



RETHINKING **SECURITY** IN THE 2020s SERIES

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Turkey has endangered the Istanbul Convention but may have strengthened the global combat for women's rights.

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It was meant to be a pre-emptive salvo against an alleged feminist onslaught on “family values”. But President Recep Tayyip’s overnight decision on March 20 to pull Turkey out of the Istanbul Convention¹, the first legally-binding international treaty on preventing and combating violence against women, may not be the fatal blow to global women’s rights that many fear.

Erdogan’s decision has rightly raised concerns that he may also backpedal from other laws and measures that protect women from threats and violence from partners. With several European Union states also having second thoughts about the treaty, many worry that Turkey’s move may encourage other countries to follow suit.

However, the struggle to save Council of Europe’s Istanbul Convention is not over. A combination of the law of unintended consequences, Erdogan’s poor timing and support for the Istanbul Convention from some of the world’s most powerful women who - despite their rank and status - still must deal with the unpleasant reality of discrimination, means that Ankara’s retreat from its international obligations could end up strengthening the uphill struggle for the protection of women, not undermining it.

Pressure on the Turkish leader to change course is growing both at home and across Europe, with activists and lawyers expected to continue their protests in the streets and online while the country’s main opposition party and several NGOs have applied to courts to challenge the legality of withdrawal from the Convention by a presidential decree without a parliamentary vote.

Also, by putting the Istanbul Convention back in the headlines right before its tenth anniversary, Erdogan has drawn much-needed attention to the disturbing rise in violence against women, especially during the pandemic, as well as still-persistent

1 <https://www.coe.int/en/web/istanbul-convention/conference-gender-equality-and-the-istanbul-convention-a-decade-of-action>

structural roadblocks standing in the way of broader gender equality goals across Europe.

Importantly, Ankara's move has spotlighted that European Union members Latvia, the Czech Republic, Slovakia, Bulgaria, Hungary, and Poland, are either getting cold feet about ratifying the Convention or mulling over withdrawal altogether, a fact that has spurred European Commission President Ursula von der Leyen to warn that she is preparing even stronger EU-wide legislation to stop violence against women and punish perpetrators.

The list of nay-sayers outside the EU includes Azerbaijan which announced in 2011 that it would not sign the treaty, saying that the convention was "incompatible" with the country's values. Russia, where 600,000 women are victims of domestic abuse [every year](#)², also opted out from the beginning.

Those opposing the Convention claim its "gender ideology" is an unacceptable threat to "traditional values", a reference to the Convention's definition of "gender" as "the socially constructed roles, behaviors, activities and attributes that a given society considers appropriate for women and men", as opposed to the biological sex of the person.

Ankara's statement that the Istanbul Convention has been "hijacked" by groups who want to "[normalise homosexuality](#)"³ – which rings very close to earlier remarks by Poland's justice minister who also [threatened](#)⁴ to withdraw from the Convention - has been categorically rejected by the Council of Europe which says the agreement is only about [protecting women](#)⁵ and girls.

It was not supposed to turn into a clash over values. The Convention, formally known as the Convention on Preventing and Combating Violence against Women and Domestic Violence, was widely welcomed when it was opened for signature in 2011.

Based on four pillars - prevention, protection, punishment, and policy - it obliges governments to offer support services for victims, put together an action plan to punish perpetrators and effectively prevent, combat, and monitor domestic violence.

Signed by 45 European countries, as well as the EU as an organization, the Convention adds to other women's rights agreements such as the UN Declaration on the Elimination of Violence against Women, the Convention on the Elimination of All Forms of Discrimination against Women and the Beijing Platform for Action.

2 <https://www.bbc.com/news/world-europe-21474931>

3 <https://www.iletisim.gov.tr/english/haberler/detay/statement-regarding-turkeys-withdrawal-from-the-istanbul-convention>

4 <https://www.iletisim.gov.tr/english/haberler/detay/statement-regarding-turkeys-withdrawal-from-the-istanbul-convention>

5 <https://www.dw.com/en/istanbul-convention-how-a-european-treaty-against-womens-violence-became-politicized/a-56953987>

Domestic and international pressure on Turkey, a founding member of the Council of Europe and the first signatory of the Convention that carries the name of its largest city, must continue.

