is raped

16 *Statistical Record of Women Worldwide 1991, and Women in Turkey, 2001* (KSSGM, Ankara, 2001).

17 *General Assembly Resolution 48/104*, adopted in December 1993.

18 "Violence Against Women", *Fact sheet, Swedish Government Offices, 1999*, based on Parliament Bill, 1998, p.1.

every 90 seconds.¹⁹ Ignacio Ramonet, recently writing in *Le Monde Diplomatique*, points out to the scary dimensions that male violence against women in Europe has assumed and gives dramatic data on this issue: The rate of women falling victim to violence in the whole area differs between 25 and 50 percent. 52.8 % of women in Portugal face violence; in Germany in every four days three women (approximately 300 in a year), In England in every three days one woman, in France in every month six women are killed by their male partners. In the European Union prior to the enlargement in all of the 15 countries each year 600 women -approximately two women every day- lose their lives due to male violence. Ramonet also emphasizes that male violence tends to increase when men are in power positions such as holding public office, working in the police force or the army, etc.²⁰ These data, once more point out to the fact that violence against women is not a matter of culture or religion but an outcome of unequal power relations between women and men.

Regardless of such common sexual and domestic violence against women, the insensitivity of laws on the issue has been exposed only in recent years. As verified by Hilaire Barnett, domestic violence and child abuse was “unexplored” by English laws until the 1970s. The book “*Scream Quietly or the Neighbors Will Hear*” by writer and activist Erin Pizzey documented on one hand the sexual violence that women suffered and on the other hand the insensitivity of laws to this issue. The name of the brochure published and circulated among women in the context of the campaign initiated in Turkey in 1987 by the women’s movement against wife battering and sexual violence against women was also “*Scream, Let Everyone Hear*” and similar to England, was influential in raising the issue to public agenda.²¹

Ottoman Women’s Demand for Equality: “Are we not Human, Too?”

A process akin to the struggle carried out by Western women against inequality, exclusion from the public domain and deprivation of the right

to vote with the demand to be “autonomous individuals” and “citizens” occurred in the Ottoman society, too, albeit with some differences, of course. We owe our knowledge on this process and the visibility of the women originating the movement to the new feminist movement that developed in Turkey under the effect of the second wave of feminism in the world and women historians who carried this movement into the academia. If it had not been for them, we would not have known about the existence of those courageous women in Ottoman society who raised their voices demanding essential equality with men, published more than 40 magazines for this purpose, established several foundations and associations, held demonstrations to be allowed to work in public offices and subsequently gained the right to work in the Ottoman Telephone Administration, and while demanding political rights even “threatened” the government saying, “If you do not grant our rights, we shall demonstrate in front of the *Meclis-i Mebusan* -the Ottoman Parliament- like the British suffragettes!”

The Ottoman society prior to the present republic was based on the Islamic Law, which denied women the right to enter the public sphere freely. The legal codifications of 1839 and constitutional reform movements of 1876 and 1908 brought about change in this structure towards centralization, secularization and freedom, directly bearing on women’s claims for individual rights and independence, against the constraints of traditional gender roles. The political discourse of prevailing intellectual trends, namely Ottomanism, Westernism, and Turkism, always included the theme of women’s emancipation; hence, the first protagonists of the woman question were modernist men. The Turkish nationalists, Young Turks, regarded women’s emancipation as one of the major requisites of a larger social revolution, but it was not only modernizing male intellectuals who were involved in the debate; women themselves, by organizing in several associations, writing in and even directing daily papers and magazines actively took place in this debate and thereby contributed to the creation of a civil public space.

As early as 1868 women were demanding full equality with men asking, just like their sisters in the West had done, “Are we not human, too? Is it only because of our sex that we have lagged behind?” (*Rabia Hanım* writing in the daily *Terakki*, 1868) *The Association for the Defense of the Rights of Ottoman Women* and its publication *Women’s World (Kadınlar Dünyası)* problematized women’s status in Ottoman society and strug-

19 US Department of Justice, 2000.

20 I.Ramonet, “Dimensions of Male Violence in Europe”, *Le Monde Diplomatique*, July, 2004.

21 E.Pizzey, *Scream Quietly or the Neighbours Will Hear*, London, Penguin, 1974. *Bağır, Herkes Duysun (Scream Let Everyone Hear*, Kadın Çevresi Publications, 1987.

gled against traditional gender inequalities. We even hear feminist voices asking men to give up their desire to “liberate” women and “leave them to their own because women had their more subtle ways of defending themselves and their kind!”²²

On the other hand, Ottoman and later republican (Muslim) feminists were much aware that Turkish nationalism paved the way for women’s citizenship rights, and Turkish feminism in the late 19th and 20th centuries was dominated by the nationalist ideology as is the case with most late nation-states. Women demanded to be full citizens in return for their “sacrifices” in the World War I and the War of Independence (1919-22). This was the same justification used by Western feminists and their male allies for granting suffrage to women after the First World War. In Turkey, women even applied to establish the “Women’s People’s Party” as early as 1923, and before the founding of the Republican People’s Party, but were refused authorization on the grounds that women were not granted political rights yet.

Secular Republican Reforms: A Radical Break with the Past

The revolutionary nature of the Republic was evident in the abolishing of Caliphate (1924), the secularization of education by the enactment of the Law of Union of Education (1924) and the adoption of a secular Civil Code (1926), which opened up the way for women’s citizenship. Indeed one of the most important breaking points between the Ottoman society and the new Republic resided in the fact that now women were “visible” in public space. Although -or perhaps because- this break with the past was so deep as to cause almost a psychological trauma in social life, it was also surrounded by ideological and structural continuities based on patriarchy. This is what some feminist writers in Turkey coin as the

22 These pioneering women wrote in women’s journals, such as *Aile* (Family), *Hanımlara Mahsus Gazete* (Journal for Women), *Genç Kadın* (Young Woman), *Demet* (Bunch), *Kadın* (Woman), *Süs* (Ornamentation), *Kadınlar Dünyası* (Women’s World), *İnci* (Pearl), *Şüküfezar* (flower garden, published as early as 1883), *Parça Bohçası* (Patchwork, 1889) altogether adding up to 40. These activities can be defined as the “Ottoman Women’s Movement”, for the number of journals and organizations run by women at the time deserved such a characterization. See Serpil Çakır, *Osmanlı Kadın Hareketi* (The Ottoman Woman’s Movement), Metis, 1994.

“replacement of Islamic patriarchy by Western patriarchy”²³. An example in point is that the new Civil Code which brought the secularisation of the family and improved women’s status also had its patriarchal biases legally designating the husband the “head” of the family and relegating the wife to being his “helpmate”. Explicitly patriarchal clauses of the Civil Code were to be amended in 2001 after a long struggle, constituting one of the major achievements of the women’s movement.

However, the importance of the 1926 Civil Code should not be underestimated as it eliminated the Islamic Law that underlied the segregation of genders and their differential legal treatment clearing the way for comprehensive changes in women’s lives in terms of education and admission to public professions. Thus, a generation of highly trained women professionals started filling the ranks of public offices. This is what accounts for the high percentages of women in traditionally male occupations such as medicine, law, engineering, etc. reaching a unique 42 % percent in academia in the 1940s.²⁴ Women gained the right to vote in 1934 and in the next elections acquired 18 seats in the parliament amounting to 4.5 %.²⁵

The republican regime brought concrete legal gains for all women and opened up new possibilities particularly for middle class women who greatly benefited from the new educational opportunities. Without legal reform, women would not be allowed to enter the public realm, achieve equality within marriage and in the workplace, achieve the vote. However, in all societies deeply entrenched cultural mores such as sexism and patriarchy prove strongly resistant to change. Without such change at a cultural level, the success of law as an instrument of reform will inevitably be limited. In Turkey, despite all the legal and administrative reforms, gender roles in the family and in the larger society remained little unchanged. And it was precisely these traditional gender roles and patriarchal attitudes that the new feminist movement of the 1980s challenged.

23 Zehra Arat, “Kemalizm ve Türk Kadını” (Kemalism and the Turkish Woman), *75 Yılda Kadınlar ve Erkekler* (Women and Men in 75 Years, Tarih Vakfı (The History Foundation), Istanbul, 1998, see also Yaprak Zihnioğlu, *Kadınsız İnkılap* (Revolution Without Women), Metis, 2003.

24 *Kadın-Erkek Eşitliğine Doğru Yürüyüş* (March Towards Equality Between Men-Women), Tüsiad Report, 2002.

25 Between 1918 and 1938 women’s representation in the British parliament had changed from 0.1% to 2.4%. Martin Gruberg, *Women in American Politics*, Academic Press, 1968, p.125.

The Feminist Challenge

The leaders of the post-1980 feminist movement -academics, professionals, journalists, and students among them- advocated an independent women's movement challenging the patriarchal structures in society. These women set up feminist consciousness-raising groups; started publication activities; organized campaigns against domestic violence ("Say No to Wife-Battering"), campaigns to amend the articles that discriminate against women in the Civil Code and the Penal Code; founded the *Women's Library in Istanbul*, the *Purple Roof Women's Shelter* and many associations to promote women's rights. This feminist activism also had repercussions in academia and *Women's Research Centers* in universities were established.

*Istanbul University Women's Research Center*²⁶ coordinated a petition campaign in 1993 to which about 119,000 women joined to have the Civil Code amended; the campaign for the amendment of the Civil Code was endorsed by a large coalition of feminists and women's groups. The diverse feminist groups succeeded to have the "Law for the Protection of Family", which include specific measures against domestic violence, passed in 1998 and the Civil Code amended in 2001. The new Civil Code abolished the supremacy of the husband in the marriage union and in cases of divorce allowed women to share the property acquired during marriage.

In 1993, *Women for Women's Human Rights Project* was established to work towards the realization of women's human rights. On the issue of domestic violence, Kurdish women established the center *Ka-Mer* (Women's Center) in Diyarbakır in 1997. As a matter of fact, as the Kurdish conflict permeated the political agenda since the early 1990s, Kurdish women and feminists had begun voicing their own discontent organizing around various journals such as *Roza* and *Jujin*. This decade also witnessed an increasing mobilization of Islamist women with demands to expand the public space allowed to Islam and insisted that they be allowed to work in public service and attend universities with their heads covered.

The relationship between secular feminists to Islamist women with

headscarves varied. While Kemalist feminists opposed the women with headscarves as a threat to secularism, some groups of secular feminists supported Islamist women's right to wear them.²⁷ In response to increasing Muslim activism Kemalist feminists had already founded the *Association to Promote Contemporary Life* in 1989, and on February 15, 1997 under the initiative of the *Association of Contemporary Legal Professionals* a large rally was organized in defense of secularism and in protest of fundamentalism ("Women's Walk Against the Sharia"). About 15,000 people walked in this rally, which was supported by 51 non-governmental organizations.

In 1997 *KA-DER (Association for Support and Training of Woman Candidates)* was initiated by some feminists and supported by a large coalition of women to promote women's representation in the parliament. KA-DER, seeing that there were no notable differences between the existing political parties *visavis* gender inequality decided to give support to all the women candidates endorsing the women's cause and the fundamental principles of KA-DER regardless of their party affiliation. The results obtained were modest: the number of women candidates increased three times in comparison to the 1995 elections and for the first time since 1935 the number of elected women surpassed 18 (reaching 24 in 2002). But the Association has succeeded in capturing public opinion and promoted gender awareness with respect to representative politics. However, perhaps the main achievement of KA-DER lies in the part it has played in the introduction of the idea that bridges could be built among women across ideological and political differences. Although this is not yet an established fact, it certainly opens up new possibilities for Turkish politics.

Women's Civic Activism: Contributing to the Liberalization of the Polity

As one of the leading Turkish feminist political scientists contends, "political participation of different groups of women [including Islamist and Kurdish women] has expanded the parameters of democratic life in the country since the 1980s. As women expanded the parameters of

26 This center was founded in 1989 and it is a first of its kind. Presently there are 14 Women's Research Centers in universities throughout Turkey.

27 Yeşim Arat, "From Emancipation to Liberation: The Changing Role of Women in Turkey's Public realm", *Journal of International Affairs*, Fall 2000, 54, no.1, p.120.

Turkish political debate with their different political agendas, they expanded the realm of civil rights and women's rights. Women's political activism, whether they were Islamists or feminists, offered an alternative understanding of democracy in which civil rights and liberties are just as important as formal requirements of democracy."²⁸

Indeed, despite their different ideologies, the different groups of women in Turkey have been influenced by the feminist concern for women's ultimate right to articulate the problems women have because they are women. And it is precisely this right, which is, paradoxically, denied by l'AFEM (*Association des Femmes de l'Europe Méridionale*) for example, as articulated in their position paper concerning Turkey's possible accession negotiations in December 2004. They write:

“S'agissant du port du voile, les épouses de plusieurs membres du gouvernement transgressent délibérément son interdiction dans les bâtiments publics et, le Premier Ministre R.T.Erdoğan, conforté par son succès aux élections municipales qui lui donne plus de latitude pour passer outre aux objections présentées par l'Armée, soucieuse du respect de la laïcité, envisage de revenir sur l'interdiction stricte actuellement en vigueur à l'université en s'inspirant du régime récemment instauré en France!”²⁹

In the eyes of many Western observers, that the polity still seems to be under the control of the military and Kemalist elites are seen as flaws of Turkish democracy, hindering the development of civil society. Yet when existing civic demands find their way into public discourse and the public arena the same critical Western observers are uneasy about identifying this civil mobilization as “civil society”.³⁰ This stance itself may

28 Y.Arat, “Democracy and Women in Turkey: In Defense of Liberalism” *Social Politics*, Fall 1999, p.383.

29 “In relation to wearing headscarves, wives of many members of cabinet intentionally flout the ban wearing headscarves in public buildings and Prime Minister Recep Tayyip Erdoğan, in order to disregard the objections of the Military sensitive about the preservation of secularism, also taking power from his success at the local elections giving him more freedom, is considering lifting the absolute ban on headscarves now applicable, under the impact of the regime founded in France a short while ago, in universities!” L'AFEM, *Position Paper*, 21 April, 2004, p.3. This paper also contains many erroneous facts about women's current status in Turkey.

30 Lale Yalçın-Heckmann, “Vernacular Politics”, *H-Gender-MidEast review*, June 2004.

very well be viewed to be in contradiction with the ideal of cultural and democratic pluralism so much espoused by the EU. There is indeed a minority in Turkey demanding reinstatement of the *Sharia Law* but, the best guarantee against such a threat is the existence of a civil society supporting secularism and democracy and at the same time one that is sensitive to differences. The women's movement in Turkey, with its general approach and activities has proved to be one of the most vigilant sections of the society in this respect.

The plurality of the women's movement in Turkey manifested itself in the various campaigns where women from different ideological and cultural stances participated. Women's involvement can be found in all areas from the opposition to international war policy to the initiatives against violence, “honour” killings, for the safeguarding of the environment, for the amendment of the Penal Code, etc. This form of politics tends to institutionalize itself deriving its legitimacy from the concreteness of the problems they face and try to solve rather than representative politics. They come together for specific issues and purposes and then disperse to come together again for another goal. The campaign to amend the Civil Code, the current campaign to amend the Penal Code and to protest the so-called “honour” killings are examples of this sort of mobilization. Ka-Mer is especially effective in the fight against violence against women prevalent around Diyarbakır.

However, this does not mean that women everywhere in Turkey are not mobilizing around this disturbing issue. On the contrary, on 26 February 2004, for example, when a young woman called Güldünya Tören, impregnated by a married relative was tragically killed by her brothers when she was in hospital, protesting women demonstrated on the streets, the press took up the issue, and lawyers filed suits against the police and the hospital authorities who failed to protect her. Women in Turkey view domestic violence and “honour” killings one of their first priorities in their struggle for gender equality.³¹ The organized civic activity of women, once more demonstrates that political participation cannot be measured solely with figures of participation in formal politics.

31 Here one has to remember that “notions of ‘honour’ are not unique to the areas which currently provide the focus of international concern (the Middle East in particular) but have a history in parts of Europe. For example European parallels can be found in recent history in Greece and Italy.” Dr. Purna Sen, “‘Honour’ Crimes and Human Rights”, *Expert Meeting on Violence in the Name of Honour*, Stockholm, November 2003, Justitiedepartementet, p.23.

Conclusion: Building Bridges Across Differences

Debates about women's status in Turkey have had a privileged place for a period of over one hundred years in the modernization process. As pointed out by a pioneer feminist, Şirin Tekeli, women enunciated their demands for freedom and autonomy as individuals and they were essentially the ones who fought against gender discrimination. Because, men resisted giving up their authority and power on women anchored in tradition, custom, religion and law. This resistance goes on in our day, as well.³² Yet, women are engaged in a conscious fight in changing their status and the basic guarantee of success on this issue is none other but them. They are the ones who spoke out most vociferously against "honour" killings, discrimination in the workplace and violence towards women in and outside the home; they are the ones who put pressure on the government to change the existing Articles against women in The Turkish Penal Code and for increased representation and presence in parliament and decision-making mechanisms. They know that despite their considerable advances in this, there remains much to be changed and in this respect they need solidarity and support from women and "enlightened men", both inside and outside Turkey.

As the *Annual Report on Equal Opportunities for Women and Men in the EU* (2002) points out, "gender equality is a human right for all and visible international solidarity and support for women who are denied this right is essential".³³ The priority of the new *Gender Equality Program of the EU* is the gender pay gap, the most visible inequality in the European workplace. Whereas in Turkey, the women's struggle exhibits many different faces and molds itself in response to local priorities such as domestic violence or the amendment of the Penal Code as opposed to abortion rights for instance which were and in some countries in the West still are so important and which women in Turkey already have (introduced in 1981).

The majority of the public opinion in Turkey is convinced that the way to improve democracy and human rights is the EU process, and the very fact that the period of time spent by the candidate countries until their full membership in May 2004 provided them with the opportunity to reinforce their progressive legislation and implementation proves that this conviction is not groundless. It is also no surprise that those who are

especially in favour of the Turkish accession to the EU are women, and men who support more gender equality.³⁴ The awareness that the "woman question" is a universal phenomenon also experienced in varying forms and degrees by women in European societies and a potential solidarity based on this awareness might open unpredicted vistas for women not only in Turkey but elsewhere too. Now it seems it is time for us to elaborate on how women can work together across ethnic, racial, cultural, and national differences and prejudices to construct a "unity" more representative of women's diverse interests and needs.

Building bridges requires genuine mutual effort and understanding from both sides, and without self-awareness one does not come to "know" the "other". Self-reflexivity is another indispensable tenet of the positive Enlightenment legacy and as such is part and parcel of the idea of "European unity" perceived as a conscious dynamic project. When it is duly practiced it might even lead to the conclusion that neither the Orient nor the Occident "is as distant from 'us' as we think" as Gerard de Nerval more than a century ago had arrived.³⁵

32 Şirin Tekeli, "Les Femmes: le genre mal-aimé de la République", p.14.

33 COM (2003) 98 Final.

34 Yılmaz Esmer, "The Turkish Public and Europe", *Türkiye Avrupa'nın Neresinde? (Where Does Turkey Stand in Europe?)* Prepared by B.Gökay, Ayraç Publications, 1997, p.134, and survey conducted by TÜSE in April 2002 including 26 cities in Turkey. This survey demonstrates that women want EU membership more compared to men.

35 Gerard de Nerval: "The Orient is not as distant as we think"; *Journey to the Orient*.

Section One

WOMEN'S SOCIAL POSITION IN TURKEY: ACHIEVEMENTS AND PROBLEMS

İNCI ÖZKAN KERESTECİOĞLU

Women's social position in Turkey is one of the spheres that most aptly exposes the opportunities and limitations of Turkish modernization. In the first decade of the Republican era, giant strides were taken towards women's participation in public life.¹ While the new regime brought radical changes to women's social positions, at the same time, it detached itself from the "ancient regime" (Ottoman) and consolidated its legitimacy by augmenting its social support.

The gains made with the Republic are extremely important with respect to that era. However, as the basic paradigm was modernization/nationalization and women were, as elsewhere, instrumentalized in this paradigm, impediments arose in putting gender equality into practice. Improvements in the legal realm can only be implemented by a gender-based and critical reading of the processes of modernization and nationalization. Since the 1980s, as the second-wave feminist movement developed, the gains of the Republic were assessed in the context of the women's process of becoming autonomous beings. It was emphasized that equality before law is not sufficient and even formal equality is unfulfilled. Against the overt patriarchy of traditionalism, modern patriarchy, too, shrouded on the surface and hence ignored by society, was addressed in various dimensions.

¹ *The Civil Code*, passed in 1926, forbade polygamy and gave equal rights to women in inheritance and acquiring property. Women won their rights of suffrage and standing in elections in 1935 without any restrictions. As soon as it was established, the Republic offered free, compulsory basic education, for both boys and girls.

The first step in overcoming gender inequalities is making them visible. In spite of the steps forward in women's benefiting from education, taking part in professional life, joining politics and so forth, in Turkey, as elsewhere in the world, women are still discriminated against. Adding the unequal power relations prevalent in the private domain to these inequalities which are partially more visible in public life, it is obvious that we have lots more to do.

In this section, in order to take a snapshot of the social position of women in Turkey in the 2000s, the issues of education, professional life, political life and domestic violence are tackled. One cannot claim it to be an exhaustive portrayal; the objective is to merely provide the ground to grasp and discuss the issues. This snapshot shows that we have reached far, but still have a long way to go!

Education and Women

Education is one of the principal topics Turkey laid emphasis on during its process of modernization and nationalization. The level of access to education is one of the basic indicators helping to measure human development in an international context. The right to be educated has been among the foremost demands of the women's movement since the time of the Ottoman Empire. With the Republic, demands and related gains began to spread from the center to the periphery. Since its foundation, the Republic has had an approach supporting women's equal participation in education. In line with this, women's literacy and schooling rates surged continuously. From 1997 onwards, compulsory education was increased to eight years, accelerating the rise in women's schooling. Growing rates of female students among graduates parallel to the improvements in level of education, prevalence of co-education, higher participation of well-educated women in labor force, higher numbers of women (compared to many industrialized countries) in areas typically regarded as men's jobs and among academic staff are some of the examples of gains made by women in the field of education.²

2 Mine Göğüş Tan, "Eğitimde Kadın-Erkek Eşitliği ve Türkiye Gerçeği", (Equality Between Men and Women in Education and the Reality of Turkey) in "*Kadın-Erkek Eşitliğine Doğru Yürüyüş: Eğitim, Çalışma Yaşamı ve Siyaset* (March Towards Equality Between Men and Women: Education, Professional Life and Politics), TÜSİAD (Turkish Industrialists' and Businessmen's Association), 2000, p.32.

In the face of all these accomplishments, Turkey is still far from full-scale equality between men and women in education. It is seen that at every level of education, girls and women are under-represented relative to boys and men.

Illiteracy, in general, and women's illiteracy, specifically, is a nagging issue in Turkey. The goal to make women's literacy rate one hundred percent, a Beijing pledge of Turkey, has not yet been accomplished. By 2000, 19.4 % of women were illiterate though this rate has declined noticeably in time. According to the UN Human Development Index in 2002, 14.6 % of Turkish women do not know how to read and write.³ Still, the rate of increase of women's literacy is more rapid than men's. This confirms the awareness and demand concerning women's literacy. Taking into account that in 1935 only 10 % of women and 30 % of men were literate, the development can be better appreciated.

Viewing the data comparatively, in Islamic countries neighboring Turkey, women's literacy is much lower. For example, the rates are 63 % in Iran, 45 % in Iraq and 54 % in Syria. Nonetheless, other neighbors are head and shoulders above: Greece 94 %, Bulgaria 97 %, Armenia 99 % and Georgia 99 %.⁴

It should be noted that female literacy differs significantly both by age groups and regions. 30.4 % of the rural population of women is not literate. The most staggering rate of illiteracy is in the Southeast (39 %), followed by Eastern Anatolia (21 %) and the Black Sea region (21 %).⁵

This problem was recognized adeptly by the state as well as NGOs and there has been rapid headway in the past few years. 35,000 women joined and received literacy certificates in 2003 from the adult literacy project initiated by AÇEV (Mother-Child Education Foundation) in 1995.⁶ The goal of ÇATOMs (Multi Purpose Community Centers) in Southeastern Anatolia, the region having the lowest rate of literacy, is to open courses on reading-writing, hygiene, motherhood and skills for the

3 *United Nations Development Program (UNDP), Human Development Report (HDR) 1990, 1995, 2000, 2001, 2002, 2003.* New York: Oxford University Press.

4 Mine Göğüş Tan, *op.cit.*, p.35.

5 *Milli Eğitim Bakanlığı, Araştırma, Planlama ve Koordinasyon Kurulu* (Ministry of Education, Research, Planning and Coordination Board) (APK), 2003.

6 Apart from this, AÇEV has been carrying out the Mother Child Education Program and a low-cost, pre-school education program to draw families unable to access public services into education. With this program, they try to close the gap in preschool education in Turkey, which is at the rather low rate of 10 %.

group of women between the ages 14-50 and raise their standards of living in this way.⁷ In the first year of the “National Campaign to Support Education”, launched in September 2001 under the auspices of Semra Sezer, wife of the Turkish President, 341,517 citizens learned to read and write, 406,085 people attended courses teaching vocational and other skills and 301,784 people attended socio-cultural courses. All these signal intense activity in Turkey in the field of education other than official rates of schooling.

During the Republican era, Turkey improved its rates of schooling remarkably in primary education. Starting with the 1997-1998 term, compulsory education was raised from five to eight years and this pulled up net schooling rates of girls from 75.6 % to 91.8 %. In rural areas, the rate of passing to on sixth grade shot up by 162 % for girls in the initial year of the program and kept rising in the next years.⁸ Although there is also an increase for boys, the rate of increase in girls' schooling is much higher, the difference of 10.7 % between girls and boys in primary education slumped to 5.4 %. Nevertheless, 600,000 of the 65 million girls, who do not go to school in the world, are in Turkey. Since June 2003, there has been a project for girls' education under the slogan, “Go Girls” backed jointly by the state and UNICEF. The goal of the project is to school all girls at the age of primary education, who never went to school or dropped out. Started in 10 cities, the campaign will be carried-out in 33 cities in 2004. By the end of 2005, the project aims to offer basic education oppor-

tunities in 53 cities with low schooling rates for girls to promote equality between girls and boys. At the end of the first year of the campaign, there were increases of 19 % in Siirt, 11.5 % in Van and 7 % in Muş.⁹

The net schooling rates in high school education are overshadowed by the rates in primary education; 74.3 % for men but 57.2 % for women.¹⁰ This is way behind EU countries like Germany (88.5 %), Austria (88.7 %) and France (95.3 %). Keeping in mind that in 1935, only 0.8 % of girls and in 1985 11.6 % of girls studied until ninth grade,¹¹ it would be understood that despite all its defects on the issue of schooling, Turkey's performance has been exceptional. Therefore, it is not hard to guess that current figures will also be outstripped.

Women in Turkey entered universities in 1914. The *Inas Darülfünun* (University for Women) was opened in response to women's demands.¹² In 1921, universities began co-education. The Republican policies supported women's entry to universities. The lack of a Turkish educational tradition stamped by men, unlike in the West, facilitated women's presence in universities as faculty and students. Presently, the rate of schooling among women in higher education is 29.7 % as opposed to 39.9 % for men. The participation of female students in universities is 40 %. This rate of schooling is far behind European countries such as France (57 %), UK (56 %), Spain (55 %), Greece (46 %).¹³

The number of women registered in higher education varies by fields. In branches such as technical sciences and agriculture, the rate of women is low whereas in linguistics, health sciences and art, women outnumber men. The numbers of male and female students in social sciences, mathematics, science etc, are close. A significant group of female students are registered in diploma programs.¹⁴

7 The ÇATOM project was launched in 1994 by UNICEF's support and in association with the Governor's office and GAP- Southeastern Anatolia Project Regional Development Administration in Şanlıurfa. Since 1996, it has been carried out without UNICEF support, in cooperation with the GAP Administration and Turkish Development Foundation (TKV). It soon spread to other cities and districts of the region. The number of centers has now become 28. ÇATOM is an effective example of cooperation between the state and civil society. Besides governor's offices and district governor's offices, ÇATOMs cooperate with local administrations, NGOs, private sector organizations and international organizations. In deciding on the particular activities, local conditions, needs and the participation of the target group are taken as the basis. Among programs organized in ÇATOMs are reading-writing courses, computer studies, English, home economics, hygiene courses and income-earning programs including handicrafts, apparel, knitwear, hair dressing, silver processing, etc. Eight thousand people, six thousand of them being women, took part in these courses regularly in 2003 and over ten thousand people benefited from ÇATOMs' activities. Information on ÇATOMs can be found at the web address: www.gap.gov.tr

8 Nur Otaran, Ayşe Sayın, Feride Güven, Ipek Gürkaynak, Satı Atakul; *Eğitimin Toplumsal Cinsiyet Açısından İncelenmesi, Türkiye 2003*, (Evaluation of Education in terms of Gender, Turkey 2003), UNICEF Report, 2003, p.26, can be found at the address www.unicef.org/turkey

9 “Education of Girls and Development”, UNICEF Turkey Bulletin, Say Yes, Winter 2003.

10 Ministry of Education, APK, 2003, these are net schooling rates in the 2002-2003 term.

11 Fatma Gök, Türkiye'de Eğitim ve Kadınlar”, in “1980'ler Türkiye'sinde Kadın Bakış Açısından Kadınlar”, (Education in Turkey and Women”, in: *Women in the 1980s' Turkey From Women's Perspective*), ed. Şirin Tekeli, İletişim Pub., İstanbul: 1993, p.191.

12 In women's achievement of the right of higher education, women's magazines published since the 2nd Constitutional Period have had an important impact. See Serpil Çakır, “Osmanlı Kadın Hareketi”(Ottoman Women's Movement), Metis Publications, İstanbul: 1994, p.252.

13 UNESCO, Database of the Institute For Statistics, data, Mine Göğüş Tan, op.cit., p.51.

14 ÖSYM (Higher Education Council Student Selection and Placement Center), 1999-2000 Higher Education Statistics.

Compared to 45,000 male staff members in Turkish universities, 26,000 women work as academicians. This means that 36 % of university staff is women.¹⁵ Similar to students, female teaching staff concentrate mostly in the fields of linguistics, literature, art and health sciences. The percentage of female academicians drops from 36 % to 24 % in the highest steps of the academic career such as professorship.

Both in revisions of its national law and its international undertakings, Turkey accepts the obligation to attain equality between men and women in education. During the Republican era, major distance was covered in women's participation in education. The extension of compulsory education to eight years and the common belief that it should be made 12 years enhances women's participation in education. In addition, the presence of women in higher education institutions is a factor that can help eradicate sex discrimination in education. The institutionalization of women's studies in several universities as multi-disciplinary units involved in graduate work helps maintain permanent sensitivity towards gender inequality.

Recent research demonstrates the importance attributed by Turkish society to education.¹⁶ 83.9 % of the public thinks that families not sending their children to school should be penalized. A majority is willing to pay more tax for education. No resistance deriving from cultural conservatism seems to be the case for education of girls. In fact, this picture illustrates that the resources spared for education, and especially opportunities after primary education, are far removed from the expectations of the public.

The way to achieve equality between men and women is not only through evening out numerical magnitudes that is relatively easier. It is a mistaken attitude to see education as an independent structure to solve problems. The real issue to dwell on is the sexist content of education. What matters is to transform gender roles passed on by means of education. As the transmitter and reproducer of social/cultural values, school is decisive in formation of identities based on gender. Hence, it is neces-

sary to focus on what lies beyond the importance of education to "what kind of an education". The need in Turkey for the change of the educational structure, language and relationships is felt compellingly. At this point, suggestions of critical and feminist pedagogies, such as democratic methods of education allowing students to express themselves and giving freedom to teachers and students, can be guiding. With present education programs, it is possible to say that schools in Turkey contribute to the recreation of traditional sex roles. Educational materials should be reviewed with a gender-sensitive perspective; this is an obligation specified in the 5th article of CEDAW (Convention on Elimination of All Forms of Discrimination Against Women) and the Beijing+5 Declaration. This task is currently being undertaken by a project carried out by the Turkish Economic and Social History Foundation.

Women in Professional Life

Does working for pay strengthen and liberate women? Answers to this question differ. Feminist approaches identifying women's work with their liberation were opened to discussion after the 1960s. This debate, though we will not go into details here, comes back to the agenda today with reference to the relationship between globalization and poverty. In many countries, paid work means not liberation but dual exploitation for women. Both working conditions-especially widespread subcontracting or working without security as negative outcomes of globalization- and meager salaries cast doubt on the assumption that work liberates. Indeed, the globalization process and the growth of the informal sector have added quite a bit of momentum in general to the deterioration of working conditions and "feminization of poverty". Working for pay can be said to be a necessary but never sufficient element in the liberation of women. In addition, it should not be forgotten that professional life itself is a realm based on gender and charged with inequalities.

The features of women's employment in Turkey bespeak the effects of the modernization process:¹⁷

15 State Statistics Institute (DIE), "Women Information Network in Turkey", data for 2000, available at the address www.die.gov.tr.

16 Ersin Kalaycıoğlu-Binnaz Toprak, "Türkiye'de Kadınların Siyaset, Üst Yönetim ve İş Yaşamındaki Konumu" (The Position of Women in Turkey in Politics, Executive Management and Professional Life), unpublished research, 2004. (This research will soon be published by the Turkish Economic and Social Studies Foundation-TESEV.)

17 Findings on this issue are essentially based on the section, "*Kadın-Erkek Eşitliğine Doğru Yürüyüş*" (*March Towards Equality Between Men and Women*), written by Yıldız Ecevit in the research titled, "*Çalışma Yaşamında Kadın Emeğinin Kullanımı ve Kadın-Erkek Eşitliği*" (*The Use of Women's Labor in Professional Life and Equality Between Men and Women*) published by TÜSİAD. In particular, p.128-151. On this issue, see also Ferhunde Özbay (ed.),

- The economically active female labor force has been in decline since the 1950s. In the same period, the numbers of the male labor force have been dwindling, too, but the downward curve for women is much sharper. Patently, this situation is linked with rural to urban migration that gained speed with the process of industrialization. Women bear the burden of industrialization and urbanization more severely. According to DIE (State Statistics Institute) data, women's participation in labor force plummeted from 72 % in 1955 to 27.9 % in 1999.

- Women's participation in labor force in rural and urban areas diverge dramatically. Women's participation in the labor force of rural areas is above the Turkish average whereas in cities, it is significantly below the average.

- In cities, women's participation in labor force varies significantly by age. The most intensive participation is by the 20-24 age group. The burdens of women in the private domain impose very serious obstacles to working in later ages.

- A close relationship is observed between the level of education and participation in labor force. At every upper step of the level of education, participation in labor force goes up. Although the situation is the same for men, education is a much more influential factor in women's entry in public life and decision to work at a paid job.

- There are inequalities between men and women in terms of distribution by sectors. About 3/4 of workingwomen are employed in the agriculture sector. Almost all these women are unpaid family workers, so their jobs do not provide them with an independent income that would liberate them. Of the working female population, only 9.7 % are employed in the industrial sector and 18.1 % in the service sector. With men, distribution by sectors is much more balanced: 33.8 % in agriculture, 25.4 % in industry and 40.8 % in services. However, women at the highest echelons of society have made great progress. For example, the

Küresel Pazar Açısından Kadın Emeği ve İstihdamındaki Değişmeler: Türkiye Örneği, İnsan Kaynağını Geliştirme Vakfı ve Kadının Statüsü ve Sorunları Genel Müdürlüğü, (*Changes in Women's Labor and Employment In Terms of the Global Market: The Example of Turkey*, Foundation to Develop Human Resources and the Directorate General on the Status and Problems of Women), İstanbul: 1998; Şemsa Özar, "Some Observations on the Position of Women in the Labor Market in the Development Process of Turkey", *Boğaziçi Journal: Review of Social, Economic and Administrative Studies*, vol. 8, no 1-2, 1994; Ferhunde Özbay, "Women's Labor in Rural and Urban Settings", *Boğaziçi Journal: Review of Social, Economic and Administrative Studies*, vol. 8, no 1-2, 1994.

percentages of doctors and lawyers who are women in Turkey are 15 % and 19.7 % according to 2001 statistical records.

- A similar imbalance is observed in distribution of professions, as well. Women concentrate in professions tied with agriculture. However, there has been a reduction in this concentration in the last ten years. As a result, there has been a rise in other professions. The second area women are concentrated in is industrial labor. Some areas are entirely like men's domains, for example entrepreneurship and executive management. In these fields, although absolute rates are still low, there have been relatively significant rises. Female entrepreneurship increased from 5.9 of the economically active female population in 1990 to 11,1 % in 1994, but declined to 8.9 % in 1998 due to the slowing down of the economy.

- The gradual growth of the informal sector and the fact that this area is filled to a great extent by women is another point to be mentioned. The dissemination of flexible production particularly by the beginning of the 1980s induced the growth of the informal, unregistered economy. Women's tendency to work in the informal sector and at home is seen in other countries like France, Spain and Portugal, too.

The main areas in which gender-based discrimination comes out in professional life are classified generally as career guidance, personnel recruitment/organizational behavior and attitudes and assessments.¹⁸ Career guidance is done most intensively during school time. A study on school textbooks depicts that the image of "mother with a profession", stressed in the first years of the Republic, was replaced by the image of "the housewife" after the 1950s.¹⁹

Discrimination in job recruitment is a situation encountered openly or latently. In the Turkish public sector, women are not hired in some professions; in some professions, there are restricting quotas for women and blatant inequalities in job recruitment. For instance, in 1990, although the rate of female students in law education was 36.4 %, a quota was imposed for women to be selected as judges-prosecutors and for the period between 1980-1990, this quota was shrunk from 10 % to 5 %.

18 Feride Acar, Ayşe Güneş Ayata, Demet Varoğlu, *Cinsiyete Dayalı Ayrımcılık: Türkiye'de Eğitim Sektörü Örneği*, T.C. Başbakanlık Kadının Statüsü ve Sorunları Genel Müdürlüğü (*Gender-Based Discrimination: The Example of the Education Sector in Turkey*, Directorate General on the Status and Problems of Women), 1999, p.7.

19 Firdevs Helvacıoğlu, *"Ders Kitaplarında Cinsiyetçilik"*, (*Sexism in School Textbooks*), Kaynak Publications, İstanbul: 1996.

Still, today, the rate of women working as prosecutors and judges in the public sector is 19.7 %.²⁰ Although there are no legal restrictions, jobs such as account specialists or finance trainees are still in practice closed to women. In the private sector, women are concentrated in certain areas, get lower pay and are commonly employed without insurance.²¹

Certain legal regulations to protect female employees can engender discrimination against women by employers. The obligation to open a nursery and breast-feeding room in workplaces employing 100-150 female employees, drive some public organizations to limit the number of female employees to fewer than 100.

There has not been enough sensitivity towards overcoming sex discrimination in behaviors, attitudes and appraisals in organizations, either. For example, it is said that in Turkey, there are 300,000 women (15 %) among 2 million workers who are members to trade unions. No room is given to women in education or management of trade unions, nor is there any priority for female members in unions' programs for the future.²² However, public sector unionism, developing in recent years, pursues a more sensitive line on these issues.²³

According to a study by Çitçi with personnel managers of public organizations,²⁴ it is claimed that women's basic areas of interest are their

20 *Türkiye'de Kadın 2001, (Women in Turkey 2001)*, KSSGM, Directorate General on the Status and Problems of Women, Ankara, 2001.

21 Meryem Koray, "Çalışma Yaşamında Kadın Gerçekleri", *Amme İdaresi Dergisi (Realities of Women in Professional Life, Public Administration Magazine)*, vol. 25, no 1, 1992, p.104.

22 *Ibid.*, p.105-106.

23 On this issue, the work of Eğitim-Sen, a trade union organizing in the field of education is noteworthy. Eğitim-Sen is at the top in terms of the rate of female members, 41 %. By the 2003-2004 data of the Ministry of Education, the rate of female teachers is 45 %. However, this balanced distribution between male-female teachers and union members is not reflected on the rates in management of schools and the union, itself. While nearly half of all primary school teachers are women, the rate of female school principals is 3 %. In the union, 18 % of branch management and only 3 % of branch managers are women. Nonetheless, the union aims to encourage effective participation by female members in management units. For this purpose, in 2000 women's secretariats were founded within branches and in July 2004, a wide-scale Women's Assembly was organized to brace up the union's women's policy. See, "1. Kadın Kurultay'ına Giderken", (Towards the 1st Women's Assembly), Eğitim-Sen, May 2004.

24 Oya Çitçi, "Türk Kamu Yönetimi ve Kadın Çalışması", *Kadın ve Sosyo-Ekonomik Gelişme Konferansı'nda sunulan bildiri*, Kadının Statüsü ve Sorunları Genel Müdürlüğü ile Yakın ve Orta Doğu Çalışma Eğitim Merkezi, (Study on Turkish Public Management and Women", Presentation at the Women and Socio-Economic Development Conference, Directorate

homes and families and that their professional lives are erratic and interrupted. Personnel managers indicate women's most important quality as being "docile", they think that men are more hard working, reliable, punctual and committed to work. 56 % of managers think women's employment in public management has negative aspects.

Although progress has been made in the West concerning sex-based discrimination of women to rise in professional life, real equality is still very distant. Regardless of major steps in the process from the 1960s to the 1980s, a study published in 1989 reveals that compared to male executives, female executives are thought to be less self-confident, emotionally more volatile, less analytical-thinking, less consistent and carry weaker leadership qualities.²⁵

A type of discrimination universal both in the temporal and spatial sense is intimidation by sexual harassment, dismissal or obstructing promotion. Since this phenomenon is rife, legal provisions designed to prevent sexual harassment are becoming more common in the world. In Turkey, the legal provision that can protect sexually harassed female employees to a degree is Article 13 in the Labor Law. According to this article, given that "a person's morality, integrity,... and personal rights are assaulted and the person is forced to resign", if the person appeals to the Labor Court within six days, she will have the right to be paid damages on the basis of seniority. It is striking that in court decisions, there is no precedent for allowing the person to return to her job. Some legal experts state that the idea that the female employee will not want to return to her job anyway or that her return will not be appropriate, affects these decisions. This is an example of the discriminatory mentality against women. The issue of sexual harassment remains as the area of discrimination that is the most obvious and hardest to overcome.

Social values in Turkey drive girls towards roles as mothers and wives on one hand but at the same time, women's opening into public life, having a profession and working outside the home is widely accepted in society. The fact that the majority of the Turkish public is not conservative in letting women participate in professional life, as in education, has

General on the Status and Problems of Women and Near and Middle East Studies Education Center), 1991, p.66-67.

25 C.L. Owen and W.D. Todor, "Attitudes toward Women Managers in Human Service Agencies: Are They Changing?", *Administration in Social Work*, vol. 16, no 2, p.12-16, reported by Feride Acar et al., op.cit., p.13.

been verified by the aforementioned research.²⁶ 92.2 % of the people interviewed agreed with the statement “working women will have more self-respect”, the same amount of people share the view “every woman who wants to work should be able to”. However, 25 % do not find it appropriate for women to work in places where they will be together with men. In addition, there seems to be many prejudices about working women. 71.3 % of men and 59.5 % of women think that working women cannot look after their children. Those who believe working women will neglect their husbands are 60 % of men and 44 % of women.

Doubtlessly, problems with regard to women's employment are multi-dimensional. By macro-economic variables, employment has a tendency to decrease both for men and women. Unemployment is an important problem in Turkey comparable to the whole world. The group remaining outside the employment data cited in this study is included in the unregistered sector, working without insurance, security or fixed working hours. The areas in which women are clustered heavily in this sector are taking jobs from industry to do at home, apparel-related jobs, cleaning, nursing children and sick people, and so on, jobs reproducing traditional roles of womanhood. Neo-liberal globalization policies, pervasive in the world since the 1980s, adversely affected the working conditions and incomes of women in all countries starting with least developed countries. Every welfare regulation given up makes an impact that reinforces women's domestic roles and disengages them from public life. Thus, the obstacle before women's achievement of a higher-income and liberating professional life originates from the upshots of haphazard globalization, as much as the unique cultural characteristics of every society.

Participation of Women in Politics

Women's active participation in politics is conclusive in enforcing equality between men and women. The rearrangement of the political domain to make it more sensitive to gender relations and the acquisition of a perspective to transform these relations is both the beginning and end of the path towards equality between men and women. The women's movement, which had commenced with the struggle to win the right to vote, now wages the struggle of “feminization of politics” everywhere in the world.

Women's obtainment of the right to vote and be elected was a revolution for that time. However, it is a small step for real equality. As important as women's inclusion in processes of political decision-making, the feminization of politics necessitates much more comprehensive arrangements, going beyond “number of heads”. The feminization of politics is a sine qua non in the democratization of politics and at present, debates around the representation crisis of democracy, construction of a public sphere open to differences, etc. are nourished substantially by the critical approach of feminist theory. Consequently, gains towards equality between men and women in political life are gains not only for women but also for democracy.

In Turkey, prior to the Republic (1923) the Ottoman system restricted women's free access to the public realm and did not provide them with any mechanism of political participation. However, especially in the second half of the 19th century, following the *Tanzimat Decree* (1839) things started to change for women, albeit slowly. Women began organizing in associations, published magazines and journals demanding human rights, educational and social rights, and even political. They not only waged an ideological struggle to this end but also took action to be represented in the public domain. Women benefited from and contributed to the relatively liberal climate of the Second Constitutional period (1908) and played a significant role in the War of Independence (1919-22). After the Independence a group of pioneering women applied to establish the Women's People's Party (*Kadınlar Halk Fırkası*) in June 1923 with the aim of contesting for elections. Their demand was refused on the grounds that women did not have the right to vote yet and they were advised to set up the Union of Turkish Women (*Türk Kadınlar Birliği*), instead. This Union, due to the internalization of the new regime's ideology, refrained from playing an active role in politics and eventually dissolved itself in 1935 claiming that they had reached their goal (women's suffrage) and so there was no need for a women's movement anymore.

The Republican reforms opened up new vistas for women by allowing and encouraging their participation in the public realm, and brought about educational, economic and political rights. Turkey largely eliminated the practices of gender segregation and discrimination against women with the adoption of secularism and by replacing the religious law (*sharia*) with a new civil code (1926) which established the status of women as

²⁶ Ersin Kalaycıoğlu-Binnaz Toprak, op.cit.

equal citizens with men. The granting of political rights were seen to be crowning these achievements. However, as generally witnessed in nation-building projects women's participation in political life, especially in the decision-making mechanisms and processes remained strikingly low.

Currently, the parliament is hideously below the world average in terms of female representatives. In the 2002 elections, 24 women could be elected to the parliament, corresponding to 4.4 %. In stark contrast, Turkey was among the first countries that granted women the right to vote and be elected. This right was granted to women for the local elections in 1930 and for the general elections in 1934 ahead of many Western countries and all Islamic countries. If it were recalled that women won this right in France in 1944, in Italy in 1945 and in Canada in 1948, the enormity of the steps taken by Turkey would be better understood. Regrettably, there has been no improvement whatsoever in women's representation in politics. The representation rate of 4.5 %, 18 women MPs in 1935 is still the highest rate in the history of the Republic. While representation was relatively better during the single-party era, along with the transition to the multi-party system, the numbers of female MPs diminished. This situation is attributed to the way women were tapped on as symbols in the westernization/modernization process in the initial years of the Republic and women's loss of their symbolic significance with the transition to the multi-party system, in exchange for elements such as the market economy, industrialization and the democratic regime that became the symbols of Westernization.²⁷

Nowadays, Turkey is behind almost all European countries in terms of women's participation in politics (4.4 %) as well as countries like Tunisia, Bangladesh and India. It is ranked 103rd among 119 countries in the world, below the 12.7 % world average. It is not only women's participation in the national parliament that is low, in other areas of politics, for example local administrations, there is an alarming picture. The rate of women's representation in local assemblies is around 1 %. There is only a single female mayor at the moment and no female governor.

Political representation is the area where sexism and discrimination

27 Ayşe Güneş Ayata, "Laiklik, Güç ve Katılım Üçgeninde Türkiye'de Kadın ve Siyaset", in *75 Yılda Kadınlar ve Erkekler*, ("Women and Politics in Turkey, the Triangle of Secularism, Power and Participation", in *Men and Women in 75 Years*), ed. Ayşe Berktaş Hacımırzaoğlu, *Tarih Vakfı Yurt Yayınları*, 1998, p.237.

is most ubiquitous in Turkey. The modernization policies of eighty-one years of the Republican period, despite shortcomings, produced a potential of educated women with professions. The number of women having important duties in state institutions, universities and the private sector surpasses 35 %. Hence, it is necessary to pay particular attention to discrimination against women in national and local assemblies, specify the reasons that close the doors of politics on women and develop special policies to overcome these.

While women's participation in formal politics is low it should be emphasized that their participation in unconventional political activities, especially in civil society organizations and movements is strikingly high - a hopeful prospect for the future of Turkish democracy.

The causes of women's inability to be effective in political parties are related to the organizational structure of parties, apart from the causes springing from social structure.²⁸ The women's branches of political parties, thought to be channels to bolster women's participation in political life, were organized not as units effective in decision-making processes but as secondary units of the party with low political returns. Leaders of women's branches can be easily dismissed by the party leadership; in most of the parties such leaders were not elected for duty, anyway. That is why women's branches cannot possess the power and autonomy that can transform parties' sexist structures. They rather serve the function of being the "window case" of male-dominant parties.

Politicians often explain low political participation of women in Turkey by women's indifference to politics. Indifference to politics appears to be an important issue for modern democracies, however this is also the case for men, so it cannot be regarded as an explanatory factor for the inequality between men and women. It is frequently suggested that at the root of the problem lies social preconceptions. Such discourse undercuts the responsibility of political mechanisms-especially the state-in the solution of the problem. In contrast, by a recent study,²⁹ 75.5 % of the public thinks that governments in power have not paid attention to the women's issue. Provisions on affirmative action are supported by a significant portion of the public. The idea that political par-

28 On this issue see: Serpil Sancar Üşür, "Siyasal Süreçlere Katılımda Kadın-Erkek Eşitliği", (Equality Between Men and Women in Participation in Political Processes), *TÜSIAD*, op.cit., p.209-217.

29 Ersin Kalaycıoğlu-Binnaz Toprak, op.cit.

ties open top ranks of the voting ballots to women so that they can be elected as MPs is supported by a high number of people, 74.3 %.

In spite of this promising social support, women's participation in politics being very remote from the world average is correlated with the mechanisms through which politics work. In consideration of examples from the world, women's empowerment in political parties does not occur by the internal dynamics of the parties. The struggle to empower women politically has been advanced by independent women's organizations, civilian women's initiatives and the international women's movement. But the way to get results is contingent on turning these demands into state policies.

Number of Parliamentarians by Election Year and Sex

<i>Election year</i>	<i>Total</i>	<i>Female</i>	<i>Male</i>	<i>Female %</i>
1935	399	18	381	4.5
1939	424	16	408	3.8
1943	455	16	439	3.5
1946	465	9	456	1.9
1950	487	3	484	0.6
1954	541	4	537	0.7
1957	610	8	602	1.3
1961	450	3	447	0.7
1965	450	8	442	1.8
1969	450	5	445	1.1
1973	450	6	444	1.3
1977	450	4	446	0.9
1983	400*	12	387	3.0
1987	450	6	444	1.3
1991	450	8	442	1.8
1995	450	13	437	2.9
1999	550	23	527	4.2
2002	550	24	526	4.4

(*) Number of parliamentarians to be elected

Source: State Institute of Statistics (DIE), "Women's Information Network in Turkey", <http://www.die.gov.tr>.

Violence Against Women

In the United Nations Beijing Action Platform released as a result of the World 4th Women Conference gathered in 1995 in Beijing, violence against women is defined as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life."³⁰ In its latest interpretations, the United Nations added deprivation of economic needs also within the definition of violence against women. The World Health Organization defined violence by spouses as any kind of behavior that leads to physical, psychological or sexual damage in an intimate relationship.³¹

By estimates, one out of every three women in the world is beaten either by someone from her own family or someone she knows, forced to having sexual intercourse and harassed in other ways. 40-70% of murdered women are killed by their partners.³² In Turkey, too, domestic violence has had grave dimensions for long years but the revival of the women's movement in the 1980s has put it under the spotlight. In and following 1988, thanks to round table discussions, conferences, etc. the society's attention and sensitivity towards violence has escalated. The first step in fighting with domestic violence against women is exposing it. In order to do that, first awareness has to be developed about what counts as violence and then women subjected to violence should be able to bring it out legally. At both levels, Turkey has to travel a long way. Due to these reasons, it is impossible to obtain reliable statistical data on national level about violence against women. Notwithstanding, various institutions have been carrying on research in recent years.³³

The concentration of domestic violence mostly on women in all societies is one of the universal indicators of sexual discrimination. This discrimination starts at birth and diffuses in all areas of life such as educa-

30 *Beijing+5 Action Platform and Declaration*, Directorate General on the Status and Problems of Women, Ankara: 2003, p.239.

31 World Health Organization, *World Report on Violence and Health*, Geneva, 2002, can be accessed from the address www.who.int/violence.

32 Amnesty International, *Stop Violence Against Women*, Turkey Report, EUR 44/013/2004, p.8.

33 For example, the studies referred to in Turkey's 1997 CEDAW Country Report give us an idea about the pattern of domestic violence against women.

tion, work, politics and takes its most perilous form with violence in the private domain so as to threaten the most fundamental human right, the right to live.

Violence against women in Turkey is extensive both geographically and by class. In the eastern parts of the country, violence predicated on traditions is rampant. Particularly, pressure exerted on women to marry stands out. These occur through forced marriages and arranged marriages, early marriage and polygamy and are legitimized by religious/traditional values.³⁴ Although polygamy has been prohibited since 1926,³⁵ it is seen in 10.6 % of marriages in Southeast and Eastern Anatolia. As a consequence, women in these marriages do not marry by legal weddings, which deprives them of many rights like inheritance, alimony and so forth. The absence of legal weddings is the case not only in polygamous marriages but also in others. 19.6 % of marriages do not involve legal weddings, highly above the nationwide average of 8.3 %.

Most marriages take place by the decision of the family. 50.8 % of women were married without their consent. 51.6 % had not seen their husbands prior to marriage.³⁶ *Berdel*, where families exchange daughters, is common, too. By one study, 4.7 % of marriages are based on *berdel*.³⁷ This practice of mutual exchange of “equivalent value” brides requires the annulment of both marriages if one goes awry. In such marriages, women are made captives, families do not tend to allow women to escape or divorce.

The “most vicious” form of violence against women is murders of women publicly discussed as “honor killings” or “tradition killings”. Fervid discussions on this subject in recent years, coverage on first pages of newspapers, announcements in main news bulletins of television channels has elicited the wrong impression that “honor killings” have increased lately. On the contrary, it is the awareness and attempts to prevent these killings that have been beefed up. For years, many women

have been killed or forced to suicide by the motive of honor.³⁸ “Honor killings” are generally employed to kill a woman suspected with infringing the limits of sexual behavior enforced by tradition, having an affair with a man prior to marriage or suspected to have an extramarital affair. However, as demonstrated by a project lately conducted in the region,³⁹ looking for sexual intercourse behind every “honor killing” conflicts with the real causes of the problem. A general reason for “honor killings” may be cited as preserving women’s secondary position and to keep them from making their own choices even on the most ordinary issue. Using pretexts such as disobedience to the husband or other men in the family, retorting to them, refusing to dress or behave by traditions, attempting to get a divorce because of being subjected to violence, refusing to marry a person seen fit by the family, etc., women are punished.⁴⁰

Explaining violence against women with traditionalism and custom, low level of development or religious/ethnic values is an extremely superficial attitude. The change in traditional values towards women’s sexuality is not necessarily dispelled with modernization processes. Violence against women is present in every society at every level regardless of class, race or cultural differences. Differences emerge in fighting this violence. The severity of laws and other attitudes in the public domain undoubtedly alternate between societies. However, these sensitivities do not develop in modern societies by themselves; they are always the outgrowth of special efforts and care. The leading figures of such efforts almost everywhere are activists in the women’s movement. The women’s movement in Turkey has been raising gender awareness in society and generating public demands and policies for about twenty years. The story of the women’s movement in the 1990s, which shall be taken up in the next chapter is self-explanatory.

34 Pınar İlkaraçan, “Türkiye’nin Doğu Bölgelerinde Kadın Cinselliği Bağlamının İncelenmesi” in Pınar İlkaraçan (der.) *Müslüman Toplumlarında Kadın ve Cinsellik*, (Study on the Context of Female Sexuality in Turkey’s Eastern Regions in Pınar İlkaraçan (ed.), *Women and Sexuality In Muslim Societies*), İletişim Pub., İstanbul: 2003, p.133-150.

35 According to the Turkish Civil Code, having a religious wedding before the legal wedding is forbidden. Besides, the minimum age for marriage is 17 for men and 15 for women. The minimum age for all legal procedures apart from marriage is 18.

36 Op.cit., p.143.

37 Op.cit., p.140 and 142.

38 It is impossible to identify the real number of “honour” killings. In the annual report of the Human Rights Association, 40 out of 77 women killed by family members in 2003 are estimated to be victims of “honour” killings. Considering that in many cases, deaths are not notified or made to look like suicide, clearly, the number would be much higher. See Amnesty International, op.cit., p.18.

39 “We Will Not Get Used To”, *Killings In the Name of ‘Honor’ 2003 Report*, Ka-Mer, 2004, p.74.

40 Ibid., p.109.

**POST-1980s WOMEN'S MOVEMENT IN TURKEY:
A CHALLENGE TO PATRIARCHY**

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Despite the “*new roles*” and “*new opportunities*” provided to women in the 1920s and ‘30s by the republican reforms in Turkey, during the ‘80s, women still lived in a patriarchal system scourged by gender inequalities in the legal system, education, economic life and in family. An example in point is that the new Civil Code of 1926 which brought the secularization of the family and improved women’s social status also had its own patriarchal biases legally designating the husband the “head” of the family and relegating the wife to being his “helpmate”. Explicitly patriarchal clauses of the Civil Code would only be amended in 2002 after a long struggle by women. The legal biases reflected a male dominated society which sought to confine women to traditional gender roles while at the same time demanding them to be professionals and food patriots. These traditional gender roles were questioned and challenged by the new women’s movement of post-1980s.

The military takeover in 1980 whipped up a process in which all political institutions were suppressed. The political quiet in Turkey following a long period of social vibrancy marked activism, blended with a process whereby the world’s confidence in social liberation projects was shaken. This ideological and political climate made it possible for diverse, social groups to unite around their self defined-interests and against oppression in search for new social projects. Women in Turkey came to consciousness of the problems they faced because of their sex and through demonstrations, carrying actions, projects and debates deciphering and criticizing the foundation and reproduction of women’s sub-

ordinate position in society for themselves. Beyond influencing the politics of the 1980s and beyond, this new women's movement taking shape in Turkey's geography played an important role in the emergence of a new and more democratic social culture in Turkey of the 2000s.

Women's equal entitlement to the most basic human rights, e.g. the right to vote and be elected, education, health, etc. -due to the status of citizenship in the nation-state model since the beginning of the 20th century- has been an ongoing struggle even in the most developed democratic societies of our day. The main theme of the "first wave feminism" that emerged at the turn of the 19th century and early 20th century in the Ottoman Turkish society was to extend, these rights granted by the nation-state to its "women citizens".¹

The first wave feminism was followed by *the second wave feminism*, characterized by the discourse of "freedom" and fought against the patriarchal gender roles and relations so that the rights granted by law could be put into practice in social, cultural, political and economic domains.² The common struggle of the universal women's movement for women's equal human rights can be traced, by some variations of course, the Turkish geography as well. Moreover this process preceded not only authoritarian, political regimes like those of some Middle Eastern countries but also many European countries boasting of democratic political regimes. It should be noted that there are both advantages and disadvantages of granting of the civic rights to women from "above", but the Turkish example does not fit entirely to a statist tradition of granting rights from "above" as the Ottoman-Turkish women's movement referred to before stands witness to.³ The universal women's movement has a

1 For a study revealing that the legal and political regulations, which changed women's status in Republican Turkey during the modernization process of the Ottoman-Turkish society with a revolutionary approach, were not entirely independent of the earlier activities of civilian process debated in the Ottoman Women's Movement. See, Serpil Çakır, *Osmanlı Kadın Hareketi*, Metis Yayınları, 1994. (*The Ottoman Women's Movement*, Metis Publications, 1994) and Fatmagül Bertay, "Osmanlı'dan Cumhuriyet'e Feminizm", *Tarihin Cinsiyeti*, Metis Yayınları, 2003. ("Feminism from the Ottoman Society to the Republic", *The Gender of History*, Metis Publications, 2003.)

2 Nermin Abadan Unat defines the second wave feminism as "neo-feminism". For more detailed information see Nermin Abadan Unat, *75 Yılda Kadınlar ve Erkekler*, Tarih Vakfı Yayınları, İstanbul Ekim 1988, s. 330 (*Women and Men in 75 Years*, History Foundation Publications, İstanbul October 1988, p.330)

3 For a discussion on how top-down regulation of the right of suffrage, civic rights, etc. given to women by the state brings out "statist feminism" in societies with an authoritar-

ian tradition, pointing out how this threatens to blur the vision of the women's movement and its civilian character, see Şirin Tekeli, "1980'ler Türkiye'sinde Kadınlar", der. Şirin Tekeli, *Kadın Bakış Açısından 1980'ler Türkiye'sinde Kadınlar*, İletişim Yayınları, İstanbul 1990, s.20 (Şirin Tekeli, "Women in Turkey during the 1980s" Ed. Şirin Tekeli, *From the Perspective of Women, Women in Turkey in the 1980s*, İletişim Publications, İstanbul 1990, p.20); for a discussion on how Turkey was the only state that addressed the women's rights issue among Middle Eastern countries early on, openly and expansively, had an important place among Western democratic nations in that respect and about the "common essence" possessed by all societies regarding control of female sexuality despite all cultural differences, see Deniz Kandiyoti, *Cariyeler, Bacılar, Yurttaşlar: Kimlikler ve Toplumsal Dönüşümler*, Metis Yayınları, Temmuz 1997, p.65 (Deniz Kandiyoti, *Concubines, Sisters and Citizens: Identities and Social Transformations*, Metis Publications, July 1997, p.65)

common denominator on the axis of the fight for freedom and equality, incorporating local and national differences. In this context, the 1980s women's movement in Turkey can be situated within the universal second wave feminist paradigm.

The women's movement, as the first democratic reflex of the political system in the wake of the 1980 military coup holds a unique place in Turkey's democratization process that followed.⁴ While staging social opposition to expose specific problems of Turkish women, the women's movement also directed an integrated criticism towards conventional relations and mechanisms entrenched culturally, politically, sociologically, economic, etc., in every field. This approach questioned the status quo in its every aspect and called for "a new democratic society".

In criticizing the inequality between men and women and the patriarchal system as a whole, the women's movement decoded the internalized patriarchal culture. In this respect, as in all other societies, the second wave feminism had a perspective in which both "integrity" and "fragmentation", "difference" and "similarity" coexisted. With regards to problems, criticism and solutions articulated the history of the second wave feminism In Turkey should also be read as "data" presented on "what kind of a society" was imagined. The history of the movement signifies a "rebellion" against the illusion that now equality between men and women had been achieved because women were given their "rights".

We can dwell on the history of the women's movement in Turkey in terms of continuities and discontinuities. First of all, the first period of

ian tradition, pointing out how this threatens to blur the vision of the women's movement and its civilian character, see Şirin Tekeli, "1980'ler Türkiye'sinde Kadınlar", der. Şirin Tekeli, *Kadın Bakış Açısından 1980'ler Türkiye'sinde Kadınlar*, İletişim Yayınları, İstanbul 1990, s.20 (Şirin Tekeli, "Women in Turkey during the 1980s" Ed. Şirin Tekeli, *From the Perspective of Women, Women in Turkey in the 1980s*, İletişim Publications, İstanbul 1990, p.20); for a discussion on how Turkey was the only state that addressed the women's rights issue among Middle Eastern countries early on, openly and expansively, had an important place among Western democratic nations in that respect and about the "common essence" possessed by all societies regarding control of female sexuality despite all cultural differences, see Deniz Kandiyoti, *Cariyeler, Bacılar, Yurttaşlar: Kimlikler ve Toplumsal Dönüşümler*, Metis Yayınları, Temmuz 1997, p.65 (Deniz Kandiyoti, *Concubines, Sisters and Citizens: Identities and Social Transformations*, Metis Publications, July 1997, p.65)

4 Yeşim Arat, "1980'ler Türkiye'sinde Kadın Hareketi: Liberal Kemalizm'in Radikal Uzantısı" Yayına Hazırlayan: Necla Arat, *Türkiye'de Kadın Olgusu*, Say Yayınları, Kasım 1992, p.94 (Yeşim Arat, "Women's Movement in Turkey During the 1980s: The Radical Extension of Liberal Kemalism" edited by Necla Arat, *The Notion of Womanhood in Turkey*, Say Publications, November 1992, p.94)

protest in the women's movement exposed, the inequality experienced by women in various walks of life; the second period of protest proceeded by way of developing solutions to eliminate these inequalities and taking concrete steps. The women's struggle, to become "citizens" in the first period took the shape of "a discourse of rights" on the planes of education, law, economy, politics, etc. The new wave subjected all institutions and mechanisms of society to criticism as areas producing and reproducing the patriarchal system and demanded "participation". The issue was problematized at the point of how "participation would occur" beyond were equality. For instance, new questions like "what kind of politics", "what kind of a society", "what kinds of gender roles" were raised.⁵ Eventually, in the first period, the women's movement managed to make visible the "women's question" to a considerable extent and established the definition of "equal citizenship". In the second period, the movement followed a line that also including radical demands towards "actual solution" of the problem on the basis of the "gender" concept. The "break"point between the first and second wave feminisms comes up here: Arguing that gender roles ascribed to men and women by the Turkish modernization project did not substantially change the patriarchal gender relations, the second wave women's movement instigated Turkey towards solution. The amendment of the *Civil Code*, the abolishment of some gender discriminatory articles of the *Penal Code*, protection mechanisms to combat violence against women-*The Law on the Protection of the Family*- and institutions-such as *shelters*, the foundation of the *Women's Library and Information Center*, the emergence of gender critique in science, art, literature, etc. and the establishment of women's studies centers in universities are examples worth noting in this context. These were specific steps in the "long march" to "reach actual equality rather than abstract equality" and at the same time, they intersect with the *Gender Mainstreaming* approach of the European Union.⁶

5 These questions could only be brought up when women gained the "consciousness of being a social group" separate from others. That is why the second wave feminist movement's emphasis on "independence" in its organization preserves its importance.

6 Likewise, the huge parallel between this historical course and the "acquis" debates and regulations related to women's policies going on inside the EU is striking. Detailed information on the subject can be found in the chapter of the book titled *Gender Equality Policy in the European Union*.

Development of "Feminist Consciousness"

In the early 1980s, the women's movement, aiming to raise gender awareness, consisted of small groups and independent of the state and founded, by women writers, artists, academics, journalists and university students. Their goals were identical: To enunciate all kinds of private and public problems they encountered because they were women, define them and develop solutions.

The key actors of this independent women's movement, were women who had been active in the (leftist) political milieu of the '70s, who questioned various manifestations of gender discrimination within leftist circles.⁷ The change in the outlook of the Turkish left towards women was related to the fact that the women's movement following the 1980s was a center for opposition. "Prior to 1980, there was not a "women's question" on the agenda of the Turkish left in the real sense; this was not seen as a theoretical problem to be taken seriously and the specific dimensions of the oppression of women were not addressed, either. At best, it would be acknowledged that "feudal" relations and ideology had more impact on women, nothing more! These were seen as issues to do with the question of class and the revolution and since they would be resolved anyway, "occupying" the agenda now with such secondary questions would be "deviant".⁸ For example, *Tüm-As* (*Association of All Teaching/Research Assistants*) was one of the first organizations where this questioning took place. Although this association was formed by left-leaning academics sensitive to social issues and paying attention to democratic procedures, nevertheless was male dominated.⁹ Going through their first "feminist consciousness raising" process in this fashion, these women academics also became leading fig-

7 Fatmagül Bertkay, "Türkiye Solu'nun Kadına Bakışı: Değişen Bir Şey Var mı?", *Kadın Bakış Açısından 1980'ler Türkiye'sinde Kadınlar*, der. Şirin Tekeli, İletişim Yayınları, İstanbul 1990, S. 293-295 (Fatmagül Bertkay, "Has Anything Changed in the Outlook of the Turkish Left on Women", *Women in Modern Turkish Society* Ed. Şirin Tekeli, Zed Books, London, 1995.)