Meetings such as the [conference organized in Berlin](#)⁶ on May 11 to commemorate the tenth anniversary of the Istanbul Convention, can also help by pointing out the reputational risks that confront Turkey, or any other signatory with a hand on the door, if it reneges on an earlier pledge to implement the Convention.

So can comments from Dubravka Šimonović, the UN Special Rapporteur on violence against women, who has warned that Erdogan is sending “a dangerous message that violence against women is not important” encouraging perpetrators to continue endangering women’s lives. German Chancellor Angela Merkel has underlined that “Women’s rights are human rights and any violation of them is a crime - and must be named as such”.

Proving that the personal is political and still smarting at the “[sofa gate](#)⁷” diplomatic disaster she suffered at a joint meeting in Ankara end-March when she visited Erdogan with EU Council President Charles Michel, von der Leyen has come out fighting in favour of the Istanbul Convention.

[Speaking at the European Parliament](#)⁸ on April 26, the Commission chief denounced the Turkish decision as a “terrible signal” on the country’s future trajectory on human rights, adding: “The Convention prohibits psychological violence, sexual harassment and stalking. And it outlaw’s domestic violence. I do not need to tell you how important that is. Especially, now, in the times of the pandemic”.

The EU signed the agreement in [May 2017](#)⁹ and has signaled its intention to accede to the Convention. But it is being blocked by an internal rule in the EU Council which says accession must be given the green light by all 27 EU states.

Such a nod of approval is unlikely anytime soon from six of the bloc’s members. Latvia, the Czech Republic, and Slovakia have signed the accord but kept ratification on hold. Hungary’s parliament [voted against](#)¹⁰ the Convention last year, citing as reasons definition of gender and its attitude to migration.

Bulgaria’s Constitutional Court [rejected the accord](#)¹¹ in 2018, on the grounds that it blurs the differences between the two sexes and therefore “makes it more difficult to fight against domestic violence”. Poland ratified the Convention in 2015 but

6 <https://www.coe.int/en/web/istanbul-convention/conference-gender-equality-and-the-istanbul-convention-a-decade-of-action>

7 https://www.youtube.com/watch?v=rk7Bf1v_CT0

8 https://ec.europa.eu/commission/presscorner/detail/en/speech_21_1965

9 <https://www.europarl.europa.eu/legislative-train/theme-area-of-justice-and-fundamental-rights/file-eu-accession-to-the-istanbul-convention>

10 <https://hungarytoday.hu/hungary-istanbul-convention-parliament-declaration/>

11 <https://www.euractiv.com/section/future-eu/news/istanbul-convention-unconstitutional-in-bulgaria/>

announced last year its intention to withdraw from it, with the blessing of most major political parties and the Catholic Church. Warsaw invited some like-minded EU states to sign an alternative convention that advocates traditional family values.

Von der Leyen has warned that these states are putting EU's credibility at risk. In fact, there is more at stake. Over the years, opposition to aspects of the EU's multi-faceted equality agenda and European liberal norms and standards are being chiseled away by acrimonious internal European "culture wars" over values and identity which pitch self-styled socially "conservative" and "progressive" countries, politicians, and political groups against each other.

The divide is too often sidestepped amid self-congratulatory EU talk of promoting the European Way of Life. But it is tantamount to a veritable clash of civilisations within Europe, not just between the EU and Turkey or any other non-EU power.

Tough fights lie ahead. The Council of Europe is undeterred in making sure that lingering members get on board, with the organisation's Secretary-General Marija Pejčinović Burić saying she is now "[doubly determined](#)¹² to develop and promote the positive and honest narrative that supports the Istanbul Convention" in order to dispel myths, highlights facts, and make it clear that any further withdrawals from the Convention would come at the expense of women left exposed to violence.

She has also warned that crafting national legislation to ban violence against women will not be enough.

"The standards for the protection of women set by the Istanbul Convention are significantly higher than the national laws of many countries, Pejčinović Burić said recently, adding that the Convention provided for "a unique, independent and international monitoring mechanism to evaluate implementation at the national level and assist compliance."