8 Fatmagül Bertkay, op. cit. p.289.

9 Disconcerted by this, academicians like Şirin Tekeli, Gülnur Savran, Hacer Ansal, Şahika Yüksel and Tülay Arın gathered as a "women's group" and began to question the sexist structure. See Serpil Çakır, "Türkiye'de Feminizmin Dünü ve Bugünü" *Cumhuriyet Dönemi Türkiye Ansiklopedisi*, Cilt:13, İletişim Yayınları, İstanbul 1996, p.752 (Serpil Çakır, "The Past and Present of Feminism in Turkey" *Encyclopedia of Turkey in the Republican Period*, Vol:13, İletişim Publications, İstanbul 1996, p.752)

ures of the women's movement in the 1980s. Studies by women academics who were involved in this process examining women's social, sociological and economic positions and problematizing women's representation in politics contributed a lot to women's gender awareness in Turkey.¹⁰

The advocacy of the concept of "feminism" in a symposium organized by YAZKO (*Cooperative of Writers and Translators*) despite the connotations it carried in those years such as "enmity towards men" or "perversion" was another radical breakthrough: Women were now stridently defending "*feminism as an ideology*".¹¹ Soon afterwards, with debates around feminism on the "*women's page*" of the magazine *Somut* published by YAZKO in 1983, feminist women who were the real actors behind the women's movement started to express themselves in the public domain. In their regular columns on this page, beyond claiming their "feminist" identities, women focused on problems they experienced in every part of daily life from their own perspective ("sexist hierarchy", "sexist division of labor", "exploitation of women's labor", "sexual harassment" and "violence" etc.)¹² Another important development that took place in this period was the "*Women's Circle Co.*" founded by 35 women in Istanbul in 1984. The goal of the company was to decipher the codes of the male

dominated system, define them within social relationships and raise gender awareness by various means.¹³ These activities gradually spread the women's movement beyond the big cities like Istanbul, Ankara etc. Most importantly they served in carrying the women's issue in Turkey into the public agenda and achieved its perception by the society as an issue worthy of attention.

Universal Reference: CEDAW

When (*CEDAW*) was approved in 1985 in the United Nations, the women's movement in Turkey was invigorated. For the signature campaign started for CEDAW, which went in effect in 1979 after the UN's *Nairobi Conference*,¹⁴ 7000 signatures were collected.¹⁵ This convention went in to force in Turkey on October 14, 1985. The "*Women's Petition*" for the implementation of CEDAW was the first mass action after 1980.¹⁶ As a signatory to CEDAW,¹⁷ in order for Turkey to transpose the convention into its domestic law, women became a potent social pressure group on political power by way of such collective actions.

The first example of institutional attempts for the purpose of turning feminist campaigns carried out around CEDAW into public policy was the *Women's Association Against Discrimination (AKKD)*. The association was founded in 1987 in Istanbul to eliminate all kinds of discrimination

10 The most important examples of these studies; Şirin Tekeli, *Kadınlar ve Siyasal, Toplumsal Hayat*, Birikim Yayınları, 1982 ve (der.) Nermin Abadan Unat, *Türk Toplumunda Kadın*, Türk Sosyal Bilimler Derneği Yayını, Ankara 1979. (Şirin Tekeli, *Women and Political, Social Life*, Birikim Publications, 1982 and (Ed.) Nermin Abadan Unat, *Women in Turkish Society*, Publication by The Turkish Association of Social Sciences, Ankara 1979.)

11 In the literature journal it published in those years, YAZKO published controversial articles involving not only women but also men in one way or another. We can give a few examples below: "Edebiyatımız ve Kadın Sorunu", *YAZKO Edebiyat*, Haziran 1981, p.8-9, "Kadın Sorununun Öteki Yüzü", *YAZKO Edebiyat*, Ağustos 1981, p.10; Ahmet Oktay, "Cinsellik, Erotizm ve Ötesi" *YAZKO Edebiyat*, Şubat 1981, p.4; İ.Güven Kaya, "Kadın Sorununa Feodal Yaklaşımlar", *YAZKO Edebiyat*, Ağustos 1983, p.37 ("Our Literature and the Women's Issue", *YAZKO Literature*, June 1981, p.8-9, "The Other Face of the Women's Problem", *YAZKO Literature*, August 1981, p.10; Ahmet Oktay, "Sexuality, Eroticism and Beyond" *YAZKO Literature*, February 1981, p.4; İ.Güven Kaya, "Feudal Approaches to the Women's Issue", *YAZKO Literature*, August 1983, p.37)

12 According to Şirin Tekeli, the real gain brought by the SOMUT experience to women was the emergence of the need for a publication around a policy solely decided by themselves. Şirin Tekeli, "80'lerde Türkiye'de Kadının Kurtuluşu Hareketinin Gelişmesi", *Birikim, Aylık Sosyalist Kültür Dergisi*, Temmuz 1989, p.36 (Şirin Tekeli, "Development of the Women's Liberation Movement in Turkey in the '80s", *Birikim, Monthly Socialist Culture Magazine*, July 1989, p.36)

13 In those years, they were already printing publications to raise women's consciousness, writing articles to decipher the sexist system and translating numerous books on women and the women's movement. This led women to set up an independent publishing house.

14 The 3rd World Women's Conference gathered in Kenya's capital Nairobi. At the end of the conference, a national, regional and international level strategy was accepted aiming the improvement of women's status by the 2000s. See *Kadınların Gelişimi İçin Geleceğe Yönelik Nairobi Stratejileri*, Uluslararası Demokratik Kadınlar Federasyonu, Kadın Kültür Yayınları, Mayıs 1989. (*Future Oriented Nairobi Strategies for Women's Development*, Women's International Democratic Federation, Women's Cultural Publications, May 1989.)

15 These signatures were presented to the Grand National Assembly on March 8, World Women's Day, in 1986 by a group of women comprising of Müzeyyen Aytaç, Fatmagül Berktaş, Emine Özdemir, and Deniz Türkali.

16 While ratifying the convention on 11.06.1985, Turkey entered reservations on articles 15 and 16 on family law. It removed these reservations in 1999. For articles 15 and 16, see the CEDAW text in the appendix.

17 For legal adjustments incited by CEDAW in Turkey see Fatmagül Berktaş, *Tarihin Cinsiyeti*, Metis Yayınları, İstanbul 2003, p.51-55 (Fatmagül Berktaş, *The Gender of History*, Metis Publications, İstanbul 2003, p.51-55)

against women in private and public spheres. The priority goal in the program was stressed as the enactment of the UN's "Convention on Elimination of All Kinds of Discrimination Against Women" in domestic law and to fight for the transformation of all cultural motifs, institutions and laws perpetuating the patriarchal system. In the preface of their program, all women were invited to fight and show solidarity for this purpose.¹⁸ Even if it did not have a long life, the association made crucial contributions for promoting CEDAW in Turkey and for the women's movement to communicate their demands to the state and civil society, referencing universal texts.

The civil activism engaged by women in these years in conjunction with CEDAW was also notable: The independent women's movement was aware of the obligations imposed by CEDAW (as one of the key reference texts of the international community and bringing pre-emptive measures) on governments towards stopping systematic human rights violations against women everywhere in the world. With democratic awareness that would even be exceptional in societies with an older and more internalized democratic tradition, women's groups followed up their rights arising from CEDAW and set a major example of "civil disobedience" for eradicating human rights violations against women and overseeing the introduction of all kinds of legal, political and institutional regulations. Although women expressed that legal and institutional regulations fell short for societal change and for the formation of a new culture, they found the "deterrent force" of regulations (to prevent discrimination they faced in every area) important. Operating on the basis of volunteerism, and strictly observing democratic procedures and methods the Women's movement influenced organizations and structures outside of it and thereby made an impact on, the whole society. Hence, classic women's rights associations, trade unions, political parties and other NGOs were prompted to add the women's issue to their agenda.¹⁹

18 "Bearing in mind the potential unleashed by the CEDAW Campaign, we agreed on becoming an association and established our association on June 25, 1987. We are inviting all women opposing sex discrimination in every avenue of life to join our association. *Ayrımcılığa Karşı Kadın Derneği Programı*, İstanbul 1987 (*Program of the Women's Association Against Discrimination*, İstanbul 1987).

19 In those years, the fight against the sexist system in the public and private domain by the independent women's movement influenced every group in society. An example is the "Foundation to Empower Turkish Women" founded by Semra Özal, wife of Turgut Özal-prime minister and president for long years in the 1980s-with nearly 100 wealthy women.

Another example of how women's politics brought the issue of inequality between men and women into focus during this phase can be given from political parties: Women speaking out through political action in every area immediately made an impact on left-wing representation in the Parliament. *The 3rd Extraordinary Session of the General Assembly of the Social Democratic People's Party* added to its program, the decisions to remove obstacles before women's participation and found a ministry of women's affairs. The same party changed its regulation a few years ago, accepting a 25 % quota in party management organs in favor of women. These developments are meaningful in that they demonstrate the dynamism and democratic impact of the women's movement the way politics operates.

The diversity of groups and actions characterizing the women's movement is also worth noting: The celebration of the *World Women's Day on March 8*, not only in big cities of Turkey like İstanbul, Ankara and İzmir but elsewhere too by wide participation; organization of women's seminars and conferences;²⁰ establishment of numerous associations in different cities by women from various classes and political cultures illustrate that the movement is becoming widespread²¹ Also, some ideological and social groups in society which are not conventionally linked to feminism were roused by the demands of equality and

This attempt was a consequence of the effect of the demand for democratization in favor of women, made by the women's movement, on state bureaucracy and political representatives. Although it printed a publication called "*Turkish Women*" and received sizeable funds from the state, because it was not driven by the civilian movement, the foundation had to end its activities after a while. See Serpil Çakır ve Hülya Gülbahar, *Kadın Hareketinin Yüzyılı*, Kadın Eserleri Kütüphanesi ve Bilgi Merkezi Vakfı 2000 Ajandası, p.245 (Serpil Çakır and Hülya Gülbahar, *Century of the Women's Movement*, Library of Women's Works and the Information Center Foundation, the 2000 Agenda, p.245)

20 Institutions like *The Scientific Research Center (BILAR)* and *the Institution of Science and Art (BILSAK)* were groups in Turkey in the 1980s where alternative scientific and political culture was passed on and education and production activities took place. Such settings helped produce very rich discussions so that an alternative and critical political agenda would be created. These conferences and seminars led the way for women's studies to become an academic discipline in Turkish universities.

21 In 1987, *The Association of Contemporary Women* was founded in İzmir. By a signature campaign "*Do Not Celebrate Mothers Day*" in May 1991, they underlined the fact that that day needed to establish that women spent all other days of the year under appalling conditions. Apart from this, the Association organized the campaign "*No To Virginity Checks*" in 1992; campaigns against all articles of the Civil Code including sexism and article 438 of the Turkish Penal Code; actions protesting the exhibition of women as sexual objects in TV commercials.

freedom brought about by the women's movement. For instance, in *Zaman Newspaper*, Islamist women began to discuss the gender biased nature of the relationships they faced within their community. Calling themselves “covered feminists”, these women spurred a political buzz with goals such as legalizing the entry of covered women in public institutions.²² Thus, the women's issue entered the public agenda by means of the activities of different classes and different cultural and ideological identities. It may be concluded that, by its creative campaigns and forms of action and by its ability to embrace difference the women's movement introduced a new style and content as well as adding new dimensions of transformative nature that has affected not only women but the whole society.²³

Solidarity Beyond Protest: “Campaign Against Battering”

The women's movement in Turkey, as elsewhere, generally organizes groups around problems individually and generates experience through “ad hoc” actions, campaigns and projects. This style unquestionably affected the development of a participatory democratic culture. Furthermore, it featured the necessity of “organization” and “popular-

22 Serpil Üşür, “İslamcı Kadınların Yaşam Alanı: Tepkisel İndirgemecilik mi?” Der. Necla Arat, *Türkiye’de Kadın Olgusu*, Say Yayınları, 1992, p.145, Aynur İlyasoğlu, *Örtülü Kimlik.*, Metis Yayınları, İstanbul 1994, p.110-119; Nilüfer Göle, *Modern Mahrem*, Metis Yayınları, İstanbul 1993, p.77-84; Cihan Aktaş, *Tanzimattan Günümüze Kılık Kıyafet ve İktidar*, Nehir Yayınları, İstanbul 1991, s. 268-272; Nazife Şişman, *Kamusal Alanda Başörtülüler*, İz Yayıncılık, İstanbul 2000, s. 117-125 (Serpil Üşür, “The Living Space of Islamist Women: Is it Reactional Reductionism?” Ed. Necla Arat, *The Notion of Women in Turkey*, Say Publications, 1992, p.145, Aynur İlyasoğlu, *Covered Identity*, Metis Publications, İstanbul 1994, p.110-119; Nilüfer Göle, *The Forbidden Modern*, Metis Publications, İstanbul 1993, p.77-84; Cihan Aktaş, *Outfits and Power from the Tanzimat Period to Our Day*, Nehir Publications, İstanbul 1991, p.268-272; Nazife Şişman, *Covered Women in the Public Sphere*, İz Publications, İstanbul 2000, p.117-125)

23 In these years, women founded the *Association of Women Engaged in the Democratic Struggle (DEMKAD)* to contribute to the fight on democracy and human rights. The association was closed on December 3 1992. See Serpil Çakır ve Hülya Gülbahar, *ibid.*, p.245. They continued to establish organizations improving women's circumstances and criticizing sexism in different areas like *the Foundation to Utilize Women's Labor*. The foundation especially organizes education opportunities for women, e.g. seminars in regions with relatively lower income and lends loans to support women in founding their own business. It also works to open a child-care center or nursery during the daytime, centers for women to make use of/exhibit their craftwork and places to sell organic food products.

ization” at the stage of solving problems: While fighting against all “embedded” mechanisms of the patriarchal system perceived as “unchanging”, the vital need of the movement was dissemination and continuity. In this sense, the issue of “popularization” is still important even if it is not the ultimate objective of the women's movement. The independent women's struggle in Turkey solved this problem in the area of “violence against women”.

By the slogan “*Our bodies are ours, say no to sexual harassment*” women rebelled against all types of violent and constraining relationships towards women's bodies and identities. It was not a coincident that in the ‘80s, women had identified and defined the violence they were subjected to and stood against this common problem in “solidarity”. Violence against women, the core mechanism of the sexist system, has been the blight of all societies subject to cultural and historical differences. Mechanisms of “*abortion*” in Catholic societies, “*female genital mutilation*” in many parts of Africa, “*honor killings*” in Turkey, the “*satee tradition*” in India and the like are local or cultural manifestations of violence endured by women on a universal level.

In the second half of the 1980s, the independent women's movement in Turkey coming to its own with its accumulated theoretical and practical experience took to the streets. The most obvious indication of this was the deciphering of all types of violence, physiological, psychological, economic, etc. against women and conversion of this consciousness into a political protest. A simple divorce case in 1987 very soon poured women to the streets, wherein they launched campaigns, organized protests, etc. and hence reached the dimensions of “*a political movement*”. When it was heard that a judge in the city of Çankırı dismissed the divorce case of a pregnant woman (with three kids, subjected to violence by her husband) on the grounds that “*No woman should be without a child in her womb and a stick on her back*”, the movement gained a new momentum. The retaliation, the “*Campaign Against Battering*” was the first systematic battle by women against domestic violence. In time, they assembled a strong pressure group and demanded the establishment of women's shelters. In the same year, women mounted the first mass demonstration since the 1980 military coup again around this campaign.²⁴

24 The march was organized by feminist and socialist women. 2500 women participated in this march in İstanbul. Women brought up domestic violence, the need of the state to take

In the process, women's usage of public spaces increased. Around the *Campaign of Solidarity Against Battering* activities like festivals, concerts, demonstrations, etc. were organized in big cities like Istanbul, Ankara and İzmir.²⁵ By virtue of "the Thursday group" and the "Women's Solidarity Group", feminist women from Ankara busied themselves in a political process, where they deciphered all kinds of sexist relationships without discriminating between the public and the private. In this period of gaining consciousness when the question "What kind of a women's policy should be followed?" was highlighted, the Thursday Group did not suffice with activities like the campaign "Say No To Virginity Checks, Our Bodies Are Ours" but arranged one of the most important meetings of the feminist movement in Turkey during the 1980s. This was the "Feminist Weekend" that brought together women's groups across Turkey.²⁶ The congress of women, who fought for women's rights and organized in different cities, was convened for the purpose of conveying their experience to each other, discussing their common demands, methods, organization and predictions theoretically and politically and show solidarity. At the end of the meeting, they issued the "Declaration on Women's Liberation".²⁷ In the Declaration, it was stressed that women- involved in politics in different ways, by an anti-centralized and anti-hierarchical method, around independent demands and in small groups- needed

measures on the issue and to open shelters so that women suffering from violence could take refuge. See S. Nazik Işık, "1990'larda Kadına Yönelik Aile İçi Şiddetle Mücadele Hareketi İçinde Oluşmuş Bazı Gözlem ve Düşünceler", *1990'larda Türkiye'de Feminizm*, der. Aksu Bora-Asena Günal, İletişim Yayınları, İstanbul 2002, p.46S. (Nazik Işık, "Some Observations and Thoughts Coming Out of the Movement of Fighting Domestic Violence Against Women in the 1990s", *Feminism in Turkey in the 1990s*, Ed. Aksu Bora-Asena Günal, İletişim Publications, İstanbul 2002, p.46)

- 25 This activity known as the *Kariye Festivity* in Istanbul was the first women's festive event organized by feminists. In the festivity, issues such as family, children, prostitution, sexism and so forth were discussed; various products were displayed and the book "shout for everyone to hear" was printed using the proceeds of the event joined by nearly 2000 women.
- 26 Nilüfer Timisi- Meltem Ağduk Gevrek, "1980'ler Türkiye'sinde Feminist Hareket: Ankara Çevresi" *1990'larda Türkiye'de Feminizm*, der. Aksu Bora-Asena Günal, İletişim Yayınları, İstanbul 2002, p.28-30 (Nilüfer Timisi- Meltem Ağduk Gevrek, "The Feminist Movement in Turkey During the 1980s: The Circle of Ankara" *Feminism in Turkey in the 1990s*, Ed. Aksu Bora-Asena Günal, İletişim Publications, İstanbul 2002, p.28-30.)
- 27 For the text of the Declaration on Women's Liberation and information on this see Fatmagül Berktaş, "Türkiye'de ilk kez "kadınların kurtuluşu hareketi" doğuyor", *Sosyalist Birlik*, Mart 1989/1, p.93-94.(Fatmagül Berktaş, "A 'women's liberation movement' is born in Turkey", *Socialist Union*, March 1989/1, p.93-94.)

"continuous and organized coordination" and a "web of communication" for more effective and cooperative feminist politics. In this meeting, which was fundamental for continuity and joint action, women asserted that they intervened in the political domain by changing the definition and method of politics. This get-together divulged political or ideological discrepancies in women's approaches towards addressing social issues and the different methods they adopted, also creating opportunities to act in common within such diversity.²⁸

"Ideological Differentiation" and "Pluralization"

In the 1920s and 1930s, the prevailing "egalitarian feminist" approach in Turkey focused its efforts to achieve equality between women and men in education, law and politics. In the period until the 1960s, there was a national and international impasse since women's civil and political "rights" had been recognized.²⁹ In the 1960s and 1970s, despite women's political awareness, with the "assumption" and "prediction" that the women question could only be resolved by an integral transformation of society, it was not deemed a priority issue. In the 1980s, women who placed the women's question at the center of their political agenda carried on their practice of acting in concert but began to deviate in their points of view. Disparities mostly surfaced at the point of different ideological references in explaining the causes of the women's question. In this period, when different forms of action, organizations and theoretical explanations branched out, women still upheld the tradition of "collective action" and "solidarity".

- 28 Again women from Ankara opened their own club in Ankara under the name "Women's Coffeehouse" and organized meetings to discuss issues like birth control, women and Islam, pornography, etc. On the other hand, women who participated in the Campaign Against Battering in Istanbul, opened a "A Temporary Museum of Contemporary Women". The museum centered on the theme that throughout the ages, there has been no difference in women's house chores), household objects and devices like tweezers, bras, laundry lines, birth control devices, baby bottles, cradles, pots, detergents, etc. were exhibited; various panels and debates were held on e.g. "What Does the Opposition Say About the Women's Movement?", "Women's Organizations", etc.
- 29 Şirin Tekeli dubs this period the "barren years". See Şirin Tekeli, "Birinci ve İkinci Dalga Feminist Hareketlerin Karşılaştırmalı İncelemesi Üzerine Bir Deneme", *75 Yılda Kadınlar ve Erkekler*, Tarih Vakfı Yayınları, Ekim 1998, p.337 (Şirin Tekeli, "Essay on A Comparative Analysis of the First and Second Wave Feminist Movements ", *Women and Men in 75 Years*, History Foundation Publications, October 1998, p.337)

While egalitarian feminists took a specific avenue by their defense of the Kemalist ideology that opened up new vistas for women, the position of radical feminists was marked by their critique of the sexist elements in this ideology.³⁰ According to radical feminists, egalitarian feminism demanded women to enter the public domain so that they could have the same rights as men. However, beyond having “*the same rights*”, it was important to question and change the political, cultural and legal backdrop in which these rights were given. In this respect, it was argued that radical feminists’ viewpoint included and transcended the demands of egalitarian feminism. Socialist feminists endorsed yet another position with a showdown questioning the “reductionist” (leftist) political legacy that saw the women’s question only as a part of total transformation of the society. In these years, even if they were not as powerful as the other approaches theoretically and politically, “*Islamic feminism*” entered the stage claiming that they were subjected to sexist discrimination because they were not allowed to enter certain public places such as the universities because of their headscarves. However, the drawback of this approach compared to others was that these women were not critical towards the patriarchal nature of the ideology and practices prevalent in their religious community relationships. Within a religious ideology that tends to be more dogmatic towards rigid gender roles and sees them as unchangeable, adopting such a critical outlook was naturally very difficult and only possible on an individual level.³¹ In the 1990s, “*Kurdish feminism*”, developed departing from their local and ethnic cultural identities, was added to the host of approaches and practices reflecting the different perceptions and ways of organization with respect to the women’s question in Turkey.³² As this rough shows, the “awareness” and the “critical outlook”, pertaining to “women’s consciousness”, provided to women the modernization process in Turkey, was wrought within the paradox each woman encountered in “*settling scores with and laying claim*

30 Nermin Abadan Unat, *75 Yılda Kadınlar ve Erkekler*, Tarih Vakfı Yayınları, İstanbul, Ekim 1988, p.331-336 (Nermin Abadan Unat, *Women and Men in 75 Years*, History Foundation Publications, İstanbul, October 1988, p.331-336)

31 A brave but sad example is Gonca Kuriş, an Islamist woman who openly declared that she was a “Muslim feminist” and started a courageous critique of sexist religious practices and was abducted and eventually killed by Islamist *Hizballah* terrorists.

32 For detailed information on “Kurdish feminism” and “Islamist feminism”, see the chapter on “Women’s Movement in the 1990s”.

to” their individual cultural ethnic, class and political identities. These political variations played an enriching role in developing a diversified women’s point of view and sensitivity that helped decipher the patriarchal system in all its dimensions.

Two of the most important examples of these debates that questioned the patriarchal order in 1980s’ Turkey with all its manifestations and bashed the acceptance of “*there exists a homogeneous women’s issue*” could be traced to the magazines issued by socialist and radical feminists: Women from the *Women’s Circle* began to publish the magazine “*Feminist*” in 1987.³³ Sallying forth with the slogan “*personal is political*”, they underlined their objectives as expressing the repression they had to put up with, politicize their personal questions and reinforce their solidarity. Women printing this magazine defined themselves by and large as “*radical feminists*”. The women’s movement had begun to diversify and pluralize within itself embodying a multitude of methods and approaches. As a result of differentiations occurring in a rich assortment of thoughts and political approaches, women began to cluster into groups like “*radical feminists*”, “*socialist feminists*”, “*egalitarian feminists*”, “*Muslim feminists*”, “*Kurdish feminists*”, and so forth. In the process of forming identities, the first important definition came out with the label “*radical feminists*” by women who published the magazine “*Feminist*”.

In this magazine, radical feminists elaborated on all types of injustice they faced in the private domain from sexuality to childcare, domestic violence to sexual harassment by means of “personal accounts” and theoretical discussions.³⁴ The magazine was groundbreaking not only by the issues it covered but in terms of the spelling and grammatical rules used, its structure, method and style as well. The radical feminist position hence made a major difference not only in political content but also by its reversal of the established patterns in research, written language and culture that had seemed to be invariable and indispensable.³⁵

Although the divergence in the women’s movement led to groupings of socialist feminists, radical feminists or liberal feminists, it did not keep

33 The magazine *Feminist* released 7 issues between 1987 and 1990. The publishers put the phrase “published sporadically” on the cover and printed these issues intermittently.

34 *Feminist dergisi*, Kadın Çevresi Yayıncılık, Sayı 1, 8 Mart 1987, İstanbul, p.6 (*Feminist magazine*, The Circle of Women, Issue 1, March 8 Mart 1987, İstanbul, p.6)

35 Sevgi Uçan (Yöney), *Turkish Feminist Movement In the '80s: A Study On Two Feminist Journals: Cactus and Feminist*, Master’s Thesis, Bosphorus University, 1995, p.20-25.

them from engaging in common political action or co-operation. That is why scores of publications, activities and discussions by feminist groups in which they articulated their views, served to publicize the women's question in Turkey and made it more inclusive. In other words, feminism in Turkey started to acquire a more "pluralistic" and "comprehensive" nature reflected in the intersection of different class, ethnic, lingual, religious, etc. identities. One of the chief examples of this development was the magazine *Kaktüs* (*Cactus*) printed by socialist feminists first in 1988.³⁶ Women who printed the magazine said that they saw it as "a combination of 'different feminisms' and the 'Independent Women's Struggle', that they would continue discussing "where they stand in the Women's Liberation Movement" and "what kind of an independent women's policy they had in mind" and declared that "the Socialist Feminist Cactus shall have not a divisive but all-embracing contest".³⁷ In the magazine, articles concerning theoretical debates elucidating the women's struggle, daily political issues, feminist struggles in other countries, international partnerships and research concerning the subordinate position of women. Besides these articles, which were more of a transmission of theoretical discussions and accumulation of knowledge, *Kaktüs* was a magazine that also frequently printed direct accounts ("testimonies") by women. It may very well be argued that the socialist feminists who published the magazine contributed considerably to the evolution of the Turkish women's movement from homogeneity to multi-culturalism.³⁸ Through personal accounts and theoretical/political articles, a diverse mass of women was accessed and important contributions were made towards the creation of an intellectual atmosphere that boosted feminist political awareness in Turkey.³⁹

36 The magazine *Cactus* was printed from 1988 to 1999, a total of 12 issues. For each issue, 2500 copies were printed. It can be said that *Cactus* enjoyed a significant sphere of influence considering its theoretical level and countrywide circulation. Among the writers of the magazine were Gülnur Savran, Fadime Tonak, Hacer Ansal, Sedef Öztürk, Banu Pakar, Nesrin Tura, Şahika Yüksel and Aksu Bora.

37 *Sosyalist Feminist Kaktüs Dergisi*, "Neden Dergi Çıkıyoruz?", Sayı: 1, K Yayınları, Mayıs 1988, p.6 (*Socialist Feminist Cactus Magazine*, "Why Do We Publish Magazines?", Issue:1, K Publications, May 1988, p.6)

38 Women, who printed these two magazines in the 1980s, came back together in the 1990s to publish the weekly women's newspaper *Monday*. This magazine has been published to this day with gaps in between. It is still functional for the women's movement.

39 Sevgi Uçan (Yöneç), op. cit., p.36-39.

The Search for Continuity: Institutionalization

By the end of the 1980s, the women's movement and feminist ideology had not diffused sufficiently to encompass all parts of Turkey. Nonetheless, the women's issue had been taken to the public agenda with a radical discourse and had become a part of the political discourse. However, this process also demonstrated the need for sustaining independent women's organizations; namely, institutionalization was now the agenda!

In the "Campaign to Say No to Sexual Harassment", activists, distributed "purple pins"⁴⁰ to women in spaces open to public, revoking their experiences of harassment and suggesting ways of protection from attacks, women brought the issue to public attention.⁴¹ The growing need for institutionalization led to the establishment of the *Purple Roof Women's Shelter Foundation* in 1990.⁴² This was the first concrete and institutional step towards fighting violence against women.

In this period, the independent women's movement also took up the existing inequalities in laws and practice: A salient example was also the first legal accomplishment of the women's movement after 1980, the abolishment of *Article 438*, reducing sentences for rapists of prostitutes, by the *Law Numbered 3679*. For this decision, which meant the annulment of the law, women orchestrated a number of activities and they were even arrested at marches they had organized in order not to keep the issue off the public agenda. With the campaign "Our Bodies Are Ours, Say No to Sexual Harassment" feminists called all women, artists and different groups of society for a united stand on this issue. Handing out "certificates for chaste women" around Istanbul's brothels, they unmasked the hypocritical and sexist moral norms of society. In

40 Around the Campaign "Our Bodies Are Ours, Say No to Sexual Harassment" launched on November 2 1989 in Istanbul to call attention to sexual harassment, women distributed pins with purple ends in public spaces. (This was a tradition women in Turkey inherited from their grandmothers who gave their daughters "pins" to protect themselves from potential sexual harassment in public transportation.) A few years later, a group of German feminists, influenced by the idea of purple pins, organized a campaign of "say no to harassment" by which they distributed purple pins in the city of Cologne. See Serpil Çakır ve Hülya Gülbahar, *ibid.*, p.250.

41 As a result, they had a part to play in the opening of women's shelters by *Bakırköy* and *Şişli Municipalities*.

42 For detailed information on the Purple Roof Women's Foundation, see the part of the book citing examples of women's NGOs in Turkey.

the march “All Women Against Article 438”, the discrimination between “chaste and unchaste women” was protested spotlighting the theme “No Rape Is Justified”. The struggle waged to revoke this article on grounds that it violated the principle of equality guaranteed in the Constitution (Article 10) succeeded.⁴³ Women likewise campaigned vociferously for an amendment in *Article 159* that bound women's employment to permission of their husbands. They printed handouts declaring, “Women, did you know that according to Article 159 of the Civil Code, we cannot work without the permission of our husbands? Do you know that this article is being discussed in the Supreme Court? Let us join our forces so that this article can be repealed” and urged them to stand up for their rights. Feminists articulated their insurgence and demands for change as follows: “As women who fight against all laws, traditions and practices that bind women to marriage and subject them to men, starting with men being the head of family, we support all efforts that can exert pressure on the Supreme Court to abolish this article. However, we want to remind that beyond the concepts of human rights or equality, these laws play a role in the oppression of women as a sex”.⁴⁴

Upon this energy released by the women's movement, women who defined themselves as feminists began to set up numerous foundations to foster solidarity, undertake cultural-occupational training or charity work. Many organizations were established to combat against the conditions that kept women as second class citizens, such as: *The Association in Support of Contemporary Living*, *Association to Research and Develop Women's Rights*, *Association of Women Laborers*, *Association to Develop the Female Laborforce* etc. Although most of these organizations were not radical feminist in content, they were very effective in undermining gender discrimination by the way they organized around the women's question and their culture of solidarity.

43 Yeşim Arat, “Liberal Kemalizmin Radikal Uzantısı” *Kadın Bakış Açısından 1980'ler Türkiye'sinde Kadınlar*, der. Şirin Tekeli, İletişim Yayınları, İstanbul 1990, p.83 (Yeşim Arat, “The Radical Extension of Liberal Kemalism” *Women in Turkey During the 1980s From Women's Perspective*, Ed. Şirin Tekeli, İletişim Publications, İstanbul 1990, p.83)

44 “159'a Hayır!...”, *Feminist Özel Sayı*, İstanbul 1988 “No to Article 159!...”, (*Feminist Special Issue*, İstanbul, p.1988)

Conclusion: What has the 1980s' Women's Movement Brought?

When the word “feminist” was taken up in Turkey in the early 1990s, the women's issue was tackled with a new and radical point of view. By virtue of the struggle waged in the 1980s, it was made visible that women, were victims of sexist discrimination, that a narrow perspective like “equality of rights” by itself would not be enough to solve this problem and a new political discourse was developed to tackle the issue. Now, referring to feminism as an ideology against gender discrimination was socially legitimate.

Accordingly, it was realized that for women to be liberated, new regulations in every area family, law, health, economy, education etc.had to be introduced and the rigid division between public and private domains had to be brought to an end. Aside from achieving equality between women and men in the public arena, the repressive and coercive relationship that left women alone in the private domain had to be changed too. In the 1990s, the women's movement in Turkey was in need of institutionalizing its ideological and practical experience gained in a decade of struggle.

The 1990s witnessed women of Turkey working their way into becoming a major pressure group so that the inequalities reducing women historically to second-class citizenship almost everywhere in the world could be obliterated. Their demands and efforts represented a content that laid bare the relationship between the women's movement in Turkey and democracy and human rights. In this framework, it can be argued that the women's movement of the 1980s paved the way for a civil force contributing considerably to the formation of a more democratic society. Furthermore, this contribution mattered not only in terms of the re-transition from the authoritarian regime of the 1980s to democracy but also by its unconventional approaches towards the conduct and discourse of politics; being anti-hierarchical, anti-centralist, peace-oriented, participatory and sensitive to each women's need to realize her full potential. The key values and goals infused by the independent women's movement in the 1980s to the overall political mood in Turkey was the project of a society organized around genuinely democratic relations based on equality and equity and a horizontal and collective division of labor. Ontologically dissenting the notion of a state that restricts indi-

vidual rights and freedoms, the women's movement was charging a struggle for democracy in this sense, too. In those years, besides contributing to the enlargement of the public sphere through their civic activities, women also instigated the social transformation of the private sphere, which was overlooked by all kinds of legal, economic and political regulations and by the state, with the slogan "personal is political".

THE WOMEN'S MOVEMENT IN THE 1990s: DEMAND FOR DEMOCRACY AND EQUALITY

İNCI ÖZKAN KERESTECİOĞLU

The feminist movement, starting in the first half of the 1980s in the form of "raising awareness" and "building up ideological accumulation", together with the Campaign of Solidarity Against Battering of Women in 1987, pressed ahead and took to the streets, but since the early '90s, a period of institutionalization and "project feminism" set in.¹ What's meant by institutionalization is the creation of feminist consciousness during the 1980s; developing its own institutions on one side and gender mainstreaming on the other. It has often been voiced by feminists that in this period, the zeal and oppositionary nature of the '80s phased out though concurrently, the feminist discourse won over many previously unreached women, and women's organizations sprang in numerous cities like Diyarbakır, Antalya, Adana, Mersin, Gaziantep, Samsun and Eskişehir. As the women's movement expanded horizontally and vertically, it came to lose the alternative language it had among small groups and its singular way of doing politics. This is token of a universal tendency; the second wave of feminism in the West also lost its vigor and colorfulness over time but began to implant women's issues and solutions concerning these issues, in key policies. While it is more plausible to define the '80s as the era of the feminist movement, the '90s ought to be defined as the time when the women's movement was motivated by the feminist accumulation and consciousness. The use of feminist terminology by scores of

¹ This periodization is widely accepted within the movement. See Gülnur Savran, "Yolun Neresindeyiz?", (Where Are We On the Path?), *Pazartesi*, no 36, March 1998, p.3.

women's organizations be them feminist or not, its infusion into media, state institutions and daily discourse are achievements of the activities and campaigns of the '80s.² Therefore, it is necessary to think of the women's movement-which we compartmentalize as the '80s and the '90s- as a whole and grasp the continuities and differences in between.

In Turkey, women have been advancing in their level of being organized since the '90s, while covering remarkable distance on the subject of bringing the social dimension of gender to public policies. The Law on the Protection of the Family, the new Civil Code and the Turkish Penal Code (still under discussion) exemplify the legal reforms corresponding to the demands of the women's movement. The struggle to change laws resulted in the collaboration of women, ideologically placed in diverging positions. "Kemalist feminists" (egalitarian feminists), acting on the emphasis of equality and entertaining, for the most part, sensitivities with respect to preserving the gains of the Republic as opposed to radical feminists, criticizing the Kemalist project's instrumentalization of women, work hand in hand to reform the Civil Code or purge the Turkish Penal Code of sexist elements. Different women's organizations and groups unite forces on platforms formed in connection with such goals. These groupings are also crucial in the context of enriching the democratic experience in Turkey. By maintaining their differences, women have shown that acting together is possible. The platforms deepen the dialogue between the state and civil society through the forms of relationships they build with various state bodies such as the parliament, ministry and governor's offices. In short, this sprouting women's movement of the 1990s consolidates the relationships between different fronts of civil society, and likewise develops new forms of relationship between the state and society. Paying attention to the way the women's movement does politics can serve an important function in untying the knots in Turkish politics. Especially with regard to secularism and the Kurdish issue, the bridges already built and those that can be built between women, suggest ways to solve Turkey's modernity crisis within modernity and democracy.

2 Nîlüfer Timisi-Meltem Ağduk Gevrek, "1980'ler Türkiye'sinde Feminist Hareket: Ankara Çevresi", Aksu Bora-Asena Günel, (der.) "90'larda Türkiye'de Feminizm", ("The Feminist Movement in 1980s' Turkey: The Vicinity of Ankara", in Aksu Bora-Asena Günel (ed.), *Feminism in Turkey in the '90s*), İletişim, İstanbul: 2002, p.37.

Domestic Violence Against Women: The Struggle and the Achievements

The continuities and differences between the 1980s and the 1990s are quite discernible in the fight against violence against women. The first mass demonstration of the 1980s was the Campaign against Battering of Women (1987) and founding of the Purple Roof Women's Shelter in 1990 was a follow up to this campaign as was the establishment of the Women's Solidarity Foundation (Ankara, 1992). Both were institutions structured to offer service to women subjected to domestic violence as consulting centers and shelters.³ Thanks to women's activity in the '80s, domestic violence against women was exposed, taken out of being a "private", "personal", "domestic" notion and carried to the public sphere or politicized. "Exposal" being the incipient step of the fight, in the '90s, the women's movement focused on solutions. In implementation of existing legal rights, besides raising the awareness of women and extending legal rights, the obligation of the state to forestall domestic violence against women was stressed.

Apart from independent women's organizations, there was institutionalization in professional organizations like bars on the subject of violence against women. Legal consulting was made available by means of Women's Law Commissions, adding up to 30 around Turkey. At this point, the Istanbul Bar Association's Center for Application of Women's Rights is particularly important.⁴

One of the most notable developments in the institutionalization of the fight against violence is the Women's Shelters Assembly regularly held every year since 1998. These assemblies, held for the 6th time in 2003, aim to build a web of transfer of information and communication between organizations engaged in the fight against violence against women.⁵ The

3 It is important to mention that these institutions are totally civil initiatives and they don't receive any financial support from the state. Unfortunately, due to financial difficulties, Purple Roof was closed in 1999 and now operates as a consulting center giving legal and psychological support to women subjected to violence. Currently in Turkey, there are 13 women's shelters, 8 by SSCPA, 4 by municipalities and 1 by the Women's Solidarity Foundation. These have a total bed capacity of 200, whereas the population of adult females is 15 million with 13 million married.

4 See "Contribution to Substantial Democracy: Women's Non-Governmental Organizations" chapter in this book.

5 S. Nazik Işık, "1990'larda Kadına Yönelik Aile İçi Şiddetle Mücadele Hareketi İçinde Oluşmuş Bazı Gözlem ve Düşünceler", (Some Observations and Thoughts Coming Out of

agenda of the assemblies demonstrates that beyond the '80s Campaign Against Battering and Sexual Harrassment, violence against women has been gradually defined more inclusively and problematized. Various types of violence such as incest, rape, "honor killings", sexual harassment at workplace, etc. have become prominent on the agenda of the women's movement.⁶

the Movement of Fighting Against Domestic Violence Against Women in the 1990s), in Aksu Bora-Asena Günal, op.cit., p.54.

6 Ibid., p.55. The last assembly was held on November 14-16, 2003 and the following demands were proclaimed:

- Establishing the Violence Line, which women can call from all around Turkey free of charge and can inform them about the places they can apply to
- Setting up women's consulting services in every city- open 24/7- and making these common by the scale of neighborhoods, in cooperation with the Social Services Child Protection Agency (SSCPA) and women's organizations
- Diverse shelters should be opened to provide service to groups of women with varying needs e.g. raped women, child mothers, victims of incest, sex workers, drug addicts, etc.
- The amount allocated to arming in the budget should be transferred to the budget for preventing violence against women; the conditions of using the budget and its application should be transparent; the impacts and consequences of budget spending should be made accountable, meaning budget analyses should be made based on gender
- Solutions should be worked out for accommodation problems of women subjected to violence, e.g. certain municipality lodgings should be supplied for this purpose; priorities should be given to these women and their children in free education and health opportunities and in placing them in jobs
- A "Permanent Commission to Monitor Equality Between Men and Women" should be set up in the Turkish Parliament, the Gender Equality Framework Law should be passed, the Organizational Code for the Directorate General on the Status and Problems of Women should be passed
- The 10th article in relation to the enforcement of the Civil Code should be amended
- All articles containing discrimination should be omitted from the Turkish Penal Code, violence against women should be punished, crimes committed under the pretext of honor, including virginity testing, should be punished, special provisions should be added about incest and rape. Sexual harassment in the workplace, included in the New Labor Law should be regulated in the Penal Code, too
- The duty to open women's shelters and consulting centers should be included in the law, regulations should be made about women's organizations to run and supervise these, local administrations should allot social funds to women's organizations
- Sexual harassment and violence should be explained to children in all educational institutions and ways of protection should be taught
- There should be a 30 % quota for women in all decision-making, executive and regulatory mechanisms; political parties and election laws should be revised accordingly. "2003'ün Gündemi: Kadına Yönelik Şiddet", (The Agenda of 2003: Violence Against Women), *Uçan Süpürge* (Flying Broom), no 22, 2004, p.38-40.

Behind the institutionalization of the fight against violence against women in the '90s, women's pursuit of demands and views raised in the '80s was essential, but international organizations, particularly the United Nations played an important role in this process of institutionalization, as well. The obligations of Turkey arising from the international treaties it signed- the 4th World Women's Conference in 1995 in Beijing and the United Nations Special Sessions where the five-year practices known as the Beijing+5- were conducive in mobilizing NGOs and marshalling coordination. At the same time, they paved the way for indisputable sensitivity and accumulation in state institutions and the bureaucracy.

Two legal arrangements in the 1990s elicited considerable changes in the position of the state regarding violence against women.⁷ The first is the legislation for "women's guesthouses" of the Social Services and Child Protection Agency (SSCPA). This was a hallmark in the institutionalization of women's consulting centers and shelters. The second legal arrangement was the Law Number 4320 on Protection of the Family in 1998. Although, the practice of this law is still problematic, even its enactment bears out the existence of a section within the state that rejects the patriarchal sanctioning of domestic violence. This is moreover a victory for feminist politics that had asserted, "personal is political", calling for state intervention to sexist practices in the private domain, at least with respect to violence.

The Law on Protection of the Family

This law embodies measures designed to penalize domestic violence against women and children. It entails serious legal precautions for violence. The first article of the law sets precautions to be taken in circumstances when "one of the spouses or one of the family members living under the same roof is subjected to domestic violence". The concept of "living under the same roof" is fundamental because violence against women and children may sometimes originate from sons, sometimes from brothers or the mother-in-law. In this case, the law is more comprehensive and inclusive than similar laws in other countries.⁸ Another

7 S. Nazik Işık, ibid. p.60.

8 Canan Arın, "Kadının Şiddete Karşı Hukuksal Korunması", in "Prof. Dr. Necla Arat'a Armağan (Legal Protection of Women Against Violence", in *A Gift to Prof. Dr. Necla Arat*), Beta Publications, İstanbul: 2004, p.52.

important point is that the complaint does not have to be made by the victimized woman; filing a case by notification is possible. Granted that the court finds the complaint justified, it can rule for a protection order against the perpetrator of violence, banning him from the household for six months. In case of non-compliance, the accused spouse may be arrested. Furthermore, during this time, the judge keeps in mind the living standards of the abused woman and may rule on maintenance payments. All these are indications that the state gains a new perspective towards patriarchal relations in the private domain. No fees are charged for applications to courts so that "such procedures will not be financial burdens on women". This approach implies the acknowledgment of an unequal power relationship between men and women socially and economically, and that the victim in this relationship should be protected.⁹

In order to put this law into practice effectively, society has to be made aware of the law and especially judges and people working in police stations-the first resort for women subjected to violence-should be trained. Bar associations and some women's organizations have produced various projects on this issue.¹⁰ However, apart from the efforts of NGOs, the state should also take an operational role. Women's organizations frequently express the state's obligation to bar domestic violence and underline the necessity for state officials, working in places that violence-stricken women would apply to- namely officials of justice and police forces- should undergo compulsory inter-service training to prompt their sensitivity on the issue.

Civil Code¹¹

The most important legislative change towards improving women's social position in the 1990s was unquestionably the enforcement of the new

9 See Fatmagül Bertkay, "Kadınların İnsan Hakları: İnsan Hakları Hukukunda Yeni Bir Açılım", Fatmagül Bertkay, *Tarihin Cinsiyeti* içinde, ("Human Rights of Women: A New Opening in Human Rights Law", Fatmagül Bertkay, in: *The Gender of History*), İstanbul: Metis Pub., 2003, p.54.

10 E.g. the Project carried out by KA-DER. See the part on KA-DER in this study.

11 *4320 Sayılı Ailenin Korunmasına Dair Kanun ve 4721 Sayılı Medeni Kanuna İlişkin Uygulamama Sorunları*, İstanbul Barosu Yayınları, İstanbul, 2003; Ahmet Kılıçoğlu, *Kadın ve Çocuk Hakları Açısından Yeni Türk Medeni Kanunu*, T.C. Başbakanlık Kadının Statüsü ve

Civil Code. Demands for amending it have been on Turkey's agenda for fifty years; drafts and proposals were formulated many times but an extensive change could not be made.¹² The amendments made in the Civil Code in the 1990s were the following: The 159th article (binding women's employment to the permission of the husband) was repealed by the Constitutional Court (1990); women were enabled to use their own surnames together with her husband's surname (1997); descriptions such as "single", "widow", "divorced" were omitted from identity cards; the Constitutional Court decided that adultery would not be a crime anymore. The work on the Civil Code Amendment Draft to change the language and philosophy of the Civil Code began in 1994 and the new law came into effect on January 1, 2002. The revisions were made by and large in the domain of family law and particularly in clauses undermining equality between men and women.

The women's movement worked ardently for this law amendment. Apart from a petition campaign coordinated by Istanbul University Women's Research Center in 1993 to which 119,000 women joined, demonstrations, media-fax campaigns, statements, communiqués, visits to the Parliament Commission discussing the law, the Parliament Speaker's Office and representatives of political parties, one-to-one meetings, activities in all regions of Turkey by 126 women's groups played a key role so that the new Civil Code-bringing about drastic changes in women's legal status within the family-would be fruitful.

Provisions, taking the residence of men (in making official applications for various procedures or cases filed) as basis, were revised to ensure equality between men and women. The clause identifying the woman's residence as the residence of her husband was revoked. The age for marriage was raised for both sexes, eliminating the difference between men

Sorunları Genel Müdürlüğü, 2003, Ankara; M. Canan Arın, *Yeni Medeni Kanunun Yaşamımızda Getireceği Değişiklikler*, Türkiye Sivil Havaçılık Sendikası Eğitim Yayınları, 2003, İstanbul. Seyhan Ekşioğlu, "Ailede Yeni Düzen", KA-DER, İstanbul, 2002. (The Law Number 4320 on the Protection of the Family and Problems In practice of the Civil Code Number 4721 Publications of the Istanbul Bar, İstanbul, 2003; Ahmet Kılıçoğlu, *The New Turkish Civil Code in terms of Women's and Children's Rights*, Prime Ministry's Directorate General on the Status and Problems of Women, 2003, Ankara; M. Canan Arın, *The Changes to be Brought by the New Civil Code to Our Life*, Turkey Civil Aviation Labor Union Educational Publications, 2003, İstanbul.; Seyhan Ekşioğlu, "New Order in the Family")

12 The first attempt at change started in 1951, in 1971 the first "Turkish Civil Code Pre-Draft" was designed, in 1984 the second pre-draft was designed. The commission established in 1994 presented its draft to the public in 1998. See Fatmagül Bertkay, op.cit., p.52.

and women in the minimum age for marriage. Further measures were taken in the name of the equality of men and women e.g. choosing a common residence, authorization to carry out transactions in relation to this residence, participating in the expenses of the union of marriage, representation of the union of marriage, the custody of children, guardianship and sharing agricultural property between heirs. The provision with respect to the husband being the head of the family was repealed.

The clause of the former Civil Code, binding a woman's engagement in a profession or branch of art to the permission of her husband, had been annulled by the Constitutional Court. The new Civil Code adopted this notion, too, and reads that spouses do not have to get each other's permission in choosing a profession or job. However, while making this choice, spouses should "take into account the peace and benefit within the union of marriage". Although no distinction was made between men and women in the clause, it is clear that in the current patriarchal system in Turkey, it will work against women's favor.

The "division of property" regime, the legal property regime in the previous law, had been detrimental for women, impoverishing them and collecting wealth in the hands of men. The fact that only 8.7 % of property and assets are registered to women is proof of this. To rectify this downside, the New Civil Code accepted "sharing acquired property" as the legal regime of property. But this new regime was made valid only for couples married after the enactment of the new law, January 1, 2002. Unless a couple agreed otherwise with a contract made within a year after the date of their marriage, the regime of "sharing acquired property" will only be pertinent for property they acquired after January 1, 2002. This aspect was regarded a pitfall by the women's movement and women's groups are vehement about changing it. By May 2003, numerous women's organizations launched a campaign of "No To Economic Violence Against Women" in order for 17 million married women to benefit from the legal regime of property starting from their date of marriage. In November 2003, a petition with 35,000 signatures was sent to the Turkish Parliament.¹³

In spite of all its shortcomings, the new Civil Code is the most important gain of the women's movement in Turkey. By its approach of accept-

ing women as autonomous beings, equal individuals in family relationships, it is a text trimmed of its sexist dimension. Many women's groups, led by women practicing law, followed the process step by step, put pressure on public to keep interest in the law alive. The collaborative struggle of women's groups with dissimilar views around a legal amendment is an important change both for women's solidarity and for Turkish politics, too. Without doubt, the UN Convention on the Elimination of All Forms of Discrimination Against Women, had an indisputable role in the enactment of the law. However, to say that this law was drafted only as a requisite of an international agreement and to overlook internal social dynamics would be wrong. Above all, the women's movement in Turkey put in enormous effort so that this agreement would not remain as any international document shelved in the dusty closets of the parliament, unpracticed. It is evident that any demand or right without ownership "inside", cannot be accomplished solely by "foreign" pressure. Moreover, one has to remember that in our globalizing world the distinction between the "inside" and "outside" is becoming ever more blurred. The UN convention has definitely facilitated the clarification of women's demands in Turkey and above all, in conveying these demands to the state.

Institutionalization of the Women's Policy on the Official Level

The process of integration of gender equality to the state policies began with the Advisory Council for Women's Policies set up in the State Planning Organization in 1987. This shows that the "women question" was acknowledged by the state and the Council took on the duty to impose policy precautions for women in The State Planning Organization's five-year plans.¹⁴ It is worth mentioning that this council did not have an association with the then flourishing women's movement. This disconnection was one of the reasons why it could not function effectively later on. It appears that the council was set up to fulfill international obligations. This example shows how international obligations lead to developments especially on the official level but remain abortive unless linked with internal social forces.

13 Uçan Haber (Flying News), "Kadınların Gündökümü", (The Daily Chronicles of Women) special issue, no 22, 2004, p.15 and p.29.

14 Selma Acuner, "90'lı Yıllar ve Resmi Düzeyde Kurumsallaşmanın Doğuş Aşamaları", ("The '90s and Stages of the Birth of the Official-Level Institutionalization"), in Aksu Bora-Asena Günel, op.cit. p.126-127.

The Directorate General on the Status and Problems of Women (KSSGM), established in 1990, was characterized as an official body benefiting relatively more from the build-up of the women's movement. Women, taking part in the feminist movement in the 1980s, generally approach official organizations with misgivings and describe the state as exhibiting the most sexist patterns faced by women.¹⁵ Nonetheless, within the women's movement- usually people from academia- stress the need for official organizations.¹⁶

The discussions during the founding process of KSSGM reveal divisions within the women's movement with respect to the foundation of a national mechanism under the roof of the state. While conventional women's organizations viewed the directorate positively, feminist organizations, especially the ones in Istanbul were stridently against it. Another group held that national mechanisms were needed, it was important to generate sensitivity in bureaucracy towards women's problems but it should not rise to a scale to eat up the independent women's movement. The terms 'monitoring', 'supervision' and 'protection' slotted in the draft prepared by KSSGM disconcerted almost all women's organizations.¹⁷ At the root of the skepticism of the women's movement towards the state, the discontent of the Kemalist modernization experience of an independent women's movement, regardless of countless opportunities it gave women on the public domain, played a role, as well. In this context, the shutdown of the Turkish Women's Union in 1936 is still alive in memories. 50 years had to pass after the closing of the Turkish Women's Union for the development of an independent women's movement.

15 Ibid. p.134.

16 For example, political scientist Prof. Dr. Nermin Abadan Unat, seen as one of the originators of academic work on women in Turkey, had said the following in a meeting in 1989, "the issue of male-female equality is not the job of voluntary associations. It's not the job of people who go out on the street and demonstrate. They may be supports. They may sway public opinion. But this job is under the responsibility of the state. (...) what can this mechanism be? It may be a Ministry of Women's Rights. Much more importantly, it would be undersecretariats, general secretariats on various levels of state bureaucracy and bureaucratic units at various Ministries." See Nermin Abadan Unat, "Uluslararası Platformlarda Kadının Siyasal Katılımı", in Necla Arat (der.) *Kadınlar ve Siyasal Yaşam: Eşit Hak-Eşit Katılım* (Political Participation of Women in International Platforms", Necla Arat (ed.), *Women and Political Life: In Equal Rights and Equal Participation*), Çağdaş Yaşamı Destekleme Derneği (Association in Support of Contemporary Living) Pub., İstanbul: 1991, p.65-66.

17 As an article on arguments and different approaches on this issue see Selma Acuner, op.cit.

It was natural for the women's movement to keep an institution- having goals such as 'monitoring', 'supervision' of the movement - at an arm's length and lash out, but in the span of 14 years since then, the ice between the women's movement and KSSGM has been largely broken; in spite of difficulties with regard to resources and personnel, KSSGM took important steps in getting together a database to help analyze research on the women's issue and the sexist social structure, in building a web of international relations and doing legal work. In all this work, it has tried to devise policies in coordination with women's organizations. After a period of over 20 years, women's organizations deal with- sometimes cooperate with- official bodies, speaking their minds much more confidently and embedding their words in state policies. Women's research units in universities were supported by KSSGM in their projects and helped it in turn to harden its ties with society. In this context, the EU membership process has also had an encouraging impact on improving dialogue between the state and civil society.

The KSSGM experience demonstrates that civil society forces can build a relationship with the state without losing their critical perspective and consequently can question public policies and contribute to forming new policies. Although KSSGM is a public institution tied to the Prime Ministry, it was able to develop relations with the women's movement and served as a bridge in transmitting the demands of this movement to official bodies. The work for the Civil Code; the changes in the Turkish Penal Code currently on the Parliament's agenda; the foundation of the "Gender Equality Research Commission" in the parliament in 1988, though temporary; the comprehensive report by this commission; acceptance of "women's human rights" as one of the four basic human rights listed by the "Committee of the Tenth Year in Human Rights Education", founded by the participation of NGOs in the Prime Ministry; all signal a new form of relationship forged between the state and civil society. For example, the Foundation to Utilize Women's Labor, set up in 1986, carries out its projects such as women's rooms, children's houses, neighborhood moms, micro credit for women, and so forth in association with public institutions.¹⁸ In this relationship they built with the state, women managed to make the state take the issue of gender seriously, even if they could not achieve all their demands. Perhaps for the first time in the history of the

18 See *Uçan Haber*, February 1999, no 5.

Republic, the hierarchical relationship between the state and society is transforming. In short, the apprehensions harbored by feminist women in the foundation process of the Directorate General on the Status and Problems of Women did not prove to be true; quite the opposite, noteworthy progress was made in feminization of public policies.

The Development of Women's Studies in Universities

The feminist movement in the 1980s impinged heavily on academic social science research in Turkey. Actually, one should speak of a mutual interaction. Women taking up academic careers had contributed appreciably to the shaping of the women's movement; as the movement advanced, women began to carry the feminist perspective into various disciplines of social sciences, foremost into writing history. "Women's Studies", developing in the West since the 1970s, thrived in Turkey at the end of 1980s. In this way, reading the predominant conception of science with a feminist perspective and carrying issues like production of knowledge, the nature of information, the relationship of women with knowledge, etc. into academia was made possible. The inclusion of gender into production of knowledge as the basic category of analysis happened by means of the diffusion of "women's studies".

Women's Research Centers, first founded in 1989 at Istanbul University, are now present in 14 different universities. An indication of the institutionalization of the feminist movement in academic life, these centers also develop new relations between society and universities through their projects. The Center in Istanbul University assumed coordination in the campaign for the amendments in the Civil Code and sent 119,000 signatures to the parliament. Apart from Istanbul and Ankara, centers were opened at universities in different cities of the country like Adana, Mersin, Gaziantep, Eskişehir, Van, etc. In addition to their goals to enhance awareness of gender and produce knowledge in the field of women's studies, these centers conduct basic and applied research regarding local problems, too. Particularly, studies about effects of migration on women's lives attract attention. Projects and training programs in fields such as gender awareness, women's employment, violence against women, etc. are carried out as well. Thus they not only function as institutions of research but also function as follow-up mechanisms to the Beijing Conference's Plan of Action.

Turkish Penal Code (TCK) Draft Law

In the 2000s, the women's movement has operated through institutions and projects and although coordination among organizations has not been sustained as desired, it can be mustered around certain issues rapidly and effectively. Apart from the Civil Code, which went into force in early 2002, the TCK Women's Working Group for the draft of the Penal Code (still on the agenda of the parliament) is the most up-to-date example. This group consisted of the Republican Women's Association, the Women's Commission of the Diyarbakır Bar Association, the Istanbul Bar Association's Center for Application of Women's Rights, Istanbul Governor's Office Human Rights Desk, Istanbul Governor's Office Women's Status Unit, the İzmir Bar Association's Center for Application of Women's Rights, the İzmir Bar Association's Women's Commission, The Women for Women's Human Rights-New Ways Foundation and Purple Roof Women's Shelter Foundation. After May 2003, the group was turned into the TCK Women's Platform, joined by 26 organizations. The platform organized conferences, panels and press conferences in Ankara and Istanbul on the subject and presented detailed blueprints to the Parliament Justice Commission for changing certain sections of the draft.¹⁹ The draft has been on the public agenda especially in relation to "honor killings".

The draft has been discussed in the lower commission since October 2003, but in the state it was brought to the commission, it cannot be called a reform. Both in the TCK currently in force and in the draft, the mentality that condones the power of men, family and society over women's bodies prevails. The approach of seeing women not as autonomous individuals but dependent members of the patriarchal family hinders comprehension of the specific attributes of violence against women. Because of this, first of all, the language used in the law and the definitions of sex crimes should be modified. The modifications already made in the draft by virtue of the efforts of the platform are as follows:

"Sex crimes", grouped under "Crimes Against Public Decency" in the first version of the draft, was later grouped in the section "crimes against

¹⁹ See *Kadın Bakış Açısından Türk Ceza Kanunu, TCK Tasarısı Değişiklik Talepleri*, TCK Kadın Çalışma Grubu, (*The Turkish Penal Code From Women's Perspective, the TCK Draft and Demands for Amendments*, TCK Women's Working Group), edited for publication by Women for Women's Human Rights-New Ways, 2003.

persons". The classification of sex crimes under the title "Crimes Against Public Decency" reflected a mentality that conserved values such as "common morality", "family and social order" and "public decency" instead of the physical and sexual integrity of the individual. This is an important change. Thus, the prosecution of crimes committed by way of harming women's bodies, is substantiated not by values such as "common morality", "family and social order", etc. that nullify women's individuality but by an understanding that sees women as individuals and safeguards their physical and sexual integrity.

The definition of rape was extended in a way that would comply with international standards. The perpetration of sexual crimes by police forces was made an aggravating circumstance. A perpetrator raping in order to torture is to be tried separately for crimes of torture and rape. Marital rape was included in the law as a crime for the first time. The current penal code does not contain any notion of "marital rape". By the logic of the law, since there is a marital relationship between husband and wife, even if the husband had sexual intercourse contrary to his wife's consent and by force, the act does not constitute a crime. The reason for this is that marriage places the wife at the disposal of the husband, burdens certain legitimate duties on women whereby showing consent to sexual intercourse becomes one of these duties.²⁰ In the new draft, the definition of marital rape as a crime accentuates women's own preferences in their relationship with men; a step towards equalizing and democratizing relations in the family.

The removal of the distinction between married versus single and virgin versus non-virgin women is another significant step in terms of the equality principle. For that purpose, the definition of "woman" in the "definitions article" of the draft was removed. The text needed no definition of "man" but had made a distinction between virgins and non-virgins in the clause for the definition of "woman". Articles present in the first version of the draft such as penalizing the abductor of a married woman more severely or holding the sexual rape of non-virgin women a lesser crime, discriminating between women based on patriarchal mentality, etc. were revised in accordance with the demands of the TCK Women's Platform. Hence, the approach vesting women's bodies and sexuality in society and men was tempered once more.

The provision postponing the penalty of a rape perpetrator in the case of marriage with the victim was abolished. This article chimed with the attitude that evaluated marriage as a compensation for the damage inflicted on the woman. In these types of marriages aimed to save the perpetrator from penalty, women are continuously humiliated, subjected to physical, sexual and psychological violence and forced to live together with their rapists or abductors.²¹ The removal of this article from the draft terminated the use of the institution of marriage as a device in breach of women's rights and freedoms.

Sexual harassment in the workplace found room in the penal code despite being defined deficiently. Initially, the sexual harassment article in the draft did not mention "sexual harassment in the workplace", which is a phenomenon that confines women's right to work and impairs the development of their personalities, as a crime. This crime was added to the law in response to women's demands. In the article regulating the crime of sexual harassment, "abuse of hierarchy or influence due to relationship of subordination" was regarded an aggravating circumstance. However, the platform finds this article inadequate in defining sexual harassment at the workplace and disapproves of binding prosecution of sexual harassment to complaints filed.

One of the most controversial aspects of the draft is the reduction in a murder sentence in "honor killings" on grounds of "unjustifiably provocative action". Arguing that this article means the state's toleration and legitimization of "honor killings", women contend that aside from abolishing this article, the state has to classify these crimes as "murder with criminal capacity" to manifest state opposition towards "honor killings". The amendment closed the door on perpetrators of "honor killings" to benefit from the reduction of their sentences on grounds of unjustifiably provocative action. However, the categorization of these killings as "murder with criminal capacity" thus making sentences heavier could not be achieved. The platform persists in its demands to that end.

The fact that "virginity check" was not treated as a crime in the draft comes up as another shortfall. The currently enforced law and the draft on the agenda took no legal measures to forbid virginity checking, in

²⁰ Fatmagül Berktaş, *op.cit.*, p.53.

²¹ See *Kadın Bakış Açısından Türk Ceza Kanunu...*, (*The Turkish Penal Code From Women's Perspective...*), *op.cit.*, p.7.

contrast, the virginity taboo is reinforced by the law. The pressure of virginity is still one of the strictest mechanisms of surveillance denying women control over their bodies, restricting their sexual freedom, sometimes leading to murders and suicides. Women's organizations making up the platform concentrate their activism on this issue.

Obviously, in spite of drawbacks, besides the Civil Code, in the Turkish Penal Code, too, articles upholding the perspective that subjugates women were weeded out and steps are being taken to underpin women's process of individualization. In taking these steps, obligations stemming from international treaties and the EU membership process have been influential though the feminist movement and consciousness evolving since the 1980s has had an undeniable share. Women have been acting extremely consciously and make explicit demands relating to laws of interest to them, transmit their own voice to the political system- especially through channels they have developed in the last decade- and formulate policies.

The Constitutional Change

A recently raised issue that has been on the agenda of the women's movement for a long time is the amendment to the 10th article of the Constitution that rules on equality between men and women.

Article 10 of the 1982 Constitution, still in force, guarantees equality between men and women before the law. This article was the basis for the abolishment of discriminatory provisions in some laws against women by the Supreme Court.

The 2001 amendment in the Constitution took important steps to promote equality between men and women. In article 41 titled "Protection of family", the clause "and relies on equality between spouses" was added to the sentence "Family is the foundation of Turkish society".

In article 66 of the Constitution titled "Turkish Citizenship", "The child of a Turkish father or a Turkish mother is Turkish. The citizenship of a child born from a foreign father and Turkish mother shall be defined by law", there was a sex-based discrimination imposed to obtaining Turkish citizenship. This second sentence in the article was taken out by the 2001 reform in the Constitution.

In the last Constitution package that was brought to the agenda of the Parliament's General Assembly in May 2004, the changes intended in

10 articles concerning equality between men and women sparked off raging debates. The removal of the section on affirmative action, which would allow for quota practices, drew vociferous reaction from some women MPs and women's organizations. The constitutional amendment, also approved by the President, does not include the concepts of "affirmative action" or "positive discrimination" but stipulates, "the state will take precautions for the provision of equality between men and women in practice".²² In this version, the article can be interpreted as a major improvement. What women's organizations have been trying to accomplish for years frames a constitutional ground for the amendments in the political parties and election laws but is not a sufficiently binding provision. As seen both during discussions in the parliament and among the public at the time of the recent amendment process, in Turkey, the mentality that is based on "equality before the law" still prevails. However, the idea of equality, hinging only on equality before the law, is instrumental in maintaining existing inequalities and reproducing them. For a perspective that does not write off the state of inequality at the start and takes action to overcome it, the adoption of the "affirmative action" principle is vital. Women's organizations keep enunciating their demands in this direction. In order to put the recent constitutional amendment in effect and promote the "Equality Framework Law", a number of women's organizations gathered to form a group. The objective is to play a part in changes that would grant at least 30 % of representation and participation rights to each sex, especially in the political parties and election laws.

Labor and Job Security Laws²³

Another legislative effort involving women in 2000s was the Job Security Act²⁴ (put into effect in 2002) and the new Labor Law (enacted in 2003). With these laws, progress was made for the achievement of equality between men and women in professional life and the protection of women employees' rights.

22 *Radikal* Newspaper, 22.5.2004.

23 Mehmet Uçum-Ramazan Çakmakçı, *İş Kanunu ve İlgili Mevzuat*, (The Legislation on The Labor Law), Legal Publications, Istanbul, 2003.

24 4773 Job Security Act (the act concerning amendments in the Labor Law and Law of Trade Unions) was approved by the Parliament in August 2002.

The most important of these were: prohibition of gender-based discrimination in professional relationships, increase of the work ban for women to 16 weeks prior to and after birth, and in cases of gender-based discrimination, making the employer liable to prove that annulment was based on a valid reason.

One does not often come across a struggle for the rights of workingwomen on the agenda of independent women's organizations. This issue is rather on the agenda of trade unions; KESK, the union for employees in the public sector, is particularly sensitive. KESK did not have any qualms about publicizing the demands that were brought up in its July 27, 2002 symposium "Women in Professional Life". The demands proclaimed at the campaign "We are Organizing Our Words" are as follows:

- The approval of ILO's Convention Number 183 on Maternity Protection²⁵ and the demand to re-arrange maternity leave as 24-week paid leave.

- Starting from the end of maternity leave, one-year-long unpaid leave, which can be used by the mother and father in turns.

- Common baby care units and nurseries in workplaces with at least 50 employees and nearby workplaces with less than 50 employees.

- 30 % positive support in promotions and raises in favor of women, keeping in mind social conditions and the scarcity of women executives in state ranks.

- Positive support for women in employee recruitment exams.

Although KESK has not yet made any gains regarding these demands, its "pants protest" on December 7, 2001 as part of the "Campaign to Organize for Equality Against Discrimination" got quick results. Female public employees were allowed to wear trousers with a change in regulations. This success rendered the Women's Secretariat within KESK more effective.

25 ILO ratified this convention in June 2000. The convention declared that women could not be dismissed due to pregnancy, paid maternity leave could not be less than 14 weeks, female employees have the right to return to a position that is the equivalent of their former position, pregnant women cannot be employed in jobs involving risk and will not lose any rights.

The 'New Feminisms' of the 1990s: Organizations of Muslim and Kurdish Women

In consideration of the women's movement in the 1990s, one other point to be addressed is that women who had not been a part of the feminist movement in the '80s instigated their own activism in the '90s. The Feminist Weekend and the 1st Women's Assembly in 1989 sent the first signals about the dissemination of the women's movement and of course about disagreements and conflicts. This dissemination and demarcation were intensified in ensuing years. As mentioned before, the expansion of the women's movement occurred in the ideological sense as well as geographically. Islamist and Kurdish women, who had not joined the '80s groups, have been voicing their opinions through their magazines and associations.

The most critical, and most of the time, the only issue of the women's activism in the Islamic front has been the 'head scarf' issue. In this group, the first organization, all founding members being women, was the "Student Parents' Cooperation and Solidarity Foundation" established in 1987.²⁶ The goal of this foundation was to provide legal and financial support and solidarity for the educational rights of covered students. For this purpose, educational scholarships and food-shelter aid was given to female students.

Currently, there are over 300 Islamist women's associations, foundations and groups. Among these, the Gökkuşuğu (Rainbow) Women's Platform, a roof embodying 46 groups, works in Istanbul and the Çınar (Plane Tree) Women's Platform, embodying 14 groups, in Bursa are active.²⁷ Other than these, two other groups to mention are the Başkent (Capital City) Women's Platform and the Southeast Women's and Culture Platform. The Capital City Women's Platform does not only center on the headscarf issue but also battles with erroneous interpretations of religious tenets against women's favor. Both groups are distinguished from other conservative women's organizations by the meaning they attribute to women as individuals.

The Islamic women's activism contains many paradoxes within. An Islamist woman writer defines this situation as, "this is something like

26 Sibel Eraslan, "Uğultular...Siluetler", (Hums...Silhouettes), in Aksu Bora-Asena Günel, op.cit., p.253.

27 Ibid.

the complex, entangled fate of tradition and what's modern. The stand point of these girls is a state of two-fold lack of definition by which the leadership finds it traditional and backward with an oligarchic concern and tradition mostly accuses it of being modern, calling them upstarts unlike itself".²⁸ The struggle waged by the Islamic women's movement towards interpretations of religion against women is an important contribution in overcoming traditional values legitimized with reference to religious ideology. This contribution has nonetheless remained quite limited because women in this movement had to allocate a significant portion of their time and energy to the headscarf issue. At this point, Islamist women lead to ruptures within the women's movement. While women's groups committed to the modernization paradigm are placed in exact opposition to Islamist women, radical feminist groups which approach this paradigm critically, can open dialogue with them even if loosely. In this process, women are once more made objects as the symbols or indicators of what's modern or traditional.

Another chasm in the '90s women's movement resulted by the emergence of the Kurdish women's movement. In 1996, a group of Kurdish women, defining themselves as feminists began to publish the magazine "Roza", followed by other magazines like "Jujin" and "Jin u Jiyar". In the first issue of the magazine Roza, they explained their purpose of publication as a function of the need for an independent Kurdish women's magazine, triggered both by the problems they encountered inside the Turkish women's movement and also by their position within the Kurdish movement. As regards the Turkish women's movement, they wrote, "we experience our womanhood differently. The national identity we bear changes the color of our womanhood. Our demands and aims are different; they are trying to assimilate us, ignore us and disregard us in the name of the universal" and for their position within the Kurdish movement they noted, "we were present there for our Kurdish identity whereas our womanhood went down the line. Speaking of sexist pressure sometimes turned out to be a luxury".²⁹

The approaches in Roza and Jujin run parallel to criticism directed by black feminists to the 1960s' second wave feminism. It was claimed that universal sisterhood ignored class and race divides between women; the

28 Sibel Eraslan, op.cit. p.242.

29 Roza, no 1, March-April 1996, p.4.

concept of women's solidarity, brought up in the context of universal sisterhood, did not develop policies towards the problems of black or poor women; moreover felt no such concern; the prevailing feminist movement was involved only in the problems of the white bourgeois woman and it was a "power feminism" based on career opportunism.³⁰ Kurdish women find fault with the women's movement in Turkey in a similar way. Setting themselves apart from Turkish feminism appears to be a basic concern for them since "Feminism, done in Turkey without naming it or indicating ethnic identity, is understood unavoidably as Turkish feminism."³¹ Calling attention to Kurdish feminism's effort to settle accounts with the state, the national movement and the Turkish feminist movement, they say their agenda deviates from that of Turkish feminists.

The magazine Jujin's approach is similar to Roza. Made of the combination of the Kurdish words "juji" (porcupine) and "jin" (woman), Jujin defines a woman with quills rather than one with smooth skin. These quills help them defend themselves against male dominance. Not only the male-dominated system but also the racist system takes its share of these quills. They say that Turkish women treat Kurdish women in a prejudiced and racist way in the name of anti-nationalism, anti-racism, feminism and internationalism.³² In an environment of acute conflicts, extremely restricted in terms of self-critique, the Roza magazine, in particular, has the nerve to criticize the Kurdish political movement:

"The demands of Kurdish women concerning their identity as women are always delayed for other priorities. Women joining the struggle are still asked inflexibly to slip out of their women's identity and become sexless. Male secretaries can still write articles titled 'the women's issue and organization'.³³ In short, liberation is still defined in the male way."

The meeting of Turkish and Kurdish feminisms may open an effective channel in producing solutions towards "the creation of partnerships

30 For such criticism see bell hooks's work *Feminism is for Everybody*, South End Press, 2000, especially p.1-18.

31 "Kürt Feminizmi", ("Kurdish Feminism"), Roza, no 15, Mart 1999, p.3.

32 Canan, "Sınırlar Ötesinde Kürt Kadını da Vardı", ("There were Kurdish women as well beyond the borders"), *Jujin*, no 1, December 1996, p.8.

33 Roza, no 1, March-April 1996, p.9.

based on acknowledgement of differences”, a universal question of modern/postmodern times. The history of feminism is at the same time the history of the transition from the emphasis on equality to the emphasis on difference. Now, the need for partnerships that do not overrule such differences is felt in every sphere of social life. Women are the group closest to solving this problem. The way for universal sisterhood to shed its abstractness and artificialness is to construct a sisterhood recognizing and incorporating differences. We have to acknowledge and recognize differences such as race, sex, age, class, etc. without seeing them as insurmountable barriers and without making them fixed. This would also be the healthiest way to empower women against nationalist, racist or culturally essentialist politics.

The voice of Kurdish feminism that reached people through the mentioned magazines, even if for a short period of time, caused feminists in Turkey to approach the differences between women more sensitively and fostered the emergence of organizations working out solutions towards women's problems by trying to associate local and universal approaches, particularly in the South East. Ka-Mer³⁴ is a typical example. Reasoning they have no right to hide local abuses of rights with concerns of being discredited or being vulnerable to racist criticism, women from Ka-Mer stress for good measure that they are not the only ones experiencing these abuses. They form a women's policy in the geography they work, drawing on universal valid discourses.³⁵ In this context, they emphasize that the only source of domestic violence is not the husband, but everyone possessing authority in the family should be considered within the bounds of the family, that the nuclear family model does not apply to the region, and more importantly, that the patriarchal social structure fuels violence from women to women (usually violence by mothers and mother-in-laws to young women) in large families. In its struggle with “honor killings”, Ka-Mer tends to look for ways to engage in dialogue with peo-

ple such as heads of families, religious leaders (imams), etc - who give the green light to such murders - and uses all the available means of communication from the position it stands. While these actions localize feminism, they contribute to the development of a democratic culture. They are examples of a changeover from a course of politics, where everyone clutches their own position and hold their ground, to a negotiating and transforming course of politics.

Too many problem areas continue to exist in Turkey concerning the status of women. Nonetheless, there are social forces that lay claim to these problems and produce solutions. The women's movement is extremely important in Turkey not solely as a movement seeking solutions to problems of women by its discourse and ways of organization but also as a movement making transformative impacts on the way politics work in Turkey. As we tried to exemplify above, in denouncing the patriarchal structure in different areas of civil society, women particularly problematized the patriarchy of the state and transformed it on certain levels. The organization of different women's groups for the same goal, in unison, created an effect to broaden the boundaries of secularism and nationalism and hence the boundaries of the public sphere. In the 2000s, the women's movement has displayed enormous vitality on the local level. Different women's groups organize in the form of platforms in several cities. Platforms are grounds enabling everyone to act in concert while preserving their ideological or cultural differences. Meetings on these grounds also make it possible to express local experiences around universal values. The agenda of the women's movement crisscrosses the promises made by governments to honor international agreements or for the EU membership process at many points. This intersection points to the universal approach of the women's movement as well as legitimizing women's demands at the level of the domestic government and incites their effectiveness in their relationship with the state.

34 Ka-Mer was founded in 1997 in Diyarbakır “by women defending basic human rights in any circumstance; believe that women should be entitled to these rights in their private lives; oppose discrimination by race, language, religion, sex and every other kind of discrimination, all kinds of violence and hierarchy; believe in dependent working of women; take solidarity and sharing among women as a principle”. See. Nebahat Akkoç, “Diyarbakır Ka-Mer'in Kuruluş Hikayesi ve Yürüttüğü Çalışmalar”, (“The Founding Story of Diyarbakır Ka-Mer and Its Work”), Aksu Bora-Asena Günel (ed.), op.cit., p.209.

35 See the speech by Nebahat Akkoç on 24.10.2003 at Bostancı Teacher's Guesthouse, at a meeting organized by Şahmeran. “We will not get used to” op.cit. p.118.

CONTRIBUTION TO SUBSTANTIAL DEMOCRACY: WOMEN'S NON-GOVERNMENTAL ORGANIZATIONS

SEVGİ UÇAN ÇUBUKÇU

The women's movement, which created an ideological awareness with respect to gender issues in Turkish society in the 1980s, started to establish its own institutions in the '90s. The feminist movement, whose "subject" was educated professional women and university students in urban centers in the first decade showed an inclination of spreading at both geographical and sociological levels in the second decade. This development materialized at two levels: The first is institutions that target to change the gender-biased practices of the state and law; the second is activities and non-governmental organizations that aim to convert traditional gender roles and stereotypes within the patriarchal culture.

The feminist protest of the '80s has succeeded in penetrating into public policies through all kinds of formations such as associations, foundations and companies that sprung from itself or was created with its influence, by bringing alternative models, rules or approaches (gender mainstreaming). These constructions, which were influenced by feminist consciousness, at some points arose in the shape of an independent women's organization and at others arose as an autonomous unit or center within mixed constructs such as universities, trade unions and business organizations. Widespread and varied outside urban centers as well, these constructs have their mark on the gains that have a transformative quality on the gender-biased content of the state and society in Turkey. It is known that the number of women's associations and organizations, which also led to the enlargement and liberalization of the public sphere

is over 200.¹ The table of women's non-governmental organizations that are in relation to close cooperation and solidarity with national and international women's organizations is rather long. However, the picture drawn by this table is noteworthy in the sense that it displays the fact that women are a "civil force" in Turkey. Therefore, samples of women's non-governmental organizations active in various fields, which have constituted "model"s² for similar organizations are analyzed below.

KA-DER³

Adopting the motto of "Democracy without women is not democracy!", a group of women specialized in political and social sciences, law, journalism and public relations gathered together and founded KA-DER in 1997. From the most developed democracies to those that have repressive-totalitarian qualities, the most significant dimension of democracy's representation crisis is comprised by the problem of women's representation/ disability of representation. In this sense, it is not a coincidence that the under representation of women in political decision mechanisms in Turkey, which is a country that has acknowledged women's right to vote and be elected in 1934, a very early date compared to many countries with a more developed conception of democracy, has been problematized in 1997. Although significant studies have been conducted in the academic level problematizing the exclusion of women from political decision-making organs since 1978, women's political struggle against this setback has only been possible with the post-1980 women's movement, which is a process of raising political consciousness and activism.

KA-DER is an "above-parties" association that is independent of all political parties, yet open to women of all parties and those that are not members of a party. The association's aim is declared as "establishing equality of women and men in politics, carrying women's voice and ideas to elected parliaments and thereby changing the destiny of women and

the country". The necessity of establishing immediate-effective and eventual-equal representation in all decision-making mechanisms that are reached through election and appointment and in politics is emphasized, and it is pointed out that Turkish politics, which is going through a crisis, can only change for the better with women.⁴

Members of KA-DER, gathered around the slogan, "The Kitchen Is Done, It Is Time For Politics" declared their target as raising the number of women members of parliament to at least 55-10% of the parliament - in the first general elections.⁵

As to the activities they carry out, women of KA-DER emphasize that they struggle to raise women's consciousness with respect to male dominance in social and political culture and increase sensitivity towards women's problems. To this end, they engage in conducting research on economic and social conditions, laws and practices that prevent women's participation in politics and on formulation of gender equality policies; they carry out joint activities with women who are already in decision-making mechanisms that will enhance cooperation and joining of forces in gender related issues; through various activities they try to empower women who are involved in politics as members of a party or not and encourage them to become candidates.⁶ The initiative of the "Women's Education Reform" which is carried out together with Sabancı University; *Women Citizens Network Project*⁷ which is formed together with KAGİDER;⁸ development of a new "Local Administration Understanding"⁹ through conducting studies on the services expected of local administrations; the "Women Using Computers" campaign aimed at

1 This number does not include informal women's platforms, initiatives, etc.

2 The women's non-governmental organizations that are analyzed in this part have been selected by taking the variable of "activity area type" as basis. Apart from this, the fact that majority are the first attempts in their area and form "sample" models can be considered another variable.

3 *Association for Support and Training of Woman Candidates*. The acronym "KA-DER" also includes a pun: in Turkish "kader" literally means "destiny".

4 *Neden KA-DER? KA-DER Broşürü (Why KA-DER? KA-DER Brochure.)*

5 Şirin Tekeli, "Kadınları Siyasete Taşımak İçin Kurulmuş Bir Dernek: KA-DER. KA-DER Neden ve Nasıl Kuruldu?" *Sosyal Demokrat Değişim, Siyasi ve Kültürel Dergi*, Sayı:12, 1999, p.32 (Şirin Tekeli, "An Association That Is Established In Order To Carry Women To Politics: KA-DER. Why and How Was KA-DER Founded?" *Social Democratic Change, Political and Cultural Magazine*, Issue: 12, 1999, p.36.)

6 *Interview with KA-DER Board members*, March 10th 2004.

7 This project analyses the relations between families that migrate to urban centers because of "honor killings".

8 KAGİDER, *Kadın Girişimcileri Destekleme Derneği (Women Entrepreneurs Association)*; KAYA, *Kadın Yurttaş Ağı. (Women Citizens Network)*

9 *KA-DER'den Kadınlara: Yerel Yönetimler Hakkında Kısa Bilgiler*, KA-DER Broşürü, Şubat 2004 (From KA-DER To Women: Short Information on Local Administration, KA-DER Brochure, February 2004.)

developing women's usage of technology are some examples of these activities.

KA-DER, which stands at an equal distance to all political parties and does not directly support any party, gives great importance to cooperation with women party members who accept its principles to empower them with practical organizational skills. The most unique activity of the association comes forth at this point. KA-DER has branches in 13 provinces and holds over 2,000 members who are either members of various parties, administrators or are not members of any party. The priority is given to the participation of women who can be actively involved, who are members of various non-governmental organizations or business organizations and party members. Their area of activity is defined as providing more active participation of women in politics, creating educational opportunities for women involved in politics, cooperating with other women's organizations and non-governmental organizations, organizing campaigns, developing sensitivity against gender discrimination and thereby raising women's consciousness.¹⁰

KA-DER situates its policies within a framework of "feminization of politics" rather than supporting a certain political tendency and is open to the women of all parties and women who are independent of a party. In the activity report which was presented to its *3rd Regular General Assembly* in October 2001, the target was defined as inviting non-governmental organizations and state institutions to do research on political participation, health, education and law and displaying the measures that should be taken in problem solving. In this sense, it can be said that a "professional political understanding" underlies KA-DER's perspective and activities. KA-DER's target concerning grass-roots organization arises in establishing a link with women through widespread organization and providing a medium that allows different women to express themselves and thereby create opportunities of intervention to the public policies. The concern of establishing a ground for compromise and partnership in politics, that takes into account different political preferences, approaches and demands is significant.

The experience gained in increasing political representation on the basis of women's common interests in Turkey creates opportunities for

10 *Kadın Siyasetçinin El Kitabı*, KA-DER Yayınları, İstanbul 2002 (*Handbook of the Woman Politician*, KA-DER Publications, İstanbul 2002.)

women to formulate their demands and interests, to carry these interests into the public sphere and communicate them, by taking part in a democratic arena of deliberation. Women of KA-DER specially emphasize that they perceive themselves as part and parcel of the women's movement in Turkey and the world¹¹ and point out that they can reach their aims only by cooperation and joining of forces with other women's organizations that concentrate on different areas of women's problems working on local, national and international bases. With this understanding, KA-DER supports studies concerning the implementation of international references - such as CEDAW or EU's *Framework Program* aimed to establish gender equality - for the solution of Turkey's problems arising from unequal power relations between women and men. For instance, the project KA-DER has conducted on a local basis in collaboration with the Security Forces, Bar Council and Psychological Association for the purpose of enabling the application of *Law number 4320 On The Protection of The Family* and *Civil Code number 4721*, is one of these.¹² With this project, KA-DER attempts to increase gender awareness and strengthen women's social position in line with EU norms and targets. This activity of KA-DER holds the same function with the *BIG* project, which is being applied for a while now, on a national level in Germany.

As the representative of the *Turkey's Women's Platform* in the *European Women's Lobby*, KA-DER points out that they perceive the adjustments necessary for Turkey's membership to the EU as a "transformation project" which has several parallel points with the social, economic and political demands that the Turkey's women's movement has been struggling with for the past 20 years.¹³

KA-DER has given importance to issues regarding the basic principles of democracy since its foundation. Taking into consideration the fact that its work primarily aims to strengthen women's full citizenship and to increase their representation in political decision-making mechanisms - a place where male dominance is most visible and fixed -, it can very well

11 *Interview with KA-DER Board members*, March 10th 2004.

12 *Law number 4320, On The Protection of The Family* has a content that proposes legal sanctions that prevent women from experiencing violence in the family. See *Ailenin Korunmasına ve Yeni Medeni Kanuna İlişkin Uygulama Sorunları*, İstanbul Barosu Yayınları, İstanbul 2003. (*Application Problems Regarding the Protection of Family and the New Civil Code*, İstanbul Bar Publications, İstanbul 2003.)

13 *Interview with KA-DER Board members*, March 10th 2004.

be argued that KA-DER is a women's organization that has made significant contributions to the development of the Turkish democracy through inclusion of women and thereby "making democracy democratic"!

Ka-Mer¹⁴

Ka-Mer, based in Diyarbakır, is a women's organization which defends basic human rights; believes that these rights should be applicable for women in their private lives as well; opposes racial, lingual, religious and gender-based discrimination and all kinds of discrimination, all kinds of violence; believes in independent women's research, and accepts solidarity and sharing among women as a principle.

The organization, whose politics is based on the principle of "equal labor - equal right to speak", targets to spread the women's movement in Diyarbakır and other Southeast Anatolian provinces. They point out that in workshops conducted on the subjects of women's human rights, constitutional rights, civil code, violence within the family and from outside the family, sexuality, communication, women's economic rights, gender roles in the society, education of girls, feminism and organization of women and discrimination, women "understand that they are individuals by learning about their rights and struggling for them. They start standing against the violence they experience because they define violence; they enter business life by challenging traditions."¹⁵

In the course of these activities, contacts were made with associations, institutions and individuals who work to support women facing violence and an "Emergency Help Center" that provided all kinds of psychological, legal and business consultation and support was established. Throughout the work that they carried out using the Emergency Help Center Service, Ka-Mer, both provided women who applied to them with the necessary support and also developed a universal definition regarding "honor killings". According to this approach, "honor" which depends on women's chastity is the conceptualized form of "cultural codes that are set and continued in order to enable the universally dominant patriarchal culture to main-

¹⁴ Women's Center.

¹⁵ Nebahat Akkoç, "Diyarbakır Ka-Mer'in Kuruluş Hikayesi ve Yürüttüğü Çalışmalar" *90'larda Türkiye'de Feminizm*, der. Aksu Bora- Asena Günel, İletişim Yayınları, İstanbul 2002, p.210 (Nebahat Akkoç, "The Story of Foundation of Diyarbakır Ka-Mer and Its Studies" *Feminism in Turkey in the '90s*, ed. Aksu Bora- Asena Günel, İletişim Publications, İstanbul 2002, p.210.)

tain women's secondary position". Women experience violence in all societies with the justification that they act "out of norms", meaning they do not conform to the chastity norms of that society. In this sense, "honor killings", which are perceived as specific to Turkey constitute a local example of the violence that women the world over are subjected to, with the same justification. Women's subordination with the pretext of safeguarding (male) "honor" is a problem that is experienced in different forms on the universal level. "Honor norms", which are set for the purpose of defining women's social secondary position, differ according to cultures.¹⁶

Ka-Mer has answered 2,000 women's calls for help since 1991, has engaged in widespread consciousness raising work¹⁷ and also prepared a "children's home" project where women who applied to the Emergency Help Center could leave their children. The children's home, inaugurated in 1999, was brought to life as a project which develops the confidence and imagination of children, increases their productivity and enables them to feel independent and become dignified individuals. Ka-Mer aims to spread its activities in different regions through the mediation of similar foundations. Mobilizing women who have put a stop to the violence they encountered by joining Ka-Mer's work and supporting them to work in different areas of employment with the confidence they have gained, is, a basic aim and achievement of Ka-Mer. Thereby, it helps women to regain the creative and lively spirit that had been shattered by violence and to create an alternative picture for themselves.

Within the scope of the project that it conducted during the period 2003-2004, in order to do research on "honor killings", Ka-Mer received 23 applications in one year; possibilities of protecting and keeping secure the life of women in their own environment were researched in the project. Data that emphasized the importance of developing a local approach and methods in the struggle against the problem of "honor killings", which actually carries a universal characteristic, was acquired. It was demonstrated that the necessary mentality change on the issue could only be realized through the intervention and cooperation of both the state and international society. Ka-Mer also emphasized the importance of cooperation with supranational institutes such as the EU and the UN that have

¹⁶ The speech made by Özlem Öztürk, Ka-Mer member, on March 5th 2004 in İstanbul at the press conference on, *Stop Violence Against Women Campaign*, which was started by Amnesty International at the same time, globally.

¹⁷ Nebahat Akkoç, op.cit., p.211.

influenced the re-definition of international norms in the subject of precautions to be taken in the fight against “honor killings” in Turkey.

Flying Broom (Uçan Süpürge)

Flying Broom was founded in 1996 with the initiative of a group of women who have been active in women's movements ever since the 1980s.¹⁸ Flying Broom, whose purpose is “to create a new dynamic from within the women's movement itself and thereby establish bridges between women's groups, enable communication and create opportunities to bring them together”,¹⁹ has displayed an all-embracing approach ever since its foundation. This is evident both in the various activities it has realized and its targets and methods: It has hosted KA-DER meetings; it has organized workshops on subjects such as “effective communication and efficiency at work”, “anger, temper and conflicts”, “gender differences in competition”. Flying Broom's raison d'être was to carry out studies and projects aiming to strengthen communication between women's organizations. Therefore, two projects were conducted in order to draw-up a map of especially the post-1990 women's organizations in Turkey and of activities that were carried out in order to transform policies regarding women and thereby to provide support to organizations in solving their structural and operational problems. The first was to put together the most reliable and up to date information regarding women's organizations in Turkey. Information from international women's foundations was added to this. Secondly, regional meetings were organized in order to define the problems and produce solutions for the purpose of enhancing efficiency in women's organizations. A periodical named *Flying News* was published every three months and the media was actively used for airing programs on the radio and television, and a web site was created.

In 2000, for the fifth anniversary of the Beijing Conference, women's organizations in Turkey came together in a platform provided by Flying Broom and prepared an *NGO Report* to be presented to the Beijing+5 UN

18 Filiz Kardam-Yıldız Ecevit, “1990'ların Sonunda Bir Kadın İletişim Kuruluşu: Uçan Süpürge” 90'larda Türkiye'de Feminizm, der. Aksu Bora - Asena Günel, İletişim Yayınları, İstanbul 2002, p.90 (Filiz Kardam-Yıldız Ecevit, “A Woman's Communication Foundation in the Late 1990s: Flying Broom” *Feminism in Turkey in the '90s*, Ed. Aksu Bora-Asena Günel, İletişim Publications, İstanbul 2002, p.90.)

19 Uçan Süpürge Tanıtım Broşürü (*Flying Broom Introductory Brochure*.)

Meeting in New York covering crucial problems and issues for women and proposed solutions.

The foundation organizes the *Flying Broom Women's Film Festival* every year and enables stories of women and themselves to become visible. This area of activity, which is significant in terms of spreading sensitivity towards the woman question, is also noteworthy in terms of displaying the accumulation of experience and information of the women's movement in Turkey. Carried to regions outside urban centers within the scope of the “we are building bridges” project in 2004, this activity moves beyond the concept of a “film festival” and stands witness to the fact that women in Turkey have significant historical experience in making themselves visible and developing solutions for their own problems. Flying Broom serves the function of a base that brings together the experience gained in different historical periods and different areas. This gathering of experience together brings forth a new energy. The principles of women's solidarity and feminist ethics that it upholds come forth as another significant element that render this process all the more efficient. In this context, Flying Broom connotes a significant experience answering the communication requirements of women's organizations in Turkey, uniting women's struggle for rights and emancipation with general democratic demands, creating a feminist agenda and being able to do important work without getting lost in projects.

Women's Rights Enforcement Centers²⁰

Gender discrimination that is reinforced by both positive laws and social adjustments such as customs and traditions that are not written in laws continue to exist despite all the struggle for women's rights in Turkey, as well as in the rest of the world. Consequently, women access information regarding their rights derived from laws with more difficulty than men do. For this purpose, a unit that carries out studies regarding legislations and applications on legal discrimination against women was established within the *Istanbul Bar Association* for the first time in Turkey. “Women's Rights Enforcement Center”s,²¹ which were later established by the bar

20 *Istanbul Bar Association Women's Rights Enforcement Center* is in short referred to as “The Center”. The Center has been established with the legislation of Board of Istanbul Bar Association dated 04.03.1999.

21 *Dişarbakır Bar Association Women's Rights Enforcement Center, Ankara Bar Association*

associations of major cities such as *Izmir*, *Ankara* and *Diyarbakır* as well, have undertaken a significant function in the redefinition of the “woman question” and struggle against discrimination, through activities such as consultancy and legal assistance. It will be appropriate to analyze the work of the Istanbul Bar Association because it is the first example for these institutions and the other local Women's Rights Enforcement Centers carry out similar activities.²²

The Istanbul Bar Association Women's Rights Enforcement Center was established in 1999 with the purpose of providing women with information on and opportunities of using their rights that are given by law. The Center's aim is to provide legal information and support to women who experience all kinds of violence including physical, sexual, psychological and economic violence or request legal assistance in the areas regarding family law but do not have the sufficient economic resources.²³

Organizing educational studies and conferences, etc., for this purpose also arise as a significant area of activity at the Center. For instance, about 400 lawyers have attended seminars on the subject, “*the function of family courts in struggle against sexual violence*” which was carried out

Women's Rights Enforcement Center and the recently closed down *Izmir Bar Association Women's Rights Enforcement Center* are only a few examples of these. These Centers carry out education and legal assistance activities similar to those of the Istanbul Bar Association Women's Rights Enforcement Center for the women in their regions and form a common politics for women within the framework of macro problems such as the Civil Code in Turkey and the Turkish Criminal Code. See *Izmir Bar Association Women's Rights Enforcement Center Training Program*, June 2002.

- 22 There are also, other important commissions of the Bar, such as Istanbul Bar's Women's Rights Commission (Istanbul Barosu Kadın Hakları Komisyonu) and The Union of Bars in Turkey. Women's Rights Commission (Türkiye Barolar Birliği Kadın Hakları Komisyonu - TÜBAKKOM); they do significant work on women's questions and legal issues in Turkey.
- 23 Apart from these, targets that have been realized are mentioned as: Carrying out studies in the course of preventing discrimination in laws and in practice,
- Bringing law changes to the agenda,
 - Making propositions regarding law changes and preparing drafts,
 - Generating public opinion in order to inform women of their rights, preparing brochures,
 - Carrying out activities in order to actualize the “Convention on the Elimination of All Forms of Discrimination Against Women”,
 - Preparing informative brochures for security forces and judicial medical employees by establishing direct relations with judges and public prosecutors in order to remove the difficulties faced in application concerning the prevention of violence against women. See *Istanbul Bar Association Women's Rights Enforcement Center Report*.

with support of the *Heinrich Böll Foundation*²⁴ and vocational training workshops aimed at consciousness raising on the subject of gender discrimination which were conducted for lawyers,²⁵ in both Istanbul and in the rest of Turkey. In these workshops, information regarding *Law number 4320 On The Protection of The Family* is given initially and as an addition to this information, awareness regarding national and international acquisitions on the subject of women's human rights is being developed. In addition, the Center upholds principles such as not orienting male lawyers to cases of rape against women and thereby carries a significant function in terms of the application of both international conventions and changes and adjustments that are made accordingly in internal law and does not let it go at only giving trainings.²⁶

The Center aims at establishing a “*Women's Rights Library and Information Center*” by gathering together dissertations that may lead to develop an egalitarian legal perspective, sample verdicts, sample petitions, international texts, brochures, books and similar publications on the subject of women's rights; increasing public consciousness concerning HIV virus, sexual health and reproductive health by organizing a symposium on Reproductive Rights together with the *Human Resource Development Foundation*.²⁷ Services such as lawyers fees for these cases have also been

24 Within the framework of this study, informative activities were carried out for the purpose of realizing the changes in the Civil Law that will enable woman and children to be protected, both within the unity of marriage and in the event of a divorce and the application of these changes and in applying the changes that were made. See *Application Problems Regarding Law on Protection of Family and the New Civil Law*, Istanbul Bar Association Publications, Istanbul 2003.

25 Interview with *Nurdan Düvenci*, member of the *Women's Rights Enforcement Center*, March 11th 2004.

26 Same interview.

27 The Center declares the justification for the mentioned activities as:

“Research results and dozens of events that are reflected on the press every day and we gain information as a result of women's applications even if they are not reflected by the press, show that women seriously encounter violence. This violence can reveal itself in shapes of physical, psychological, sexual and economic violence. The fact that different shapes of violence exist together most of the time increases women's unjust treatment in the struggle towards seeking their rights. For instance, a woman who wants to apply legal methods because she suffers from physical violence in the family cannot actualize this application because she cannot find any psychological support and is unable to reach sources of information. Or as in another example, a woman who suffers from physical violence wants to open a divorce suit along with ending this violence, however, it is even not possible for her to consult a lawyer because of the economic violence that she faces. *Istanbul Bar Association Women's Rights Enforcement Center Report*.”

realized with the financial support of the *World Women's Fund*.²⁸

According to the Center, problems of women of Turkey, who refer to legal methods despite all and by daring all hardships do not end at this point and continue with problems they encounter in the police station, office of the public prosecutor or at the forensic medical office. Therefore, establishing a systematic mechanism to provide legal support in order to remove or diminish the unjust treatments towards women means as significant a progress as the struggle given for changing discriminating legislations against women in the *Civil Code* and the *Turkish Criminal Code*.

Purple Roof Women's Shelter Foundation (Mor Çatı Kadın Sığınağı Vakfı)

The 1980s were years when women continued to be secondary in all fields such as education, health, science and security in both the private and public sectors of Turkey. The gap between the private sphere and public sphere was widening and feminists were emphasizing the domestic violence, which is among the most significant tools of the subordination and control of women in the private sphere. That is why the feminists came out with the slogan "*personal is political*". As a product of the *Solidarity Against Beating Campaign* in 1987, a march against the legitimization of beating was organized first. Then, they brought the issue to the agenda by publishing testimonies in the book, "*Scream So That Everyone Will Hear*". Their suggestion was that a "*shelter*" should be established for women who were subjected to violence. The incidence of a judge giving a verdict of acquittal to a husband that beat his pregnant wife quoting a proverb "*no woman should be without a child in her womb and a stick on her back*", hastened this process. Women realizing that they were encountering not just physical violence but also various types of violence including psychological, emotional, economic, etc, started naming this violence, raising their voice against it and thereby making the problem visible.²⁹

The Purple Roof Women's Shelter Foundation was established in 1990. Its aim was to provide a safe place for women who faced domestic

violence and assist them in building an independent life. In this sense, Purple Roof has been a significant milestone in the struggle of women's emancipation. This is mainly because feminists who were struggling for the shelter realized that the private sphere, especially the marriage institution, was the sphere where women were subject to pressure and violence in the most intense and covert manner just because they were women. Indeed, research displayed that 75 % of women experienced physical, emotional and economic violence in the shape of beating, sexual harassment, killing and wounding in the private sphere.³⁰

Purple Roof was therefore established with the aim of struggling against violence in the family and supporting women's efforts of constructing a life that was free of violence. The Purple Roof Women's Shelter Foundation carries on its activities towards this purpose to this day and provides these conditions for women with legal, professional, psychological and social counseling, and the shelter house. Thereby, women go through a process of gaining consciousness, as a result of which they do not want to be subject to violence, feel guilty and be treated contemptuously again, with the help of the attention they receive and the solidarity they experience. The most important point is that these women are able to consider an autonomous lifestyle that depends on their own labor in solidarity with other women and now reach the opportunity of assessing their own lives.³¹

Women's non-governmental organizations that try to survive without obtaining any aid from the state such as the Purple Roof Women's Shelter Foundation,³² have constructed a consciousness regarding discrimina-

28 After the issuance of the Judicial Aid Law, no need remained for an additional fund on this issue.

29 *Mor Çatı Kadın Sığınağı Vakfı Broşürü* (Brochure of Purple Roof Women's Shelter Foundation.)

30 *Mor Çatı Kadın Sığınağı Vakfı, Geleceğim Elimde*, Mor Çatı Yayınları, 1997, s.33-38 (Purple Roof Women's Shelter Foundation, *My Future is in My Hands*, Purple Roof Publications, 1997, p.33-38.)

31 For samples of testimonies of women who have stayed in the shelter of Purple Roof and their children and experiences regarding new lives established after living in the shelter, see *Mor Çatı Kadın Sığınağı Vakfı, Geleceğim Elimde*, Mor Çatı Yayınları, 1997, s.112-140 (Purple Roof Women's Shelter Foundation, *My Future is in My Hands*, Purple Roof Publications, 1997, p.112-140.)

32 As the Purple Roof Women's Shelter Foundation is the first institutionalized experience in the struggle against violence against women, another women's organization that founded an independent shelter home for the first time is the Ankara Women's Solidarity Center. However, both shelter homes are shut down today because of financial problems. Today, only women guesthouses of the General Directorate of Social Services and Child Protection -SHÇEK- serve the function of shelter homes in Turkey. These opportunities have been created as a result of both the issue of Law number 4320 on the Protection of the

tion in Turkey beyond merely offering a simple charity service to women exposed to violence, and showed that “violence” is at the same time used as a mechanism to control women's bodies and lives and that overcoming this situation is actually possible.³³ It has led the way to the creation of new areas where women are in a position to make their own choices and develop their own self-esteem. For this reason, opposing violence carried the meaning of opposing the male-dominant order and women's organizations and shelter homes for women, such as Purple Roof, have started to form the most important focal points of this opposition. Purple Roof actualized a shelter home model that proposed solidarity among women to protect women from violence, enabled women to gain confidence and supported their move towards independence. It continued offering all kinds of psychological, medical and legal support and consultancy services to the women who applied with its anti-hierarchical system that depends on the principle of volunteership, where decisions are taken collectively.

The Purple Roof Women's Shelter Foundation, is the product of women's struggle which enabled beatings by husband to cease to be perceived as a “private problem” or a “family issue” and to be brought to the agenda of the public opinion of Turkey as a political matter. During the process of this political struggle, it has moved beyond discovering information regarding violence and conducted studies on bringing this information and experience into writing.³⁴ Apart from books that related to the foundation's activities and experiences, it gave training to women who wanted to establish a women's consultancy center or a women's guest

Family and the change in regulations regarding women's guesthouses, thanks to the struggles of the women's movement. However, the fact that the shelter home model, which has sprung from within the women's movement itself and is independent of the state, is currently shut down, is still a significant lack. For detailed information on the issue, see, S.Nazik Işık, “1990'larda Kadına Yönelik Aile İçi Şiddetle Mücadele Hareketi İçinde Oluşmuş Bazı Gözlem ve Düşünceler” *90'larda Türkiye'de Feminizm*, der. Aksu Bora- Asena Günal, İletişim Yayınları, İstanbul 2002, p.41-42 (S.Nazik Işık, “Some Observations and Thoughts that have Formed Within the Move of Struggle Against Violence in the Family Against Women in the 1990s” *Feminism in Turkey in the '90s*, ed. Aksu Bora- Asena Günal, İletişim publications, İstanbul 2002, p.41-42.)

33 *Kadına Yönelik Şiddet, Evdeki Terör*, Mor Çatı Yayınları, 1996, s.22 (*Violence Against Women, Terror in the Home*, Purple Roof Publications, 1996, p.22.)

34 *Mor Çatı Kadın Sığınağı Vakfı, Geleceğim Elimde*, Mor Çatı Yayınları, 1997; *Kadına Yönelik Şiddet, Evdeki Terör*, Mor Çatı Yayınları, 1996. (*Purple Roof Women's Shelter Foundation, My Future is in My Hands*, Purple Roof Publications, 1997; *Violence Against Women, Terror in the Home*, Purple Roof Publications, 1996.)

house in different regions of Turkey.³⁵ It widened the network of solidarity against violence with programs of “volunteer training” that it regularly organized in its own structure. In time, women who had stayed in the shelter home earlier and had earned the confidence to construct a new life for themselves started to join these training sessions as trainers. They continued to hold the struggle against violence on the agenda by organizing campaigns such as “zero tolerance to violence” in joint forces with other women's organizations and by gathering the “General Assembly of Women's Shelter Homes” which has been run every year since 1998.³⁶ Whilst struggling against violence against women, Purple Roof has both closely followed subjects that supranational institutions such as the UN and the EU focused on and cooperated with women's organizations in the USA, Canada and EU member countries for exchange of experiences and information. Thereby, Purple Roof has displayed a significant example to the fact that solidarity among women can be actualized not only on a local or national level, but also on an international level as well.

Women's Library And Information Center Foundation

Women's Library is yet another foundation that has proven that the women's movement has started to institutionalize in Turkey, in the 90s. The library was founded in 1989 by the gathering of a group of women,³⁷ which included Şirin Tekeli, one of the leaders of the independent women's movement in the 1980s. The situation in Turkey is no different from that of other societies on the subject of women's expression of themselves, writing, being in the know of the tools and methods

35 For instance, the Antalya Women's Solidarity Center, Ka-Mer are some of these.

36 General Assembly of Women's Shelter Homes has been organized regularly every year since 1998. It carries the characteristic of a significant platform that intervenes with political agenda both in the sense of forming a common power in the struggle against violence by bringing women together and with the formation of new politics and strategies.

37 The Women's Library And Information Center Foundation, which was established with the financial contribution of 200 women, is among the first and most significant civil society initiatives in Turkey. Women who are the founders of the Library are composed of both individuals who had the intellectual identity of leading second wave feminism, such as Şirin Tekeli and also of women professionals such as important literaries and translators, namely Jale Baysal, Füsün Akatlı, Füsün Yaraş and Aslı Davaz Mardin. This combination has been determinant on the approach regarding the foundation purpose, method and functions of the library.

of written language and having the ability to make their own experiences and testimonies permanent. Therefore, the idea of establishing a library and archive arose in order to be able to conduct scientific research on the subject of women more easily; to be able to reach women's history through accurate data and to gather the accumulated experiences of women. The aim of the Women's Library is expressed as: "Knowing women's past well, presenting this information to today's researchers in an orderly manner and preserving the written documents of today for future generations."³⁸

The Library, which aims to remove women's historical invisibility by gathering all kinds of archives, documents and materials has also brought a different viewpoint to the definitions of documents and sources: Information and records regarding the private sphere, where women are more visible, such as sources on daily and private life, diaries and women's personal archives, family documents and letters, records of women's organizations and campaigns, documents such as resumes, biographies, video bands, slides, films and posters, oral history sources and transcriptions, pennants, badges, medals belonging to women and other similar oral, written, visual and three dimensional materials were gathered. Defining each of the named sources as "documents", Women's Library ensures that these materials are obtained, protected and made public. Another important function of the Library, aside from these activities, which are its existential purpose, is the evaluation of these documents through a woman's perspective and dissemination to the public. This mission, which requires a feminist consciousness and approach will secure women's documents and form a "memory" for future generations. Just for this reason it will not be incorrect to state that the existence of the Women's Library is a "feminist project".

It is possible to find these sections in the Women's Library and Archives: At the *Books Section*, which contains more than 10,000 books, there are research books, products of women novelists, story-writers, essay-writers and books on women's movements in Turkey and in the world and books written by or about women before the *Alphabet*

38 Related by Aslı Davaz Mardin from the Alms Deeds, Aslı Davaz Mardin "Görünmezlikten Görünürlüğe: Kadın Eserleri Kütüphanesi ve Bilgi Merkezi Vakfı" 90'arda Türkiye'de Feminizm, der. Aksu Bora- Asena Günel, İletişim Yayınları, İstanbul 2002, p.187 ("From Invisibility to Visibility: Women's Library And Information Center Foundation" *Feminism in Turkey in the '90s*, ed. Aksu Bora- Asena Günel, İletişim Publications, İstanbul 2002, p.187.)

Reform.³⁹ At the *Periodicals Section*, there are both magazines published before the Alphabet Reform of 1928 in old letters and also magazines that were published after 1928 in new letters and are being currently published, as well as foreign periodicals. At the *Grey Publications Section*, all kinds of materials produced by women's organizations, posters or art exhibition activities of women artists, masters and doctorate theses written in universities and articles are gathered. At the *Special Archives Section*,⁴⁰ sources regarding daily and private life are gathered. This section, where valuable sources of information that cannot be found elsewhere, such as diaries, books, all kinds of personal archives of women, letters, etc, also creates an opportunity of women's criticism with a radical interference to the unchanging methods and tools of science. At the *Visual Collections Section*, it is possible to find records of all kinds of activities regarding women, such as postcards, posters, photographs, slides and videocassettes. Apart from these main sections, folders where all kinds of information is gathered concerning women literaries of Turkey and a *Private Archive Collection* where the private archives of important women writers are gathered together are being prepared in the Women's Library.

The Women's Library and Information Center Foundation is also involved in information and experience exchange and relations of cooperation and solidarity with libraries for women in other countries, both in the process of establishment of the library and afterward. For instance, libraries from Europe and the USA specific to the subject of women participated in the "International Women's Libraries Symposium" which was organized in İstanbul in 1991.⁴¹ The decision to publish an *International News Bulletin* was taken in this meeting where they carried out opinion exchange among themselves; the named bulletin is still being published by a woman's library located in the Netherlands. Apart from these, the Women's Library created a significant dynamism by organizing seminars,

39 A collection that includes books of Ottoman-Turkish women, such as Leyla Hanım, Fatma Aliye Hanım, Nezihe Muhittin. See Aslı Davaz Mardin, *ibid.*; p.192.

40 The sources that have been recently added to these sections and activities that are carried out are announced in detail at the news bulletin that the Library regularly publishes. See *Kadın Eserleri Kütüphanesi ve Bilgi Merkezi Vakfı-Haberler (Women's Library And Information Center Foundation -News.)*

41 *Kadınların Belleği, Uluslararası Kadın Kütüphaneleri Sempozyumu Tutanakları*, Kadın Eserleri Kütüphanesi ve Bilgi Merkezi, Metis Yayınları, İstanbul 1992. (*Women's Memory, Minutes of Symposium of International Women's Libraries*, Women's Library And Information Center Foundation, Metis Publications, İstanbul 1992.)

conferences and panels, supporting studies on women, and also forming an institutional basis for projects to be carried out in these areas.

However, the fact that the library does not have a regular income, that it tries to continue its activities through volunteer support and its concern of preserving its autonomous civil structure have lead the activities in the Women's Library to be congested from time to time; in fact, the Library, which is nutritioned by the dynamism of the women's movement is also directly influenced by the cyclical pauses of the movement. This is mainly because almost all of the women who directly or indirectly provide volunteer support to the library since the day it was founded are women who have come from within the women's movement.

The Library, which continues its existence despite these problems, is among the most significant locations of making women's history, information and labor visible by forming a memory of women, women's organizations and women's struggle in Turkey and looking after it since the day it has been founded up until today.⁴²

Capital City Women's Platform

This is a union of non-governmental organizations that was formed with the participation of the women's commissions of foundations and associations active in different areas and independent women groups in October 1995 in Ankara. The women who participate in the platform define themselves as "religious women" and point out that the major aim of the platform is to produce solutions to the problems of religious women.⁴³ They try to determine the barriers to the personal development of religious women and produce solutions through panels, meetings and training activities. Adopting a critical approach towards comments on Islam that arise from traditions and patriarchal social structure, platform members also criticize the women's movement, which they define as the "secular women's movement" at the point of not being sensitive towards the problems of religious women.

42 Fatmagül Bertay, "Kendine Ait Bir Kütüphane'nin Önemi", 8 Mart Dünya Kadınlar Günü Kutlu Olsun, Kadın Eserleri Kütüphanesi ve Bilgi Merkezi Vakfı Özel Bülteni, İstanbul, Mart 2002, p.8 (Fatmagül Bertay, "The Importance of A Library of One's Own", Happy World Women's Day March 8th, Special Bulletin of Women's Library And Information Center Foundation, İstanbul, March 2002, p.8.)

43 Interview with Nuriye Özsoy, Platform Seasonal Director.

In the past year, they have been organizing "Women's Meetings" with the participation of "religious women's organizations" in different provinces of Turkey. Having started out with the intention of strengthening channels of "knowing, understanding and communicating" with each other, these meetings are on going, focused mainly on a specific subject.⁴⁴ In this sense, they have prepared a report emphasizing that the Department of Religious Affairs ought to be re-structured in a form that is more sensitive towards its women employees and women's problems. They are focusing on imams and ecclesiastics being made conscious about "honor killings".

They are moving together with the (secular) women's movements in Turkey on the subjects of the struggle against violence in the family, establishment of women's shelters, changing the Civil Code concerning the law of property, spreading of civil marriage and changing policies on positive discrimination. In this sense, they point out that they do not have complaints about being named as feminists and have common points with liberal feminists.⁴⁵ The Capital City Women's Platform, which problematizes the issue of "religious women" being excluded from the women's agenda in Turkey, does not see the root of this problem arising only on "the other side" but focuses on what they should do to overcome this situation.

Their efforts to establish a bridge between "secular" and "religious" women's organizations and their target of developing relationships between the two sections with problem-based studies is highly meaningful in terms of overcoming the "secular-Islamist" polarization in Turkey. Bridges that are constructed and that will be constructed between the actual sides and victims of this polarization, which is concretized around the issue of the woman image and especially the issue of the headscarf, will relieve women of being objects of these issues and make them subjects of the solution.⁴⁶ Activities like HABITAT and Beijing+5 that are

44 See the Bulletin of Capital City Women's Platform on this subject. Also, other information about the Platform can be obtained from the web site www.baskentkadinplatformu.org which is prepared in English and in Turkish.

45 Interview with Nuriye Özsoy.

46 As a matter of fact, the politics developed by women in the Islamist section by bringing forth women's consciousness has been disturbing traditionalist-conservative sections for a long while. The women branches of a party that emphasizes democracy and modernity, such as AKP, consider these independent women as feministic, sharp and marginal and treat them with distance. This situation is an example of the fact that only women themselves developing politics that focuses on their issues can change the existing gender-biased conditions and build others.

carried out on the basis of the United Nations are effective on the development of this dialogue. The Capital City Women's Platform actively participates in these activities and also attends the studies for the preparation of the CEDAW Shadow Report, which will be presented to the United Nations by women's organizations.

Platform members, who appreciate the important supportive role of the process of candidate membership to the European Union on democratization and women's rights, make the analysis that despite the fact that democratic tradition is highly rooted in the European Union, the perception of "the other" is still problematic.

Women for Women's Human Rights - New Ways

Women's Human Rights is an organization established in 1993 and it has been positioned among the founders of the New Ways, which is an international non-governmental organization founded in 1999. Today, it functions as the contact office of the foundation in Turkey.

The foundation's main aim is to support women's effective and widespread participation in social and political life as independent individuals and equal citizens.⁴⁷ With this purpose, the foundation is conducting research and making publications, developing training programs, carrying out lobbying activities that will affect decision-making mechanisms on the national and international level regarding the problems women face in terms of human rights and the possible solutions to these problems. The foundation has been actively involved in many campaigns within the scope of women's movements. The campaign to change the discriminatory articles of the Civil Code, the enactment of the Law on Protection of the Family, participation in the process of Beijing+5 Women 2000 UN Special Session, preparation of the CEDAW Non-Governmental Institutions Report are among the activities of the foundation. It also partakes in the platform regarding the new Turkish Criminal Code.

Women's Human Rights Foundation may be discerned as a representative of the "project feminism" which spread in the 1990s. The foundation has conducted various projects and field research on the subjects of

women's social position, violence and sexual harassment in the family, professional life, impact of migration on women, women and sexuality in Muslim societies and has transferred all these studies into publications. The study named, "Women and Sexuality in Muslim Societies", which analyses the reasons of sexual pressure on Muslim women with a comparative method is an international study that gives place to the comments of researchers, journalists and activists of 14 countries in the Middle East and North Africa, and among its preferential targets, the foundation considers developing cooperation between women's organizations in this area.

The project the foundation conducts under the name of "Women's Human Rights Education Program" provides a successful example of project feminism being able to be effectively used for the women's movement. This program targets educating women about their rights on one hand and serves the purpose of a consciousness-raising group on the other, and provides significant contribution to the localization and spreading of the women's movement. Indeed one aim of the program is declared as enabling women to develop unique organizational strategies in the local level. Within the scope of the program, which has been carried out since 1995, issues of violence against women, constitutional, civil, economic, social, sexual and political rights of women are discussed in a participatory manner, and the "legal literacy" of women is established. In this way, it aims to form a critical consciousness in coping with the problems women face in their daily lives and written laws by taking leave from the women's own experiences. The long term and ultimate goal of the program is women transferring the consciousness that they have gained and the information they have acquired about women's human rights into action and organization.⁴⁸

The program, which was actualized for the first time in the Women's Center Association in Ümraniye/Istanbul, was later applied in Diyarbakır. With a protocol signed with the General Directorate of Social Services and Child Protection (SHÇEK) in 1998, the Social Centers linked to SHÇEK were actualized and are expected to reach 28 provinces

47 Detailed information about Women's Human Rights Foundation can be obtained from the web site www.kadinininsanhaklari.org. See www.wvhr.org for the English version of the site.

48 See Liz Amado ve Ela Anıl, "Kadının İnsan Hakları Eğitimi: Bir Toplumsal Değişim Aracı", in Nüket Kardam, *Kadının İnsan Hakları Eğitimi Programı 1995-2003 Değerlendirme Raporu*, İstanbul, 2003. (Liz Amado and Ela Anıl, "Women's Human Rights Education: A Tool of Social Change", in Nüket Kardam, *Women's Human Rights Education Program 1995-2003 Evaluation Report*, İstanbul, 2003.)

in four years. Through cooperation with SHÇEK, contributions to the spreading and institutionalization of the program are obtained on one hand, and a significant impact is made on the social centers, which are state institutions, to become institutions that function in a more democratic manner that is sensitive towards gender issues, on the other.

Within the scope of the program, participants are given “trainer training” in groups of 15 in the beginning, and then these women form groups of 20-25 individuals around themselves as group leaders and start training their own groups. “The Handbook of the Trainer” carries the quality of a guide that contains the subjects and information that will be covered, but each group holds the initiative of determining the subjects and issues that they deem important. In this method, it is possible for women to express themselves. Taking a look at the evaluation report, which is drawn-up based on the interviews carried out with the women who participated in the program between the years 1995 and 2003, it is observed that the program results in highly significant changes in the women’s lives. Many women who stopped violence in the family and changed the division of labor within the family, take steps in entering professional life, working outside the home with a salary or setting-up their own businesses. It is observed that the training program especially changed the lives of women with low educational level. This situation displays that it is not impossible for women to change their lives and that the very small steps that are taken can lead to unbelievable changes. Knowing, internalizing and actualizing their rights increase women’s confidence and strengthen their solidarity with other women. When women become aware of their will and power, life ceases to be a destiny!

Section Two

GENDER EQUALITY POLICIES IN THE EUROPEAN UNION

ÖZLEM TERZI

Having always aspired for an ever closer union between member states, the European Union regulated rules of competition and professional life in member states concomitant with its initial goal of a common market. During this economic integration process resulting in the establishment of the Economic and Monetary Union, numerous issues in professional and economic life, including the areas of equality between women and men, and advocacy of participation of the female labor force in economic life, were regulated by the EU.

The EU's gender equality policy began to develop with some articles of the Treaty of Rome establishing the EEC and some subsequent EU regulations. The Treaty of Rome consolidated the Community's ideal of the Common Market and the Economic and Monetary Union. Within this perspective, it championed gender equality, higher employment and social protection.¹ Article 119 of the Treaty of Rome, which can be seen as the launching pad for the EC's women's policy, stipulated equal pay between women and men doing the same job. However, this article was not implemented in the next ten years following the Treaty of Rome, a period of time during which social policies were neglected in the EC. It was thought the free circulation of factors of production inside the EEC would induce improvements in the economic and social sphere.

In the 1972 Paris Summit, member states called for coordination of economic integration with social cohesion. The Social Action Program adopted in January 1974 compelled equal treatment towards working

¹ Treaty of Rome Article 2.

women and men. Directives on gender equality passed in this period were the most successful directives in terms of their direct impacts on individuals in member states.² Apart from legal provisions, the EC adopted consecutive action programs for women:

The First Action Program on Equal Opportunities for Women and Men (1982-1985) built networks among specialists of the issue to establish an infrastructure supportive of a policy of equality. The objective was to facilitate women's access to information on issues that are important for them, encourage exchange of information and experience, raise gender consciousness and establish links. The Second Action Program (1986-1990) was designed amidst the economic crises, stagnation and unemployment of the early 1980s. Commensurately, deregulation, loosening social law and labor law, as well as cutting expenditure were the primary options of governments. A spectrum of actions was adopted, in the bounds of soft law, e.g. educational activities, building/support of networks, sharing of family and professional responsibilities. The First and Second Action Programs were marked by the approach of "affirmative action".

The Union *Acquis* regarding equal treatment developed constantly by amendments made in treaties and successive directives, producing a consistent legal framework. Following the Maastricht Treaty and the process of political integration coupled with the EU's enlargement to Central and Eastern European countries, equality between women and men and women's rights became important areas of action for the EU and an inextricable part of the Union *Acquis* that both old and new members have to comply with.

Improvements on equality between women and men in the EU are easily discernible. In addition to economic development and transformations in society, the strategic policy initiatives implemented at the national and community level brought about this progress. However, problems persist in some fundamental issues.³

In order to overcome these problems and achieve equality between women and men, the EU decided on two main approaches: The first is

2 Nurhan Süral, *Avrupa Topluluğu'nun Çalışma Yaşamında Kadın-Erkek Eşitliğine Dair Düzenlemeleri ve Türkiye (Regulations of the European Community on Male-Female Equality in Professional Life and Turkey)*, Prime Ministry Directorate General on the Status and Problems of Women, Ankara, 2002, p.45-47.

3 *Report on equality between women and men - 2004*, Report from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, COM (2004) 115 final, Brussels 19.2.2004.

the Gender Mainstreaming approach requiring the incorporation of women's issues in all EU policies and the other is called the "Community Framework Strategy on Gender Equality (2001-2005)."

The Gender Mainstreaming Approach

In The Treaty of Rome, amended with the Treaty of Amsterdam in 1999, Article 3 enacts the Gender Mainstreaming policy, stating that the Union will make it an objective to stamp out eliminate in all listed community activities and promote equality between women and men. In this way, gender equality perspective was included in all policies and activities of the Union.⁴ Equal opportunities and treatment for women has become an obligation to be implemented by all institutions at every level and field. This policy was particularly effective on research, technological development, regional policies and rural development.⁵ Indeed the Treaty of Amsterdam marked the beginning of a new stage in the development of gender equality policy in the EU. This treaty introduced changes to what is now article 141 EC (ex Article 119) to create

"a greater space for the adoption of positive action measures at national or regional level without contravening the equality principle, and also instituted a new 'mainstreaming' principle in Article 3(2)EC, according to which 'in all activities referred to [in the list of Community activities in the previous paragraph], the Community should aim to eliminate inequalities, and to promote equality between men and women. This can be said to 'constitutionalize' the guarantee of proactive policy-making to eliminate inequality, a markedly different guarantee to that of bare equal treatment or non-discrimination."⁶

The EU's Third and Fourth Action Programs towards equality between women and men were also drawn in accordance with the Gender

4 The Gender Mainstreaming approach is based on the European Commission's 1996 report; *Communication on Incorporating equal opportunities for women and men into all Community policies and activities*.

5 Senem Aydın, *Avrupa Birliği'nde Kadın Hakları ve Türkiye (Women's Rights in the European Union and Turkey)*, İKV Publications: 175, İstanbul, 2003, p.22.

6 Jo Shaw, "European Union Governance and the Question of Gender: A Critical Comment", *Academy of European Law Online*, 09.07.2004, pp.1-2, Section II.

Mainstreaming approach. Another new element brought by the 1991-1995 “Third Medium Term Community Action Program on Equal Opportunities for Women and Men” is the focus on the issue of greater participation of women in political decision-making mechanisms. In order to increase the participation of women in the labor market, in 1990, the five-year-long Community Initiative known as New Opportunities for Women Program (NOW) was put into practice. These programs aimed to encourage women’s employment and vocational training- especially of those unemployed for a long time or those wanting to start their own business-, and made funds available to member states from European Social Funds and the European Regional Development Fund.

The Fourth Medium Term Community Action Program on Equal Opportunities for Women and Men (1996-2000) stressed women’s participation in the decision-making process and the necessity to ensure gender balance in all political, economic and social institutions at the levels of both the Community and member states. The European Commission represented the EU in the Beijing Conference as an observer, actively took part in the preparation of the Beijing Declaration and Action Program and made sure that member states adopted a common position. The Commission’s Community Program for the years 1996-2000 adopted the Gender Mainstreaming approach that had surfaced in Beijing.⁷

As a result of gender mainstreaming in all policies and activities of the Community,⁸ the EC provides financial aid and technical expertise on instruments that will sustain gender mainstreaming in EC development cooperation policies.⁹ The development of gender equality is a key element of development cooperation policies, which are a significant part of the EU’s external affairs. Protection of women’s rights is likewise a part of the EU’s human rights policy towards third parties. Moreover, the legislation on equal treatment complements the Community *Acquis* that has to be adopted by countries applying for membership.¹⁰

7 European Commission, *Beijing+5 An Overview of the European Union Follow-up and Preparations*, Brussels, 2000, p.6.

8 The Council regulation Number 2836/98 on integration of gender issues in development cooperation dated 22 December, 1988.

9 In this context, financial aid allotted for the period between 1999-2003 was 25 million euros.

10 Nurhan Süral, *Avrupa Topluluğunun Çalışma Yaşamında Kadın-Erkek Eşitliğine Dair Düzenlemeleri ve Türkiye (Regulations of the European Union on Equality Between Women and men in Professional Life and Turkey)*, Prime Ministry Directorate General on the Status and Problems of Women, Ankara, 2002, p.120-133.

The Gender Mainstreaming Approach is not about introducing certain measures to help women but rather about taking into account, during the planning stage of all comprehensive policies, what kind of an impact they will have on positions of women and men and taking necessary measures to ensure equality between women and men accordingly. In this approach, the achievement of equality does not entail equality in terms of numerical data but foresees long-term changes in parental roles, family structures and institutional practice. Candidate countries to the Union, just like the member states, have to agree to the objective of gender equality and all relevant obligations.

Gender Mainstreaming is the incorporation of a gender-sensitive perspective in all policy-making processes from planning to observation and evaluation for the promotion of gender equality. This approach is not an end in itself but a means for reaching gender equality and to actualize it, there is need for a statistical system differentiated by sex and exposing variations by sex.¹¹

The Community Framework Strategy for Gender Equality

The EU’s 5th Action Program for Equality Between Women and Men also relies on the Gender Mainstreaming approach.¹² According to the Commission, for substantial democracy, equal participation and representation of women and men in decision-making mechanisms, and in economic, social, cultural and civic life is mandatory.¹³ The purpose of the Community Framework Strategy for Gender Equality is to present a framework where all Community activities can contribute to achieving equality between women and men. The Framework Strategy aims to collect all initiatives and programs of the Community within a single framework and subject them to certain evaluation criteria and instruments of observation. Thus, it will be possible to have consistency between different activities and optimize efficiency in overlapping areas. Within the

11 European Commission, “Gender Mainstreaming in the Joint Inclusion Memoranda for Future Member States-Practical Guide”, Employment and Social Affairs DG.

12 Council decision establishing a program relating to the Community framework strategy on gender equality (2001-2005): 21 February 1996 *Incorporating equal opportunities for women and men into all Community policies and activities*, Commission Communication (COM (96) 67 Final) identifies gender mainstreaming as the Community policy to be followed.

13 European Commission, *Communication from the Commission Towards a Community Framework Strategy on Gender Equality*.

Framework Strategy, the Commission set out five inter-related fields of intervention: economic life, equal participation and representation, social rights, civil life, gender roles and stereotypes. All activities concerning equality between women and men will be linked with any one of these five areas. It is important to note that, although the “Framework Strategy on Gender Equality” continues to invoke the leitmotif of equality before the law, its main approach is to combine the *adjustment* of policies on gender, mainstreaming with the implementation of *specific ‘positive’ actions* to improve the position of women in society”.¹⁴

The European Union regards under-representation of women in the decision-making process as a democratic deficit. In order to fulfill equal participation of women in all decision-making processes, some criteria were identified to measure gender equality in the process of political decision-making.¹⁵ In its relations with third countries, particularly in relation to human rights, the Community supports equal participation of women and men in civil society, economic life and politics.

Prior to the enlargement in May 2004, the rate of women in parliaments of the 15 member states was 25.4%.¹⁶ For political participation, the European Union agreed on a target of 40% in current and prospective committees and groups of experts set up within itself.¹⁷ However, progress in this issue is extremely slow; the disproportion between women and men inside the EU and decision-making ranks of member states still exists.¹⁸

The Lisbon European Council in 2000 set some important numerical targets to promote equality between women and men in economic life. These are: increasing the average employment rate for women, presently 51%, to over 60% in 2010; in conjunction with the Framework Strategy, underpin lifelong education for women, taking precautions so that they can enter the active labor market; develop and coordinate national statisti-

14 Shaw, op.cit

15 The Luxembourg European Council 22 October 1999

16 *Report on equality between women and men - 2004*, Report from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, COM (2004) 115 final, Brussels 19.2.2004.

17 27 March 1995- *Council resolution on the balanced participation of women and men in decision making* Commission Communication

18 *Report on equality between women and men - 2004*, Report from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, COM (2004) 115 final, Brussels 19.2.2004.

cal systems to follow up issues concerning women more closely.¹⁹

Activities towards changing gender roles and stereotypes aim to modify attitudes, norms and values towards gender roles in society through activities in the fields of education, press, art, culture and science. Demolishing existing cultural prejudices and social stereotypes and the transformation of the patriarchal culture is vital for equality between women and men.

In order to accomplish this Framework Strategy, cooperation between the EU and the officials responsible for gender equality on a national level should be increased, activities should be effectively coordinated; the structure of the Commission should be strengthened on this issue; cooperation between institutions of the Community should be reinforced; cooperation should be maintained between social partners at the European level, with NGOs and international organizations; information, reporting and evaluation on the Framework Strategy should be ensured.²⁰

Provisions on equality between women and men in the EU *Acquis* mainly comprise of provisions on economic sphere such as professional life and social policies. As also criticized by the European Women's Lobby (EWL), even the provisions introduced by the EU so far generally on economic life and social security, e.g. accommodation, financial services, insurance and pension schemes, fall short in terms of achieving gender equality and changing women's disadvantageous position regarding income.²¹ The reform of social security systems should be subjected to particular scrutiny in terms of equality between women and men. Provisions in civil law and penal law are currently left to the jurisdiction of member states. Nonetheless, the inclusion of issues such as “honor killings” in the Commission's Regular Reports on Turkey by the Commission shows that the EU is not entirely indifferent to these issues.

The provisions of the Union on gender equality can be grouped as those pertaining to professional life and social security policies, those supporting women's participation in professional life; those on the fight

19 European Commission, “*Communication Towards a Community Framework Strategy on Gender Equality*”, Brussels, 7.6.2000, COM (2000) 335 Final.

20 Ibid.

21 European Women's Lobby, *Strengthening Gender Equality-Strengthening the Lisbon Process, Position Papers*, 15/3/2004. For a new regulation that is being advocated see: Directive on Gender Equality Regarding the Access to and Supply of Goods and Services, November 2003.

against gender-based discrimination; and on increasing participation in the political decision-making process. While Directives and Council Resolutions on these areas establish regulations within the EC regarding professional life and economic life, they have also been the driving force in changing corresponding provisions in legal systems of member states.

Regulations Regarding Professional Life and Social Security Policies

The EU has predominantly made regulations in the fields of professional life and social security. Regulations towards social security policies aim to reflect gender equality on social security schemes.²²

The Community Charter of Fundamental Social Rights of Workers promotes equal treatment towards women and men and development of equality of opportunity for women and men.²³ In this context, efforts should be concentrated especially to implement the principle of gender equality in job applications, salaries, working conditions, social security, education, vocational training and vocational development. Measures should be developed to help women reconcile professional and family responsibilities.

The principal issue emphasized in the Social Action Plan adopted in 1974, is employment. One section of the program included measures encouraging the employment of excluded groups like women, the disabled, migrants, etc. In this framework, in 1975, the Commission issued the directive on “the approximation of the laws of the member states relating to the application of the principle of equal pay for women and men”²⁴ and in 1976, the directive on “the approximation of the laws of the member states relating to the application of the principle of equal pay for women and men.”²⁵

Following these, a series of directives and a Council resolutions were adopted implementation of positive measures in practice to enhance

22 The 1978 and 1986 directives on the progressive implementation of the principle of equal treatment for women and men in matters of social security. 24 July 1986 (86/378/EEC) Directive on the implementation of the principle of equal treatment for women and men in occupational social security schemes

23 The Fundamental Social Rights of Workers, Article 16.

24 Directive number 75/117/EEC.

25 Directive number 76/117/EEC.

equality of opportunity for women,²⁶ application of the principle of equal treatment between women and men engaged in business, including agriculture, in a self-employed capacity and on the protection of self-employed women during pregnancy and motherhood,²⁷ measures to encourage improvements in the safety and health at work of pregnant workers, workers who have recently given birth, or are breastfeeding,²⁸ promotion of equal opportunities for women and men through action by the European Structural Funds,²⁹ equal participation by women in an employment-intensive economic growth strategy within the European Union,³⁰ parental leave,³¹ mainstreaming equal opportunities for women and men into the European structural funds,³² balanced participation of women and men in family and working life³³ and equal treatment in employment and occupation.³⁴

The European Union has adopted “equality of opportunity” as one of the pillars of the “Employment Guidelines” prepared every year since 1998 in the framework of the European Employment Strategy. As a reason, emphasis was laid on the existence of social necessity to eliminate unequal-

26 12 July 1982/ 24 July 1986- First and Second Council Resolutions on the Promotion of Equal Opportunities for Women

27 11 December 1986- Directive on the application of the principle of equal treatment between women and men engaged in an activity, including agriculture, in a self-employed capacity, and on the protection of the self-employed women during pregnancy and motherhood (86/613/EEC)

28 19 October 1992- Directive on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers, workers who have recently given birth, or are breastfeeding (92/85/EEC)

29 22 June 1994- Council resolution on the promotion of equal opportunities for women and men through action by the European Structural Funds

30 6 December 1994- Resolution on equal participation by women in an employment-intensive economic growth strategy within the European Union

31 3 June 1996, Directive on the Framework Agreement on parental leave concluded by UNICE, CEEP and the ETUC, (96/34/EC)

32 2 December 1996- Council resolution on mainstreaming equal opportunities for women and men into the European structural funds. Including objectives to strengthen equality between women and men in Structural Fund programs would encourage the guidance of more women to the labor market by European Social Funds, more offices opened by women with the help of the European Regional Development Fund and the development of women in rural areas by the European Agricultural Guidance and Guarantee Fund, FEOGA.

33 29 June 2000- Resolution on the balanced participation of women and men in family and working life.

34 27 November 2000- Directive establishing a general framework for equal treatment in employment and occupation (2000/ 78/EC).

ities and discrimination between women and men and the economic loss due to under-utilization of women's productive capacity.³⁵

The European Employment Strategy contributed to the inclusion of gender equality in the political agenda and offered mechanisms to eliminate disparities between male and female employees in professional life. Inside the Union, rates of female employment spiraled higher up than male employment; from less than 50 % in the first half of the 1990s to 55.6 % today. Nevertheless, the gap between employment rates of women and men is still large (17.2 %).³⁶ Rates of employment are lower among elderly women and women with a low level of education. Compared to women with no children, women having small children are employed at a 12.7 % lower rate. In contrast, the employment rate of men with children is 9.5 % higher than men without children.

In this context, development of child-care services is essential. No specific progress has been made in this area; few member states introduced measures to encourage fathers for parental leave. The classic division of labor between women and men with respect to child-care persists.³⁷

The European Council held a special meeting in Lisbon on March 23-24, 2000 for more extensive economic reform and social cohesion and agreed on a strategy. This strategy aims to meet the new circumstances brought about by globalization and the information society, to prepare for an economy and society based on information, to modernize the European social model, invest in people, combat social exclusion and in so doing, achieve the appropriate growth potential.³⁸ By the projections of the European Commission in 2005, the employment rate of women in some EU members will most probably remain quite below the 60 % Lisbon target. It is indicated that adamant efforts are necessary in the EU to be on target by 2010. Following the May 2004 enlargement, the employment gap between women and men decreased to 16.3 %.

35 In order to cope with this situation, member states are recommended to include gender equality in the context of national employment policies in three main areas embodied by Employment Guidelines. These are, fighting against segregation between the sexes, balancing occupational and family life and facilitation of re-integration into the labor market. (See Senem Aydın, *Women's Rights in the European Union and Turkey*, İKV Publications, 175, İstanbul, 2003, p.9)

36 *Report on equality between women and men - 2004*, Report from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, COM (2004) 115 final, Brussels 19.2.2004.

37 Ibid.

38 Lisbon European Council, *Presidency Conclusions*, 23-24 March 2000.

However, the reason for this is that male unemployment in countries that newly joined the Union is above the EU average.³⁹ The EWL underlines that the application of the gender mainstreaming strategy as part of the Lisbon Strategy is inadequate and EU economic policies have not been held under scrutiny in terms of gender equality.⁴⁰

Calling attention to the fact that unemployment among women is much higher than unemployment among men, the Council has agreed on the creation of jobs and employment, development of vocational training and guidance and enhancement of qualitative and quantitative research that will elaborate on women's position in the labor market and the impact of the measures taken, as its framework for action to reduce female unemployment.⁴¹ The European Social Fund developed the EQUAL program to increase international cooperation to fight all kinds of discrimination and inequality regarding employment markets.⁴² The LEADER + program lends support to projects so that women's participation in rural development will be improved and the balance between work and family will be acquired.⁴³

In spite of the improvements of recent years, impediments before equality between women and men in professional life still remain. The gap between male and female unemployment was 1.8 % by 2003.⁴⁴ Women's rates of unemployment in countries that joined the Union in May 2004 are almost double the EU rates. In EU countries, the average difference between salaries of women and men is 16 %. This discrepancy- unchanged significantly in recent years- is greater in the private sector than the public sector. Gender segregation in the labor market has not changed much,

39 *Report on equality between women and men - 2004*, Report from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, COM (2004) 115 final, Brussels 19.2.2004.

40 EWL, *Position Papers: Strengthening Gender Equality-Strengthening the Lisbon Process*, 15.3.2004.

41 7 June 1984- Council resolution on action to combat unemployment amongst women; 16 December 1988- Council resolution on the reintegration and late integration of women into working life

42 Equality between women and men is one of the nine thematic fields of Equal. Equal aims reconciling family and occupational life, assisting the return of women who temporarily left the labor market, reducing inequality between women and men in the employment market and preventing concentration of women in certain sectors.

43 Senem Aydın, *Avrupa Birliği'nde Kadın Hakları ve Türkiye (Women's Rights in the European Union and Turkey)*, İKV Publications: 175, İstanbul, 2003, p.6-7.

44 *Report on equality between women and men - 2004*, Report from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, COM (2004) 115 final, Brussels 19.2.2004.

either.⁴⁵ Women work predominantly in the sectors of medical care, social services, education, public management and retail, whereas men are employed as technicians, engineers and executives. Women are still a minority among employees in the field of scientific research.⁴⁶

Regulations on Fighting Gender-Based Discrimination

Regulations in this area aim to protect the dignity of men and women at the workplace, place the burden of proof (in cases of gender-based discrimination in working life) on employers and impose a series of precautions towards the portrayal of women and men in advertising and media.⁴⁷

Regulations on Education

The EU's regulations on education aim to carry equality between women and men into educational life starting from early ages on.⁴⁸

Recently, there have been a number of changes in Europe concerning education. Female students in high school outnumber male students in many members of the Union. The classic picture strikes back though in higher levels of education. By the figures of 2000, only 39 % of people receiving PhD degrees in EU members are women.⁴⁹ Although the difference between women and men in education is decreasing, the standard segregation in terms of educational areas has not been altered. In 2001, on average, 36 % of women graduated from science, math and informatics and 21 % from engineering and construction departments. This segregation in education is naturally reproduced in working life, and points to the persistence of traditional gender roles and the gendered nature of division of labor.

45 Segregation by professions is 25 % and segregation by sectors is 18 % (Ibid).

46 30 % in the public sector and 15 % in industrial research (Ibid).

47 29 May 1990- Council resolution on the protection of dignity of women and men at work; 5 October 1995- Resolution on the image of women and men portrayed in advertising and the media; 15 December 1997- Directive on the burden of proof in cases of discrimination based on sex (97/80/EC). This directive ruled that the employer is liable to prove whether there is sex-based discrimination between employees.

48 3 June 1985- Resolution containing an action program on equal opportunities for girls and boys in education.

49 *Report on equality between women and men - 2004*, Report from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, COM (2004) 115 final, Brussels 19.2.2004.

Regulations on Trafficking in Women and Domestic Violence

Trafficking in women is an important problem for the EU. Every year about 500,000 victims of trafficking in women are brought to European countries.⁵⁰ Domestic violence is also a formidable problem lingering in almost all member states. Some figures are worth citing in demonstrating the prevalence and gravity of the issue. One out of every five women in the European Union was subjected to violence by her partner at one period in her life.⁵¹ It is indicated that in the UK, about two women are killed by their partners per week and the police is called every minute concerning complaints about domestic violence.⁵² In Spain in 2000, a woman was killed by her partner once every five days.⁵³ By the statistics of the European Women's Lobby, 25,000 women are raped in France every year. According to research, 21 % of women in the Netherlands were subjected to physical violence by their partners, and 40 % of women in Finland were subjected to men's physical or sexual violence.⁵⁴

The European Union developed two programs for the purpose of fighting violence against women and trafficking in women. These are STOP, aiming to support cooperation against trafficking of women and children, and DAPHNE⁵⁵ for preventive measures against violence and gathering information on victims of violence. In addition, there are initiatives by the EU to fight human trafficking and sexual exploitation of children,⁵⁶ fight against trafficking in women⁵⁷ and granting of temporary residential permits for victims of such trafficking in the case of their

50 Coalition Against Trafficking in Women, *Factbook on Global Sexual Exploitation*.

51 European Women's Lobby, *Contribution to the 47th Session of the Commission on the Status of Women (CSW) (4-15 March 2003)*.

52 Amnesty international UK, *Discussion Workshop on Domestic Violence*, August 2003.

53 D, Joni Seager, *The Atlas of Women*.

54 European Women's Lobby, *Contribution to the 47th Session of the Commission on the Status of Women (CSW) (4-15 March 2003)*.

55 The main objective of the program is fighting violence against children, youth and women. Accordingly, an informative campaign was started about domestic violence against women. Daphne was first carried out between 1997-1999. The second phase of the program ran from 2000 to 2003.

56 Joint Action adopted by the Council on the basis of Article K.3 of the Treaty on European Union concerning action to combat trafficking in human beings and sexual exploitation of children, 24 February 1997

57 European Parliament, *Report on the Communication of the Commission on the trafficking of Women for the Purpose of Sexual Exploitation*, 1997.

cooperation with authorities.⁵⁸ The European Women's Lobby (EWL) demands a legal underpinning in the EU Constitution as a safety measure for violence against women. EWL also asks for extension of legal recognition and protection to victims of women's and children's trafficking (for example the right to be granted asylum, the right of residence and opportunity to benefit from witness protection programs if they testify against networks of crime).⁵⁹

Linked with the issue of violence against women is the situation of migrant women. Migrant women are normally considered merely as wives or children of migrant men and their particular problems are not taken into account in EU migration policies. EU migration policies should, thus, be gender sensitive and women should be entitled to asylum for reasons unique to them such as use of rape as a weapon in war.⁶⁰

The Women's Movement in Europe and the European Union

The most comprehensive and effective network of women's organizations operating at the level of the EU is the European Women's Lobby (EWL) formed in 1990. EWL aims to build the necessary link between political decision-making mechanisms and women's organizations and achieve equality between women and men in all areas in Europe. IRIS, engaging in activities to encourage women to take active roles in employment markets, and the European Network to Promote Women's Entrepreneurship (WES), working to increase the number of women entrepreneurs, are the most effective organizations among such ad-hoc networks.⁶¹

Some of the positions adopted by the EWL on basic political discussions in the EU can be exemplified as follows:

58 European Commission, *Proposal for a Council Directive on the short-term residence permit issued to the victims of action to facilitate illegal immigration or trafficking in human beings who cooperate with the competent authorities*, 11 February 2002

59 EWL, "Contribution to the 47th Session on the Status of Women CSW, *Position Papers* (4-15 March 2003) from the European Women's Lobby in relation to Violence against Women, January 2003

60 European Women's Lobby, "Integrating a Gender Perspective into the EU Immigration Policy Framework", *Position Paper*, 18/2/2004.

61 Senem Aydın, *Avrupa Birliği'nde Kadın Hakları ve Türkiye (Women's Rights in the European Union and Turkey)*, İKV Publications: 175, İstanbul, 2003, p.1

In the Intergovernmental Conference on the European Constitution, the EWL expressed their demand of gender equality to be included in the EU Constitution as one of the fundamental values of the EU. They believe that the explicit integration of such an article in the Union's Constitution will be the legal guarantee to eliminate inequality between women and men and for women to fully exercise all their human rights. EWL also wants the article on fight against discrimination to have direct impact with majority voting. The requirement of unanimity in decisions on fight against discrimination may lead to vetoes on measures or represent the least common denominator, and thus is not recommended by the EWL. EWL opposes the demand brought up by some representatives for a reference to religion in the Constitution and reminds that the separation of church and the state is the sole guarantee for promotion and implementation of women's human rights.⁶² Moreover, they criticize the Convention's rejection of EWL's proposal to add a section to the Constitution on gender equality and argue that such a title would constitute a firm legal basis for achieving genuine gender equality inside the EU.

The EU Charter of Fundamental Rights, annexed to the Nice Treaty, which will acquire a constitutional status with the signing and ratification of the European Constitution, contains crucial regulations on gender equality. The Charter prohibits gender-based discrimination together with other forms of discrimination⁶³ and guarantees the right to be protected against dismissal for a reason to do with maternity, the right to have paid maternity leave and parental leave after birth or adoption.⁶⁴

Unlike the EC Founding Treaty, which regulated gender equality in the section of social provisions and hence foresaw a limited field of application, according to the Charter of Fundamental Rights, gender equality should be achieved in "every area" including employment, work and pay. However, the principle of equality "shall not prevent the maintenance or adoption of measures providing for specific advantages in favor of the under-represented sex"⁶⁵. In shaping this article of the Charter, the pres-

62 Statement to the Intergovernmental Conference 2003, *EWL Position Papers*, 11/11/2003 EWL

63 Charter of Fundamental Rights Article 21.

64 Charter of Fundamental Rights Article 33.

65 Charter of Fundamental Rights Article 23.

sure exerted by NGOs (EWL and AFEM⁶⁶) through conferences they organized and motions they submitted was greatly conducive.⁶⁷ Characterized as the first legal document requiring equality between women and men in every area, the Charter of Fundamental Rights marked also a critical phase in the field of women's rights. The inclusion of the concept of *Parité* in the Charter was rejected on the grounds that it was not adopted or practiced in all members of the EU.⁶⁸ In an attempt to secure women's human rights, EWL suggests certain additions to be made to the Charter of Fundamental Rights such as prohibiting gender-based violence and persecutions, respect for men's and women's sexual-reproductive rights and health, and the right of women and men to reconcile their family and professional lives.⁶⁹ Consequently, the EU's policies towards achieving equality between women and men are scrutinized by the European Women's Lobby and public pressure is put to improve existing policies, because as the European Commission points out,

“[gender mainstreaming] does not mean simply making Community programs or resources more accessible to women, but rather the simultaneous mobilization of legal instruments, financial resources and the Community's analytical and organizational capacities in order to introduce in all areas the desire to build balanced relationships between women and men.”⁷⁰

Hence, in the EU too, there is a considerable way to go before genuine gender equality is achieved.

66 Association des Femmes de l'Europe Méridionale.

67 Guy Braibant (Témoignage et commentaires de), *La Charte des droits fondamentaux de l'Union européenne*, Editions du Seuil, Paris, 2001.

68 Ibid.

69 11/11/2002 EWL Comments on the Preliminary Draft Constitutional Treaty, EWL Position Papers.

70 European Commission, *Incorporating Equal Opportunities for Women and Men into all Community Policies and Activities*, COM (96) 67.

THE POSITION OF WOMEN IN EUROPEAN UNION MEMBERS: SELECTED EXAMPLES

ZEYNEP KIVILCIM FORSMAN
ÖZLEM TERZİ

Analyzing the transformation in women's rights during the process of membership to the Union in some EU member states that bear common characteristics to Turkey in terms of geography, culture, social conservativeness or recent democratization prove to be meaningful as a comparative study. To this end, Ireland (became a member in 1973), Greece (joined the EC in 1981), Portugal and Spain (became members in 1986), were chosen.

Countries that joined the European Union by May 1, 2004 as full members are also good examples in showing the impact of the accession process on regulations concerning the position of women in candidate countries. Keeping in mind that 8 of the 10 newly joined EU members are Eastern European countries with experience of communism, one can argue that these countries have completely different social conditions from Turkey. However, an analysis of these countries' experience is important both for detecting the impact of the process prior to joining the EU as mentioned above, and also for showing that the gender-based problems faced by women resemble each other even though they originate from disparate social surroundings. As one writer points out, structural gender inequalities persist in many enlargement countries and eliminating these is a challenge.¹

1 "The *acquis communautaire* to which candidate countries are obliged to conform is in constant evolution, which presents accession countries with a problem of 'moving goal posts' as they attempt to bring their laws and practice into line with Union norms. This is compounded by the fact that the countries themselves inherited a 'social acquis' from decades

Portugal

Portuguese women lost the rights they had won under the republican regime to a great extent during the Salazar dictatorship established in 1926. The 1933 Constitution passed during this period stipulated equality for all but excluded women due to “differences resulting from their nature and for the good of the family”.² This clause was watered down later by omitting the reference to “the good of the family” but until the end of the fascist, autocratic regime, women were not held as equals with men constitutionally.³

In Portugal, married women could only gain the right to obtain passports and travel abroad without the permission of their husbands in 1969. Equality between women and men was placed under constitutional guarantee for the first time in 1976. With the Constitutional reform in 1997, the principle of equality between women and men was braced up and ensuring this equality was counted among the main duties of the state.⁴

Membership to the European Community in 1986 played an incontestable role in enabling Portugal to eliminate discriminatory regulations against women, to proceed towards achievement of equality between women and men in professional life, to protect the maternity rights of working women, to raise women’s employment and to take steps towards fighting domestic violence.⁵

In spite of the considerable progress made, problems remain at some points. The first is the active participation of women in politics. Portuguese women were given the right to vote in 1931 provided that they would at least be secondary school graduates. In 1968 gender discriminatory provisions about the right to vote in general elections were

of communist rule... Since transition new gaps in social status and income have opened up not only between women and men, but between regions and subregions and even between states”. Miroslaw Matyja, “Gender Equality in the EU After the Eastern Enlargement-Aspects of Subsidiarity”, Laupen, 2001

2 US Library of Congress, *Country Studies: Portugal*, <http://countrystudies.us>

3 Şirin Tekeli - Meryem Koray, *Devlet - Kadın - Siyaset (State - Women - Politics)*, Türkiye Sosyal Ekonomik Siyasal Araştırmalar Vakfı (Turkish Foundation for Social, Economic and Political Studies), 1991, p.54.

4 Committee on the Elimination of Discrimination Against Women, *Fifth Periodic Reports of Portugal*, 15 June 2001.

5 Committee on the Elimination of Discrimination Against Women, *Fourth and Fifth Periodic Reports of Portugal*, Examined by the Committee at the 26th Session, 14 January-1 February 2002.

abolished, and it was only with the 1976 Constitution that all gender-based restrictions, including those on local elections, were eliminated. The participation of Portuguese women in politics, though, is still low compared to other EU members.⁶

Violence against women is another problem in Portugal. An amendment in the penal code in 1998 made police investigations mandatory for cases of violence against women and sexual harassment at the work place entered the law as a crime despite some deficiencies in definition. Nonetheless, numbers of prosecutions and convictions are extremely low, especially concerning domestic violence.⁷ Incest has still not found a place in the penal code as a crime.

In professional life, particularly in the private sector, the implementation of the principle of equal pay for equal work has been problematic.⁸ Among EU members, Portugal is the country with the largest pay differential between women and men.⁹

There are still legal restrictions to the right to abortion. A law granting women the right to have an abortion in the first 10 weeks of pregnancy was rejected in a referendum in 1998. The prohibition of abortion does not prevent women from having abortions but they go through the operation in unsterile and illegal conditions. By the figures of the *Planned Parenthood Federation*, every year between 20,000 and 40,000 women have illegal abortions in Portugal and about 10,000 of them have to go to hospitals due to complications caused by the operations.¹⁰

Spain

During the autocratic Franco regime, Spanish women were confined to the role of wife and mother by discriminatory laws.¹¹ It was not pos-

6 According to statistics of the European Council, the rate of female MPs in the Portuguese Parliament is 19.75 %. (Council of Europe, *Women in politics in the Council of Europe Member States*, Information document, 2002).

7 Concluding Comments of the Committee, *ibid*.

8 *Ibid*.

9 Eurostat, *Earnings of men and women in the EU*, Statistics in Focus, Theme 3, 5/2001.

10 Eleanor Donne, “Abortion rights under attack in Ireland and Portugal”, *Socialism Today*, Issue 63, March 2002.

11 Şirin Tekeli - Meryem Koray, *State - Women -Politics*, Turkish Economic and Social Studies Foundation, 1991, p.51.

sible for women to undertake any economic activity, own property or travel without *Permiso marital* (husband's permission).

The transition to democracy coincided with the rise of the women's movement. The condition of *Permiso marital* was repealed in 1975. Gender discriminatory provisions in relation to adultery were removed from the constitution in 1978. In 1981, men were stripped of the title "family head" including all its privileges and women were granted the right to divorce. During the time of Franco, there was a strict prohibition on birth control. Birth control pills were allowed to be sold in 1978; abortion was legalized in 1985, though restricted by certain circumstances.

After it joined the Community in 1986, Spain took utmost care to comply with the European Community legislation on equality between women and men. Starting with 1988, important legal reforms were introduced in the framework of "Equal Opportunity Plans for Women". In the 1990s, changes were made in the penal code and civil code to achieve equality between women and men. NGOs and programs for women's rights were supported.¹²

One of the areas that the Equal Opportunity Plans For Women brought about concrete gains to, was political participation.¹³ The number of female MPs, 6 % in 1975, rose continuously. Following the latest elections, which resulted in the victory of the Socialist Party, Prime Minister Zapatero broke fresh ground by forming half of the Spanish cabinet out of women in April 2004.¹⁴

In spite of the legal changes and structural arrangements, gender inequalities in practice still persist. Principally, violence against women is still a major problem in Spain. The mechanisms founded to protect women are insufficient.¹⁵ There are also problems in professional life. According to the 2001 report of the General Union of Workers, women's wages are 28 % lower than their male counterparts. Although forbidden

12 Committee on the Elimination of Discrimination Against Women, *Third, Fourth and Fifth Periodic Reports of Spain*.

13 Şirin Tekeli - Meryem Koray, *Devlet - Kadın - Siyaset (State - Women - Politics)*, Türkiye Sosyal Ekonomik Siyasal Araştırmalar Vakfı (Turkish Social, Economic and Political Studies Foundation), 1991, p.54.

14 8 of the 16 ministers in the Spanish cabinet are women. For the first time, in the history of Spain, the Deputy Prime Minister is also a woman.

15 The World Organization Against Torture (OMCT), *Violence Against Women in Spain*, Report submitted to the UN Committee Against Torture, 2003.

by law, discrimination against women persists in the work place.¹⁶ The unemployment rate for women (17.3 %) is double the rate for men.

Ireland

Gender-based discriminatory regulations in Ireland concerning the right to vote were repealed in 1972. The rate of women in the Parliament went up visibly in the last decade. In this country, where a woman was elected president for the second time in a row, active participation of women in politics is still low compared to the EU average. At the moment, the rates of women in both wings of the Parliament are 12.5 % and 15 %, respectively.¹⁷

Four referenda were held in the past two decades with respect to abortion but with the exception of life-threatening situations, abortion is still illegal in Ireland. Every year, about 7000 women go to Britain to have abortions. Court rulings in the 1990s outlawing abortion in other countries or traveling to these countries to have an abortion caused an uproar.¹⁸ The *Abortion Information Bill* in 1995 allowed for presentation of oral or written information on overseas abortion clinics within certain rules.¹⁹

In the past 25 years, Ireland has come a long way in terms of equality between women and men in law and in practice. One of the most important reasons for this is European Union membership and as a result of that, the obligation to put into effect the Union *acquis*.²⁰ Previously, women working in the public sector had to leave their jobs when they married regardless of whether their husbands were employed or not. This condition was revoked in the year of joining the European Economic Community, 1973. The ban on divorce was narrowly over-

16 US Department of State, *Country Reports on Human Rights Practices - Spain*, March 2003.

17 *Women in politics in the Council of Europe Member States*, Information document, 2002.

18 The X Case and the Open Door Case. In the case of Open Door Counseling v. Ireland, The European Court of Human Rights decided that Ireland had violated the right to freedom of expression. (Open Door Counseling v. Ireland, 246 European Court of Human Rights (Serie A) 1992.

19 Human Rights Watch Women's Rights Project, *The Human Rights Watch Global Report on Women's Human Rights*, 1995.

20 Women's Anti-Discrimination Committee - 2 - Press Release WOM/1142 440th Meeting (AM) 21 June 1999.

turned by a referendum in 1995. Controversies surrounding the referendum were carried before the judiciary and divorce could only become legal in 1997.

The economic boom in the aftermath of EC membership played an important role in dismantling the barriers before women's participation in labor force.²¹ Despite positive legal arrangements on the issue, in professional life, women have been concentrated in certain areas and lower echelons. They represent only 35 % of the labor force.²² Legal regulations on protecting maternity rights of workingwomen still fall behind the practical needs of women in Ireland. It is also the country with the lowest maternity benefits among the EU countries.²³ Concerning domestic violence and women's rights in general, Ireland is in a period of transition. Some discriminatory provisions are maintained in the constitution: "The State recognizes that by her life within the home, the woman provides a support without which the common good cannot be achieved. The State shall, therefore, endeavor to ensure that mothers shall not be obliged by economic necessity to engage in labor to the neglect of their duties in the home."²⁴

Greece

In Greece, the 1975 constitution, which entered into force after the fall of the military junta in 1975, cemented equality between women and men. After PASOK came to power in 1981, numerous legal provisions to prevent discrimination against women in family, education and professional life were introduced. As to these provisions, EU membership and attempts to bring Greek legislation in line with EU law worked as a springboard.²⁵ In the framework of strategies towards social rights, affirmative action for women in professional life and changing persistent tra-

ditional attitudes and mentalities regarding gender roles, a structure was built down to the local level by the end of the 1980s.²⁶ In the 1980s, women's wages and employment increased, their areas of work shifted from agriculture and handicrafts to the service sector and there was an improvement in women's positions within their occupations.²⁷

In this time period when women's positions in their professional lives were improved, higher numbers of employment for women were overshadowed by the fact that women's unemployment was double the unemployment rate for men.²⁸ While women were paid 30-43 % lower wages in 1981 compared to their male counterparts, in 1993 they received 21-28 % less.²⁹ Still, the variation between wages of men and women is unresolved.³⁰

Violence against women persists in Greece. No legal provisions were introduced for domestic violence, marital rape and sexual harassment at the workplace.³¹ Besides, there are problems in application of gender equality mechanisms. The police tend to dissuade women who are victims of violence from resorting to legal means and encourage them to settle. Information given by labor unions indicates that legal prosecution of sexual harassment in the work place is very rare.³²

In Greece, women were given the right to vote in 1924 with certain restrictions and only in local elections. Gender restrictions on the right to vote were removed from laws in 1952.³³ Women's participation in politics and decision-making processes is still very unsatisfactory.³⁴ By

21 Committee on the Elimination of Discrimination against Women, Ireland's combined second and third report.

22 The World Bank, Database of Gender Statistics of 2000.

23 Irish Council of Civil Liberties (ICCL), Examination of Ireland's Report under CEDAW, Submission by the Women's Committee of the ICCL, 21st Session of the Committee on the Elimination of Discrimination Against Women.

24 Article 41 of Irish Constitution.

25 Greece - Secretariat General for Equality, *Legislative provisions for the elimination of discrimination against women in all sectors of political, social and economic life*, www.isotita.gr

26 Şirin Tekeli - Meryem Koray, *Devlet - Kadın - Siyaset (State - Women - Politics)*, Türkiye Sosyal Ekonomik Siyasal Araştırmalar Vakfı (Turkish Social, Economic and Political Studies Foundation), 1991, p.50.

27 Committee on the Elimination of Discrimination Against Women, Consideration of Reports Submitted by States Parties, Greece, November 1996.

28 According to World Bank, Database of Gender Statistics data, in 2000, women's rate of unemployment was 16.5 % in Greece.

29 Committee on the Elimination of Discrimination Against Women, Consideration of Reports Submitted by States Parties, Greece, November 1996.

30 Committee on the Elimination of Discrimination Against Women, Consideration of Reports Submitted by States Parties, Greece, August 2002.

31 Ibid.

32 US Department of State, Country Reports on Human Rights Practices, 2001.

33 European Database: Women in Decision-Making.

34 Committee on the Elimination of Discrimination Against Women, Consideration of Reports Submitted by States Parties, Greece, August 2002.

2002, statistics of the European Council, Greece is the EU country having the lowest number of female MPs in parliament, 8.67 %.

Gender Equality in the New Member Countries: A Brief Overview

All candidates to the European Union are obliged to conform to EU legislation and policies on equality between women and men during the process of harmonization with the EU *Acquis*. In addition to the EU *Acquis*, these countries became parties to several international agreements (The Revised Social Charter, CEDAW, etc.). Therefore, the process of joining the Union has propelled Central and Eastern European countries in conforming to international standards regarding equality between women and men and had repercussions on their Labor Codes and social security legislation.³⁵ All Central and Eastern European countries approved the Convention on Elimination of Discrimination Against Women (CEDAW). Such international necessities speeded the revision of current legislation, ratification of new laws that would adhere to international standards and formation of institutional frameworks to protect and promote gender equality. The finalization of these countries' accession process to the EU required their national legislation to be modified substantially in accordance with the EU's Gender Equality Strategy. While changes in legislation in line with the gender mainstreaming principle went ahead in full force, the implementation has been inadequate in many instances.³⁶ In most of the Central and Eastern European countries, the fundamental barrier against implementation of gender equality is the belief that this equality was achieved during Communism and the perception that it is a trivial matter.

However, during the communist era, maternity leave, the right to have abortion and opportunities of childcare, all of which secured women's participation in the socialist economy had not guaranteed

35 Open Society Foundation Romania and Network Women's Programme of the Open Society Foundation Romania, *Report on the Equal Opportunities for Women and Men in the European Accession Programme (2000-2002)*.

36 *Toplumsal Cinsiyete Duyarlı Mevzuatın Oluşturulması: Orta ve Doğu Avrupa ile Bağımsız Devletler Topluluğunda Toplumsal Cinsiyet Eşitliğini Sağlamak ve Korumak* (Developing Gender Sensitive Legislation: Achieving and Upholding Gender Equality in Central-Eastern Europe and the Commonwealth of Independent States), BM Kalkınma Programı (UN Development Program), 2003, p.14.

equality between women and men in practice. In this era, the basis of discrimination against women lied in the definition of their social role both as workers and mothers. As a consequence, women perceived the right to work not as an inalienable human right but as a duty. During the process of economic transformation, coupled with the transformation of governments, these countries failed to fully benefit from women's high level of education due to the state's inability to provide full employment. The absence of provisions on equal pay and treatment in many Central and Eastern European countries until the mid-1990s was an indication of how this issue was overlooked previously. Another common flaw of these countries is the low level of implementation even in areas where there is full harmonization with the *Acquis*. The causes for this are inadequacy of resources in institutions, low level of access to information on legal and social rights, standards on equality between women and men, and the deficiency of case law in these matters. With the start of the negotiation process, many candidates adopted laws on equal treatment in employment and left social security issues to the second stage.

The first harmonized regulations were in the area of access to employment and equal treatment in promotions and working conditions. Hastened by the negotiation process, institutions for equality between women and men were set up in the candidate countries. The most successful example of these is The Office of the Gender Equality Ombudsperson in Lithuania. The main predicaments of these institutions are finding trained staff with expertise on gender equality and shortage of resources.³⁷ Another positive example on the subject is Estonia's experience of the PHARE projects to harmonize her laws with the EU *Acquis*. The PHARE support for harmonization was used in developing laws for equal treatment and working conditions and in social security laws.³⁸

Another progress in the process of harmonization with the EU was the inclusion of the judicial process in achievement of gender equality. The concept of gender-based discrimination is quite new for these countries and was met by resistance in many of them. Sexual harassment is likewise unfamiliar concept for them. Since their legal systems operate

37 Open Society Foundation Romania and Network Women's Programme of the Open Society Foundation Romania, *Report on the Equal Opportunities for Women and Men in the European Accession Programme (2000-2002)*.

38 Report on the Implementation of CEDAW in the Republic of Estonia.

by the classic evidence rule, the regulation placing the burden of evidence on the employer in gender-based discrimination cases causes complication in implementation. Due to the conservative attitude prevailing in judicial mechanisms, step-by-step realization of the legal reform and harmonization process supported by judicial training are important in the transition to the EU standards that is far above the few standards that already exist in these countries. For this purpose, campaigns to raise gender-awareness gained prominence. Inside labor unions of some countries, women's committees were set up though unions are not totally aware of the key roles they can play.³⁹ In spite of the progressive approach taken by candidates in the process of harmonizing with the EU legislation, there were difficulties deriving from social circumstances.

Equality Between Women and Men in Society

In Estonia, the equality between women and men came to be questioned as an ideology left over from the Soviet era and there were attempts to revive traditional gender roles. Even at the time of the Soviet Union when the slogan of equality between women and men was widespread, the care of small children could not be defined as the common responsibility of working mothers and fathers.⁴⁰

In Poland's family law, until recently, the minimum age for marriage was not the same for women and men. It was 18 for women but 21 for men. With a court ruling, this age limit could be lowered to 16 for women and 18 for men. This law, discriminating between the sexes, was amended in 1999 and the minimum age for marriage became 18 for both. Family courts can reduce this age to 16 for women, though not below 18 for men. By this law, which makes it possible for women younger than 18 to marry by court rule in case of pregnancy, a man younger than 18 who caused this pregnancy is not allowed to marry.⁴¹

Again in Poland, although 56 % of university graduates are women, there has been widespread propaganda by the Catholic Church and conservative parties that women should seek self-satisfaction at home.

39 Open Society Foundation Romania and Network Women's Programme of the Open Society Foundation Romania, *Report on the Equal Opportunities for Women and Men in the European Accession Programme (2000-2002)*.

40 Report on the Implementation of CEDAW in the Republic of Estonia.

41 Urszula Nowakowska, *The position of Women in the Family, Polish women in the 1990s*.

Domestic Violence

In 2002, an amendment in the penal code of the Czech Republic pronounced that in circumstances where consent for criminal proceedings could not be given due to pressure, threat, dependency or suppression or was withdrawn, police forces will not seek the consent of the victim to initiate proceedings against perpetrators who are relatives of the victim. However, the implementation of the law has been inadequate due to unequipped police, institutional problems in medical establishments, courts, etc. or low level of awareness.⁴²

There is no network of women's shelters or consulting services in Estonia. The public is unacquainted with the issues of violence against women and there are no public institutions active with respect to violence against women.⁴³

In Poland, there are inflexible stereotypes concerning gender roles in the family and appropriate and acceptable reactions to women's "indecent behavior". The saying, "man who does not beat his wife, does not love her, either" is still common. In the 1990s, improvements were recorded especially in the establishment of aid programs for female victims of violence by some newly established NGOs. Women's organizations that struggle against domestic violence programs provide victims with legal counseling, psychological support, shelters and emergency phone lines. However, Pope Jean Paul II, who visited his home country in the summer of 1999, gave a speech on the importance of the preservation of marriages, and encouraged the conservative attitude in Poland. Apart from domestic violence, police and courts regard rape as a daily occurrence caused by provocative acts of women.⁴⁴

Trafficking in Humans and Women

Trafficking in humans and especially women is an endemic problem in Central and Eastern European countries (CEEC). For traffickers, these

42 *Toplumsal Cinsiyete Duyarlı Mevzuatın Oluşturulması: Orta ve Doğu Avrupa ile Bağımsız Devletler Topluluğunda Toplumsal Cinsiyet Eşitliğini Sağlamak ve Korumak* (Developing Gender Sensitive Legislation: Achieving and Upholding Gender Equality in Central-Eastern Europe and the Commonwealth of Independent States), BM Kalkınma programı (UN Development Program), 2003, p.15.

43 Report on the Implementation of CEDAW in the Republic of Estonia.

44 Urszula Nowakowska, *Violence Against Women, Polish women in the 1990s*.

countries are sources, transit countries or destinations. That is why the penal codes of all these countries include provisions on human trafficking.⁴⁵ CEEC adopted the EU regulations for trafficking in humans and women within the framework of the EU's Justice and Home Affairs Acquis.

Employment and Social Security

In some Central and Eastern European countries, the protection of women's status in occupational life may work against them. For instance, in the Czech Republic's Constitution, the section on fundamental rights and freedoms states that women, adolescents and the disabled are entitled to more health protection and special working conditions at the work place. Instead of establishing the equality of women in the labor market, this provision takes them basically as a special group at a disadvantage. Such provisions may lead to indirect discrimination in the work place.⁴⁶

Legal provisions protecting maternity in these countries create disadvantages for women in the labor market and give reason to employers' reluctance when it comes to hiring women workers or investing in their professional development of women. Emphasis on women's maternal roles negatively affects the enforcement of regulations on parental leave and sharing of parenthood/family responsibilities.⁴⁷

During the time of communist governments aiming for women's increased participation in labor force, women and men enjoyed equal rights of education. For example, in Bulgaria, female students were 48.9 % of all enrolled students in 1988. However, despite the quota system facilitating women's participation in decision-making processes, women's participation in the Parliament, government and local decision-making mechanisms could not go beyond symbolic gestures of an ideological principle. Rather than a basic human right, equality was seen as a "privilege" offered to women. The dilemma of women was their definition

45 *Toplumsal Cinsiyete Duyarlı Mevzuatın Oluşturulması: Orta ve Doğu Avrupa ile Bağımsız Devletler Topluluğunda Toplumsal Cinsiyet Eşitliğini Sağlamak ve Korumak* (Developing Gender Sensitive Legislation: Achieving and Upholding Gender Equality in Central-Eastern Europe and the Commonwealth of Independent States), BM Kalkınma programı (UN Development Program), 2003, p.15.

46 *Ibid.*, p.14.

47 Open Society Foundation Romania and Network Women's Programme of the Open Society Foundation Romania, *Report on the Equal Opportunities for Women and Men in the European Accession Programme (2000-2002)*.

both as workers and mothers, whereas men were not defined as both workers and fathers. This definition structurally assigned women a double social role and burden. Some social and legal measures protecting maternity ran counter to women and men sharing equal responsibility in family and household matters. For this reason, women perceived the right to work not as a right to their benefit but an obligation in addition to family responsibilities.⁴⁸ The newly adopted laws are expected to comply with European Union gender equality norms and give equal responsibility to fathers.⁴⁹

Another positive impact of the adoption of EU regulations and criteria on gender equality has been the enactment by the Slovenian government, as a result of a strong campaign by Slovenian women's organizations and women MPs, of the first quota rule for political parties standing in elections. Accordingly, "on each candidate list each sex must be represented with not less than 40%. Each list should be presented in a way that at least one candidate of each of the sexes is placed in the first half of the list. Lists of the candidates, which do not apply these rules... are rejected."⁵⁰

In Cyprus, although there is no discrimination in the public sector between women and men in employment, implicit discrimination is observed in the private sector. Gender stereotypes influence practices of management and some jobs are still perceived as the domain of either women or men. The differentiation between women and men by sectors and professions reflects itself in their incomes as well.⁵¹

Reproductive Rights

In all Central and Eastern European countries, except Poland, abortion is legal. Although the right to have an abortion was granted during

48 Second And Third Periodic Reports of the Republic of Bulgaria to the Committee on the elimination of Discrimination Against Women, CEDAW/C/BGR/2-3, 3 November 1994.

49 *Toplumsal Cinsiyete Duyarlı Mevzuatın Oluşturulması: Orta ve Doğu Avrupa ile Bağımsız Devletler Topluluğunda Toplumsal Cinsiyet Eşitliğini Sağlamak ve Korumak* (Developing Gender Sensitive Legislation: Achieving and Upholding Gender Equality in Central-Eastern Europe and the Commonwealth of Independent States), BM Kalkınma programı (UN Development Program), 2003, p.16.

50 "First Quota Rule for Elections in Slovenia", *EWL NEWSFLASH*, March 2004

51 Initial and second Report of Cyprus to the Committee on the elimination of Discrimination Against Women, CEDAW/C/CYP/1-2, 4 May 1995.

communism in all communist countries including Poland, with the process of the political transformation that began at the end of the 1980s, the right of abortion was restricted due to the influence of the Catholic Church and conservative circles in Polish society.

After the prohibition of abortion for social causes, Polish law became the most restrictive law in Europe, second to Ireland. In contrast to the tendency of liberalization in Ireland, Poland has taken the reverse course. The Catholic Church has an explicit influence over the government and many health institutions. Although the right to demand abortions was legalized in 1956, political liberalization since 1989 was manipulated by the Catholic Church to constrain women's right to abortion. The 1989 "draft law on the protection of the conceived child" aimed to ban abortion altogether without taking into account the health of the mother, her life standards, economic conditions or the cause of pregnancy. The 1992 Medical Ethics Code imposed additional restrictions on abortion. Accordingly, abortion is only allowed if the health of the mother is at stake or pregnancy is developed as a result of a crime. Genetic deformation is not accepted as a reason for termination of pregnancy.

The Anti-Abortion Law adopted by the Polish Parliament in 1992 recognized severe damage on the fetus as a cause for abortion. With the Abortion Law reform which came into force in 1997, some social causes were also tolerated as causes for abortion. This law, containing more lenient provisions, was taken to the Constitutional Court in May 1997 and the Court ruled that a woman's right to control her own life should not violate human life. The penal code, which introduced two years of prison sentence for damaging the life of a conceived child or harming his body, restricted pre-natal tests by doctors since these tests have a risk of less than 1 % to hurt the baby.⁵² In response to the pressure by the Roman Catholic Church, the Polish government also included a "declaration on morality, culture and protection of life" in its Accession Treaty to the Union, which made the anti-abortion law a permanent part of Polish regulations on the issue, despite its promises to the public during the elections to liberalize the law.⁵³

52 Urszula Nowakowska, *Women's Reproductive Rights, Polish Women in the 1990s*.

53 *Open Letter to European Union Key Politicians from Polish Women's NGOs*, 29.01.2003

Conclusion

When the historical development of the legal and social status of women in Greece, Ireland, Portugal and Spain is studied, one can see that wide-ranging and systematic reforms to remove regulations and practices discriminating against women have been undertaken as a part of the democratization process. Particularly in the fields of reproductive rights, equality in working life and active participation in politics, the amendments to legislation and structural reforms undertaken have brought about an important breakthrough in the field of women's rights, although some problems subsist. In this process of democratisation, membership in the European Communities and harmonisation with the Community regulations, which occurred almost simultaneously with the democratisation process, have had a great effect and have contributed to the process.

The process of accession to the EU has been the driving force for many steps taken towards achievement of equality between women and men in the countries, which gained full membership in 2004. Even if these countries went through periods when there was a tendency to revert to more traditional life styles in their economic, political and social transformation since the beginning of the 1990s, they greatly benefited from the EU's guiding role first in legal harmonization, then in practice, on the issues of gender equality and in definition of more egalitarian gender roles. Equal treatment in access to employment, equal pay, formation of institutions to accomplish equality between women and men, placing the burden of proof on the employer in gender-based discrimination, parental leave, removal of special protectionist provisions that caused discrimination against women and the EU focus on equality of opportunity, raised awareness in societies of these countries with regard to gender equality,⁵⁴ and helped women to achieve better living conditions by reinforcing women's rights as fundamental human rights.

54 Open Society Foundation Romania and Network Women's Programme of the Open Society Foundation Romania, *Report on the Equal Opportunities for Women and Men in the European Accession Programme (2000-2002)*.

WOMEN'S RIGHTS AS A PRECONDITION OF TURKEY'S EUROPEAN UNION MEMBERSHIP

ZEYNEP KIVILCIM FORSMAN

Adoption of the European Union *Acquis* is an obligation for candidates to the Union and equal treatment of women and men is an inseparable part of the *Acquis*. Therefore, it is necessary to take the relevant administrative and other measures to transpose and implement in national legislation the regulations concerning equal treatment of women and men. This harmonisation process is regularly monitored and assessed by the Union organs.

Turkey, waiting to start negotiations, has in the course of the pre-accession process committed itself to the Union *Acquis* on equality between men and women and has scheduled the amendments it will make in its national legislation for harmonisation through the National Programmes for the Adoption of the *Acquis*. The progress made has regularly been reported and new recommendations have been made by the European Commission.

Through its reports, the Commission informs the Council on Turkey's fulfilment of the Copenhagen political criteria and on improvements and shortcomings in the harmonisation with the Union *Acquis*. Based on the decisions of the 1997 Luxembourg Summit, these progress reports of the European Commission are crucial in terms of Turkey's initiation of accession negotiations. In the EU Commission's Progress Reports on Turkey, the assessment of human rights and gender equality is not restricted to the Union *Acquis* and policies but, within a wider perspective, take into account principles embodied in international law on the issue.

The first issue addressed in the Commission's Turkey reports on the subject of enforcement of women's rights in the process of candidacy to the Union, is equality in family life.

Equality in Family Life

For the past two years, the most important international agreement directly referred to in the assessment of women's social position and women's rights in the Commission's Regular Reports on Turkey's progress towards accession, was the UN CEDAW Optional Protocol. This protocol grants the victims right to individual complaint in the case of violations of the CEDAW Convention.

Turkey became a state party to the CEDAW Convention in 1985, making reservations to articles 15 (equality with respect to civil rights, choosing and changing residence), 16 (preventing discrimination in marriage and family relations, equal rights and responsibilities in matters pertaining to children, equal rights and responsibilities in guardianship, parental rights, trusteeship and adoption, equal personal rights in choosing family name, profession and occupation) and 29 (settlement of disputes arising from the Convention).¹

As mentioned in previous chapters, women's organisations took joint action to push for Turkey to become a state party to the CEDAW Convention and then to remove its reservations. In the 4th World Women's Conference held in 1995 in Beijing, Turkey pledged to remove its reservations to the CEDAW Convention by 2000. The reservations to the first two articles were removed following the presentation of the new draft Civil Code in 2000.² There are continuous actions by women's organisations and ongoing work to transpose provisions of the CEDAW

1 About Turkey's process of ratifying the CEDAW Convention and the reservations entered see Çalışma ve Sosyal Güvenlik Bakanlığı Kadının Statüsü ve Sorunları Genel Müdürlüğü, *T.B.M.M. Kadının Statüsünü Araştırma Komisyonu Raporu*, 2. Baskı, Mart 2003, Ankara (Ministry of Labor and Social Security, Directorate General on the Status and Problems of Women, *Turkish Parliament Report of the Commission to Research Women's Status*, 2nd Edition, March 2003, Ankara.)

2 Turkey keeps its reservation on article 29 ("Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted for arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organisation of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.")

Convention into Turkish domestic law. The issue of implementation of the CEDAW provisions in Turkish domestic law came to the agenda recently during the constitutional reform in May 2004. The amendment of Article 10 of the Constitution as part of this reform obliged the state to take measures to achieve equality between women and men in practice. Nevertheless, in spite of unrelenting lobbying by the women's movement, the motions to include references to "affirmative action" in this article did not pass in the Parliament.

The failure of Turkey to sign the CEDAW Optional Protocol has been object of attention in the European Commission's Progress Reports on Turkey. Therefore, the signing and ratification of the Protocol in September 2000 and August 2002, respectively, amounted to significant progress in this respect.

Another international text directly referred to in the Commission's 2002 and 2003 Progress Reports is the Additional Protocol No. 12 to the European Convention on Human Rights. The Commission brings to notice that Turkey has not yet ratified this protocol on preventing discrimination. It is interesting to note that the reports made a point of Turkey's non-ratification of this Protocol as a deficiency, since prior to the enlargement of May 2004, none of the 15 EU members had yet approved the Protocol no 12, opened for signature in 2000.

Long-term work on introducing wide-ranging changes in the 1926 Turkish Civil Code was finalised in 2001 and the newly drafted Civil Code entered into force on January 1, 2002. According to the stated rationale behind the new code, most of the amendments were made in the field of family law in order to achieve equality between women and men. The provisions of the CEDAW Convention are the source of inspiration for some articles of the new code.³

The women's movement worked avidly for this amendment of the law. By means of lobbying activities and mobilisation in all regions of Turkey, women's NGOs played a key role in the enactment of the Civil Code, bringing deep changes to women's legal status in the family.

The new law was considered an important phase in strengthening women's rights by the EU Commission Progress Reports. The Commission praises the abolishment of the "head of the family" con-

3 See stated rationale of the Turkish Civil Code presented by the Prime Minister to the Turkish Parliament, Number 723, Prime Ministry General Directorate on Laws and Decisions, 30.12.1999.

cept,⁴ changes to guarantee equal rights and obligations of spouses, granting women the right to have their say in decisions concerning children and home, and equal sharing of property acquired during the union of marriage as positive steps. Nonetheless, the fact that the regime for sharing property acquired during the marriage will only pertain to marriages made after the enactment of the Civil Code is a drawback according to the EU Commission.

The limitations on the property regime change are also criticised by women's organisations in Turkey. The "No to Economic Violence Against Women - Platform", formed by numerous women's organisations all over Turkey in order to remedy this shortcoming organised a wide-scale campaign at the end of which tens of thousands of signatures were submitted to the Turkish Parliament to push for the amendment to the Civil Code to be applied to marriages prior to 1 January 2002, as well.⁵

Elected Bodies and Representation of Women in Governance

Women's active participation in politics in Turkey and the representation of women in elected bodies and governance is another topic that has been emphasised in the progress reports. The reports bring up the underrepresentation of women and the lacking progress in the field, as evidenced by the number of female MPs in the Turkish Parliament.

In order to carry women's views to the Turkish Parliament and local administrations and increase women's representation in the Parliament, the Association for Supporting and Educating Women Candidates has been leading work on a level beyond particular political parties since 1997. However, according to the 2002 data of the Council of Europe, with 4.18 % of its MPs being female, Turkey is 42nd among the 43 members of the Council.⁶ With 5.13 %, it is 38th in terms of women's representation in the cabinet. In the most recent local elections held in March 2004, only 25 of the 3234 elected mayors were women. Hence, the representation of women in local administrations is merely 0.77 %.⁷

4 The abolishment of the "head of the family" institution is a short-term objective identified in Turkey's 2001 National Program.

5 *Kazete*, Issue: 36, June-July 2003; *Uçan Haber*, July 2003.

6 *Women in politics in the Council of Europe Member States*, Information document, 2002.

7 *Radikal* Newspaper, 1 April 2004.

Violence Against Women

The 2003 Progress report draws attention to widespread violence against women, particularly domestic physical and psychological violence. Statistics reveal that violence against women is a lingering problem scourging almost all countries and societies. The EU is apparently especially concerned about the inadequacy of legal measures by the state to prevent, penalise and protect the victims of violence against women. "Honour" killings receive particular attention in the Progress Reports. Concerns on this issue are similarly brought up during EU politicians' visits to Turkey.⁸

The Turkish Penal Code draft still being discussed in the Parliament is likely to be a milestone in combating violence against women. For the women's movement, involved in a successful struggle for women's rights, this draft has been one of the primary articles on the agenda from the very beginning in the 1980s.⁹ Individually and also through the Turkish Penal Code Women's Platform which they jointly formed, women's organisations kept track of every stage of the draft and affected the process through their reactions and specific suggestions. In contrast to the overall silence of other NGOs on this change, of interest to the whole society, the pursuit and involvement of the women's movement became even more important.

According to the draft Turkish Penal Code, marital rape is considered a crime and domestic violence is defined in the section of torture, under the heading "abuse". Not only physical violence but maltreatment such as psychological violence, economic violence, starvation, confinement to the home, etc were also included under "abuse". The provision making it possible to postpone trials or sentences of perpetrators of rape, confinement and abduction in case they married the victims was repealed; the crime of sexual harassment in the work place was added to the Penal Code albeit with some deficiencies in the definition.

In the Progress Reports of the EU Commission, the abolishment of reduced sentences for "honour" killings by the amendment to the Turkish Penal Code is described as an improvement but attention is

8 For instance, Swedish Prime Minister Göran Persson brought up the issue of "honour" killings at the consultations he did during his visit to Turkey in February 2004.

9 See previous chapters in this book.

drawn to the fact that the provision regarding “unjustified provocation” still applies to “honour” killings.

Under the impact of actions and pressure by women's organisations, the final state of the draft was perfected in this respect and the expression “unjustified provocation” was replaced by “tort”. Still, the Turkish Penal Code Women's Platform tries to make sure these killings are counted as murder in the first degree and virginity checks as crimes.

Equality in Professional Life

In its 2001 National Programme, Turkey provides for legal regulation to establish the institution of parental leave and equalisation of paid birth leave in the short term; in the medium term, to amend provisions in social security laws in breach of equality between women and men and placing the burden of proof on the employer in gender-based discrimination cases. In the Accession Partnership for Turkey approved by the EU Council in March 2003, Turkey is urged to transpose the EU *Acquis* in the field of labour law regarding equal treatment between women and men into domestic law and to strengthen administrative structures related to the implementation in the short term.¹⁰

Gender equality in professional life is one of the issues particularly followed up by the EU Commission Progress reports. With the Job Security Act¹¹ entering into force in 2002 and the new Labour Law enacted in 2003, remarkable progress was made on the issue. According to the 2003 National Programme, through the adoption of the Labour Law, full harmonisation was achieved with the 1973 Council Directive¹² about application of the principle of equality of treatment between men and women in relation to employment, access to vocational training and working conditions.

In order to complete the harmonisation with Community regula-

10 Accession Partnership Document for Turkey, The Final Text Adopted by the EU Council on 14.03.2003, DPT (State Planning Organisation) General Directorate on EU Relations, April 2003.

11 The Job Security Act No. 4773 (Law vis-à-vis amendments to the Labour Law and Law of Trade Unions) was passed by the Turkish Parliament in August 2002.

12 Council Directive Number: 2002/73/EC, dated 23 September 2002 on application of the principle of equality of treatment between men and women in relation to employment, access to vocational training and working conditions.

tions,¹³ to which harmonisation was partly achieved through the Labour Law, relevant measures are to be taken in the third quarter of 2004 as to equal pay between male and female employees; equal treatment in employment, access to vocational training and working conditions; burden of proof in sex-based discrimination cases; parental leave, improving the health and safety of pregnant women, women who have recently given birth or are breastfeeding; application of the principle of equal treatment between women and men engaged in an activity, including agriculture, in a self-employed capacity and protection of self-employed women during pregnancy and motherhood.¹⁴

The stated rationale of the Labour Law specifies that the inclusion of Turkey among candidates to the EU has brought the country to a historical crossroads and the need has arisen to harmonise with European social norms. The objective of the new law is to incorporate into Turkish labour law the norms that are binding in EU countries, but not yet present in the Turkish legislation, as part of the process towards full membership and to adopt basic regulations of the European social law and gradually shed incompatible provisions from the Turkish legislation.¹⁵

An important reform realised through the new Labour Law is the prohibition of gender-based discrimination in employment relationships. As stated rationales of this provision, the CEDAW Convention and the necessity to harmonise with the EU's relevant regulations and directives are named.¹⁶ The stated rationale of the provision raising maternity leave before and after work to 16 weeks is likewise the EU directive on the subject. The new Labour Law also stipulates that, similar to other cases of termination of contract, in gender-based discrimination, too, the burden of proof belongs to the employer.

In its reports of the last two years, the EU Commission affirmed the

13 Council Directive no. 75/117/EEC on the approximation of the laws of member states. 10 February 1975; Council Directive no. 76/207/EEC on application of the principle of equality of treatment between men and women in relation to employment, access to vocational training and working conditions 9 February 1976; Council Directive no. 97/80/EC on the burden of proof in sex-based discrimination 15 December 1997.

14 Turkish National Programme for the Adoption of the EU *Acquis* 2003, RG 24.07.2003, number 25178.

15 See the stated rationale of the Labour Law presented by the Prime Minister to the Turkish Parliament, Number: 73, Prime Ministry General Directorate on Laws and Decisions, 7.3.2003.

16 Ibid.

progress made with the Job Security Act and the Labour Law in the field of gender equality in working life, while emphasising that basic problems remain. The foremost problem consists of the very low employment rates for women. In 2002, employment for men was 68.4 %, but only 25 % for women. There was a slight increase in this figure in 2003, when it became 26.3 %.

As to women's economic, social and cultural rights, the reports highlight Article 8 of the European Social Charter regarding protection of working women, observing that Turkey is not bound by this article. The article contains an undertaking to provide (either through paid leave, or adequate social security benefits or through benefits from public funds) for women to take leave before and after childbirth up to a total of at least 12 weeks; to consider it as unlawful for an employer to give a woman notice of dismissal during her maternity leave; to provide that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose; to regulate the employment of women workers on night work in industrial employment; to prohibit the employment of women workers in underground mining, and, as appropriate, on all other work which is unsuitable for them by reason of its dangerous, unhealthy, or arduous nature.

The Progress Reports attest to the continuation of inequalities in terms of employment, vocational training, promotion and working conditions and restrictions based on gender for being hired in certain jobs, and that despite the reforms, the legislation does not guarantee an effective ban of discrimination in employment. According to the EU Commission, more harmonisation is necessary on equal pay, equal treatment in employment, maternity leave and equal treatment in compulsory and vocational social security schemes.

Conclusion

The European Union *Acquis* predominantly covers the fields of professional life and social policy whereas regulations in civil law, penal law and similar fields are left to the jurisdiction of member states. Nevertheless, in its regular reports on Turkey's progress towards accession, the European Commission did not restrict its assessment on the promotion of women's rights to the field of social policies. In the context of fulfilment of the Copenhagen political criteria, it has been monitoring

and evaluating legislation and practice on issues such as equality in family life, political participation and domestic violence. In this process, the fact that the EU institutions have monitored the detailed specification of legal reforms to achieve gender equality, their scheduling in a binding way and their realisation is a crucial driving force for reforms amending decades old legal provisions that discriminate against women.

Recommendations made by the institutions of the Union as a result of this monitoring and evaluation activity largely run parallel to the agenda and demands of the women's movement in Turkey and the fact that the undertakings of the Turkish governments have been tied to measurable criteria with regard to time and realisation is a stepping stone for activities carried out by the women's movement on the national level.

In this process, a series of critical legal reforms were introduced with the "harmonisation packages" to comply with targets set in the National Programme in order to fulfil the Copenhagen political criteria and harmonise with the Union *Acquis*. A part of these are about changing provisions in the Turkish legislation that discriminate against women, about achievement of equality between women and men and realisation of women's human rights. The women's movement has been actively involved in this process of legislative changes, played a part during the preparatory stage of the reform packages and lobbied through media and directly in the Parliament for the approval of alternative texts made up through its joint efforts. In this regard, the candidacy process has enhanced the communication of the women's movement with national political authorities, their participation in preliminary legislative processes and the opportunities of putting pressure on decision-making mechanisms.

AFTERWORD

Based on the interpretation of existing research data on the situation and problems of women in Turkey, and drawing on the conditions in the European Union in general, this study determines the priority problem areas of Turkey related to gender as education, work, violence and participation in politics. According to the 2002 Human Development Report of the United Nations, Turkey ranks 88th among 177 nations based on development linked to gender. This data is self-explanatory in the context of gender inequality. However, the further differentiation of data made by Çiğdem Kağıtçıbaşı sheds light on the existing inequality of gender: the HDI in Turkey is 0.81 for men, and 0.74 for women. The main factor in this difference is the inequality in education, income, and ownership (the education index is 0.80 and 0.66, and the income index is 0.95 and 0.81 for men and women, respectively). However, regional assessments draw an even more dramatic picture.

In the most developed region of Turkey, HDI is 0.83 for men and 0.82 for women. On the other hand, in the least developed region the index is 0.71 for men and merely 0.49 for women!¹ These indices not only serve to prove once more that women are worse off in every situation, but also

1 Çiğdem Kağıtçıbaşı, "Türkiye'de Kadının Konumu: İnsanca Gelişme Düzeyi, Eğitim, İstihdam, Sağlık, Doğurganlık" (Woman's Status in Turkey: Human Development Level, Education, Health, Employment, Reproductivity) and *Human Development Report -Turkey* (1996).

pinpoint the starting line of any developmental effort. The median of all problematic areas cited above is the inequality between regions; a situation that is apparent in every aspect, but even more drastic concerning women.

A good move on **education** was the extension of compulsory primary education to eight years; thereby increasing the time especially girls spend at school, and helping overcome the gender differences. Moreover, it is an advantage that, despite widespread convictions, there is not a generalized conservative attitude toward the education of girls. Nevertheless, the education ratio of girls is still lower than that of boys, and 19.4 % of women were still illiterate in the year 2000. As it is predictable, this ratio becomes critical in the Eastern (36 %) and the South Eastern (39 %) regions of the country. In light of this data, it is needless to say that the education drive especially in these regions should be stepped up for women; civil society organizations such as The Association to Promote Contemporary Living and Foundation for Contemporary Education, among others, and international organizations such as UNICEF, are doing invaluable work in this respect but the state should increase its efforts and the education budget should be enlarged. However, there is one underlying critical issue that is not yet fully explored: the sexist content of education. If the harmonization efforts with the EU are to be effected and realized, the socialization process must transmit egalitarian and democratic civilizational values to the young people. Being the primary location of the transmission and reproduction of social and cultural values, schools are also the breeding grounds of gender identity, and as long as the traditional stereotypes concerning these identities and gender relations do not change, an egalitarian society will remain a dream. Therefore, it will not suffice only to support education; it is also necessary to promote and apply education that is non-sexist and egalitarian.

The sexist content of education bears its implications on the inequalities of **professional life**. Gender discrimination appears in job selection, recruitment, and behaviors and assessments in the workplace (sexual harassment is a part of this). Taking into consideration that job orientation and the attitudes and prejudices concerning gender is generally given at school, it is obvious just how important sexist socialization is. To this effect, the “working mother” image shown in textbooks of the early republican era was replaced by the “housewife” starting from the

1950s, which indeed played an important adverse role. Today, we are faced with the threat of ever-lessening female professionals in areas like medicine, engineering and law, all of which were traditionally seen as “male professions”, but had (and still has) a significant ratio of female practitioners, nevertheless. The female quota on the applications for the offices of public prosecutor and justice, as well as the denial of work opportunities in engineering or audit positions for women in certain public institutions and banks on the basis that the job “is against female nature” is not only in violation of the equality article of the Constitution and the guiding principles of the Republic, but also incompatible with the approaches and laws of the European Union. Such discrimination must first be supplanted by the state; but the private sector, and more importantly labor unions, ought to play an active part as well. It is utterly inexplicable that labor unions, who should ideally be in support of more female activity, show just the opposite attitude and allow almost no women in their management positions, or their programs concerning education and future planning.

Parliamentary representation of women is problematic at best across the world. According to the 2002 data provided by the Inter-Parliamentary Council, the world average on the parliamentary representation of women is 14.5 %. The European average is 16.8 % inclusive of northern states, and 14.7 % exclusive of these states; in any case, the unfavorable situation is apparent. Turkey on the other hand, paints a dismal picture: the representation ratio is only 4.4 %, which is lower than that of the Arab nations (4.6 %) that Turkey always claims to be culturally and socially more developed. Considering that the ratio of women in leading roles in universities, public institutions and the private sector exceed 35 %, it is perfectly visible that parliamentary representation does not reflect the actual contribution. The obstacles before equal representation of women are intriguingly similar in all nations, developed or underdeveloped:

- Lack of party and family support
- The masculine nature of politics
- The domination of the patriarchal ideology and cultural traditions
- Lack of financial support
- The electoral system

The most determining factor in the under-representation of women is lack of party support; a factor that has been confirmed by a recent

study in Turkey.² The measures necessary for the alleviation of this handicap is also similar for all societies, and is within the mainframe of adopting the *affirmative action policy* including quotas. The affirmative action consists not only of political quotas, but of all measures taken and support given to mitigate gender inequality, as well as any specific policies adopted to realize these policies. Turkey, by not ensuring a constitutional guarantee for the affirmative action approach has recently missed an important opportunity in achieving gender equality and European norms.

The current European policy is not simple egalitarianism but the approach of gender mainstreaming, which allows women to participate in the decisions, policies and operations concerning gender equality right from the start. This is not a mere articulation of women to existing policies by a simple “add and stir” attitude, but a *transformation* of central policies by an egalitarian approach. In other words, instead of dwelling on individual cases, the entire systems and structures that give birth to disadvantages for women should be changed. It is not clear how a political nexus that is yet unable even to digest simple egalitarianism and that views the affirmative action policy as “oppression on men” will adopt and include gender equality in its central policies. The reason the European approach to gender equality is included in the sections of this study on the European Union is the hope to attract the attention of policymakers to this issue. As a candidate country, Turkey, similar to all candidates, is obliged to adopt the gender equality policies and approaches of the European Union. As the examples in the study prove, this obligation is a driving force in the efforts toward gender equality.

Violence against women, as stressed in the entire study, is the result of power imbalance between men and women, and the regard of women as subordinate, that can be traced in every society. This approach has been expressed first by the United Nations Human Rights Council and has been affirmed by the 1993 Vienna Human Rights Declaration and Action Plan. The female body is the zone of social regulation and control, and is a battleground for wars and political conflicts. This fact is

2 Serpil Sancar Üşür, “Siyasal Süreçlere Katılımda Kadın-Erkek Eşitliği” (Gender Equality in Participation to Political Processes), *Kadın-Erkek Eşitliğine Doğru Yürüyüş: Eğitim, Çalışma Yaşamı ve Siyaset* (March Towards Equality Between Women and Men: Education, Employment and Politics), TÜSİAD (Turkish Industrialists and Businessmen’s Association), 2000.

readily apparent in every armed conflict, every intervention in reproduction rights, certain immigration and political asylum policies, “honour” killings, acts of rape, forced veiling and seclusion of women, and in acts of domestic violence. The state cannot refrain from acting on violence against women for the reason that it happens in the private domain; instead, it must bear responsibility of ongoing acts of violence, protect the human rights of women, and punish the violators. From an international legal perspective, the states cannot invoke tradition, custom, or practices in the name of religion as an excuse to avoid their obligations to eliminate violence against women, and governments should investigate “honour” killings promptly and thoroughly and bring those responsible to justice.³ This is why the government and the parliament should heed the suggestions of women’s organizations on amendments to the Turkish Penal Code, and be vigilant in the application of these amendments. It is not a coincidence that the primary front of all the women’s organizations in Turkey seek to prevent and combat violence.

Public opinion research shows that women are more supportive of Turkey’s membership to the EU. Interesting but not surprising is that men who are more supportive of gender equality also support membership to the EU.⁴ The parallels drawn between membership to the EU and gender equality are also apparent in the accession processes of countries like Italy, Portugal and Greece. It is not a coincidence that this median of democratization is also valid for Turkey. The adoption and application of European gender equality norms, as well as democratization in all areas in Turkey is harmonious with the objectives and demands of the women’s movement. However, these policies are not yet fully adopted in the EU either, which result in women’s organizations in Europe maintaining ongoing efforts of criticism, warning and supervision in this respect. The demands of such organizations, for example the European Women’s Lobby (EWL), significantly overlap with the suggestions and demands of women in Turkey.

3 Mona Sahlin, speech in the *Expert Meeting on Violence in the name of Honour*, Stockholm, 4-5 November 2003.

4 Yılmaz Esmer, “Türk Kamuoyu ve Avrupa”, *Türkiye Avrupa’nın Neresinde?*, ed. B. Gökay, Ayraç Yayınları, 1997, p.134. The survey conducted by TÜSES (Turkish Social, Economic and Political Research Foundation) in April 2002, also proves that women are more supportive of EU membership than men. See Hasan Kirmanoğlu, presentation in the Panel “Turkish Society on the Road to the EU”, *İktisat Journal*, no.432, April 2003, pp.44-46.

The EWL has determined six areas of action to **strengthen women's rights in the accession process**, which should be heeded by all actors concerned:

1. Reinforcing gender equality mainstreaming, and using other important EU policy instruments in order to strengthen gender equality in the accession process: Increased use of international agreements and perspectives; creating gender equality awareness and training mechanisms for EU officials involved in the accession process, as well as for officials of candidate countries.

2. Ensuring the implementation of the 'acquis communautaire' on gender equality: Although many candidate countries are showing considerable progress in transposing the EU gender equality legislation ('acquis communautaire'), there are still serious problems of implementation. The EU must step up its efforts in promoting and supporting, with financial and human resources, the candidate countries to efficiently implement the acquis on gender equality. This should entail increased support of women's NGOs working to ensure the effective implementation of the acquis on gender equality.

3. Combating violence against women: Efforts to eradicate all forms of violence against women need to be reinforced including: Improving legislation in the field of violence against women, ensuring that perpetrators are pursued and punished, and enabling increased co-operation between women's NGOs in East-, Central- and Western Europe working to combat trafficking in women.

4. Strengthening women's position in the economy: Ensuring the implementation of anti-discrimination and equal treatment legislation, safeguarding and encouraging the provision of childcare facilities, and actions that promote a higher participation of women in the labor market, such as access to training.

5. Promoting women in decision-making: The phenomenon of the low representation of women in decision-making positions is common to the current Member States of the EU and candidate countries. The work to increase the representation of women in decision-making at all levels, in political institutions, but also in the public and private sector, has to be intensified through the integration of the indicators agreed upon in Helsinki, and in the Paris Declaration on women in decision-making, into the accession process, the promotion of electoral systems based on the principle of parity democracy, and the adoption of rules which ensure

parity democracy.

6. Reinforcing the role of women's NGOs in the accession process: The important role of NGOs, and the need for closer involvement in the accession process of civil society, has been underlined and called for by all major European institutions. Women's NGOs are key players as a link to citizens, as experts, and as advocates, and must receive enhanced support in the accession process. Closer co-operation between women's NGOs in the current EU member states and the candidate countries must be promoted, increased support should be given to women's NGOs in the candidate countries through the *Phare* program, and active dialogue between women's NGOs and the European Commission delegations in the Candidate countries should be established.

When determining these areas of action, the EWL sets out from the fact that the issue of gender equality in the accession process cannot be dealt with by simply replacing domestic laws with EU legislation. This fact cannot be overstressed in Turkey, where policymakers believe that formulating the policy and making some legal amendments is enough for its implementation. The European Union is not merely an economic union; it is a social project that aims to perpetually improve the quality of work and life. By definition this project entails the establishment and development of gender equality. Approaches such as gender mainstreaming; the integration of women's (possibly different) interests to social, political and economic development decisions, policies and programs; and the consideration of the possible outcomes of such policies goes beyond the principle of non-discrimination and simple egalitarianism to the adoption of the concept of **equality of outcome**. This concept requires that equality be not imposed on unequal situations, but rather that the difference caused by inequality be considered and corrected through **positive measures and affirmative action**.⁵

The establishment and development of gender equality should not be confused with balancing statistics, and should not be regarded as a "women's problem". Needless to say, this indeed includes promoting per-

5 The European Council has a clear approach: "In a nutshell, the break with the equal rights principle is necessitated by the need to make this principle a reality for formerly oppressed groups, particularly women. It does not amount to rejecting the rule that situations must be examined on an individual basis, though it does entail an acceptance that certain characteristics, in this case sex, should be taken into account." *European Council Document, EG-SPA(2000)07+1.*

sonal development and autonomy of women, but also covers permanent changes in parental roles, democratic transformation of family life, changes in institutional practices and customs, alterations in the organization of work and time, etc; thereby affecting not only women but also men, or the whole of society. As it is stressed by the Swedish National Action Plan for Gender Equality, “efforts to promote gender equality have for too long been exclusively directed to women, as if *they* were the problem and it was *their* responsibility to adapt to men’s lifestyles and modes of thought. But gender equality is not about conforming to male values; it is about building new, equal relationships predicated on equal rights, responsibilities and opportunities for *women and men*.”⁶ Efforts to form egalitarian relationships and active participation of women in every aspect of social and political life will undoubtedly bring about the further democratization of the society. This is why the European Council stresses that gender equality lies in the heart of democracy.

Another women’s organization in Europe, WIDE (Women in Development Europe), points out to the special responsibility of women’s communication networks in Europe for ensuring that EU enlargement does not cause new divisions within the EU, and that existing power differences between East and West are overcome instead of perpetuated. This responsibility invokes solidarity between said organizations. As WIDE suggests, it is imperative that the solidarity and cooperation between existing EU Member States and candidates should be based on a serious effort of “learning from each other”. If such a solidarity is enacted, the enlargement process will have positive effects on equality, both in current member states and future members; however, it should not be forgotten that there are obstacles brought about by all the parties involved before positive developments, and that “women’s organizations have a special role to play in “converting the EU enlargement from being a goal in itself or an economically-driven process into an instrument for justice, gender equality, improved policies and a better standard of living for all.”⁷

The demands and expectations of Turkish women overlap with the European perspective of gender equality, and Turkish women are well

aware of this concurrence when supporting Turkey’s EU membership. Yet, it is clear that the women of Turkey will continue their “long march” towards full equality regardless of whether Turkey enters the European Union or not.

FATMAGÜL BERKTAY

6 “Preface”, Mona Sahlin, Ulla Hoffmann, Maria Wetterstrand, *The Swedish Government’s National Action Plan for Gender Equality*.

7 WIDE, *Women’s Rights and Gender Equality in the EU Enlargement – An Opportunity for Progress*, October 2002.

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