Withdrawal from the Convention also means a country could no longer benefit from its provisions relating to international co-operation in criminal matters and seek cooperation from other states parties to bring the perpetrators of crimes against women to justice, she warned.

The European Commission is similarly determined to press ahead. Von der Leyen told the European Parliament on April 26 that the position of recalcitrant EU states was "not acceptable" and that she was working on EU "alternative measures" in the shape of EU legislation which would achieve the same objectives as the Istanbul Convention but could be voted in by qualified majority, not unanimity.

The EU law would include all forms of online and offline hate crimes to make sure that women and girls are adequately protected everywhere in Europe.

12 <https://www.coe.int/en/web/secretary-general/-/10th-meeting-of-the-committee-of-the-parties-council-of-europe-convention-on-preventing-and-combating-violence-against-women-and-domestic-violence-ist>

Facts and figures illustrating an increase in violence against women and girls show that the Convention does matter. In Turkey, the Convention has brought positive change: Since 2012, domestic violence prevention centers and shelters were built in almost all Turkish cities, and a national helpline was launched. Turkey's Justice Ministry established a directorate for the protection of domestic violence victims and opened a fast-track to issue restraining orders for violent spouses and partners, although implementation on the ground has often been blotchy and insufficient, not least because efforts on gender equality and policies on preventing violence against women need to be backed by attitudinal or institutional reforms.

Denmark is a recent example of how the treaty's goals can be translated into national laws. In December, the country passed reforms [recognizing sex without consent as rape](#)¹³ — with adherence to the Istanbul Convention listed as among the grounds for changing legislation.

Protecting women against violence at home and outside is more urgent than ever. UN Women has highlighted the [increase in reported violence against women and girls during the COVID-19 pandemic](#)¹⁴ as a result of measures such as lockdowns and disruptions to vital support services, which comes on top of the already-existing extreme levels of violence reaffirmed in the [latest report by WHO](#)¹⁵.

The grim fact is that violence against women and girls is one of the most widespread and devastating human rights violations across the globe. The estimation is that 35% of women have experienced violence at some point in their lives.

An overview of the findings of the biggest survey in 2014 on gender-based violence in Europe – entitled "[Violence against women: an EU-wide survey](#)"¹⁶ by the European Union Agency for Fundamental Rights (FRA) - shows that 13 million women in the EU experienced physical violence over a period of 12 months and that 3.7 million women suffered sexual violence.

One in three women has experienced physical and/or sexual violence since she was 15 years old, the FRA indicated. Among those, 11% have experienced some form of sexual violence either by a partner or some other person. Also, violence against women does not always need to involve physical abuse. Psychological violence has been considered one of the most relevant dimensions of gender-based violence and is one of the unique features – along with its legally binding mechanisms – of the Convention which recognises the continuum across forms of violence when most mainstreaming narratives tend to isolate physical violence from broader structural inequalities.

13 <https://www.dw.com/en/denmark-reform-recognizes-sex-without-consent-as-rape/a-55971758>

14 <https://www.unwomen.org/en/news/in-focus/in-focus-gender-equality-in-covid-19-response/violence-against-women-during-covid-19>

15 <https://www.who.int/news/item/09-03-2021-devastatingly-pervasive-1-in-3-women-globally-experience-violence>

16 <https://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report>

Clearly, eliminating deeply rooted structural issues preventing the elimination of violence against women and girls remains a global challenge and pressure must be maintained on recalcitrant government to ratify and then implement the Istanbul Convention by transposing its goals into detailed national measures. The road ahead will not be easy.

But make no mistake, the Convention is certainly not dead. Turkey and the six EU countries which are opposing its ratification or proposing conservative alternatives may in fact have provided the additional oxygen the Istanbul Convention needs to become a truly effective tool for women's protection.

About the BIC

The BIC is an independent, non-profit, think-and-do tank based in the capital of Europe that is committed to developing solutions to address the cyclical drivers of insecurity, economic fragility, and conflict the Middle East and North Africa. Our goal is to bring added value to the highest levels of political discourse by bringing systemic issues to the forefront of the conversation.

Rethinking Security in the 2020s Series

This project takes critical aim at yesterday's approaches to security and defence, with a view towards developing proactive solutions to the evolving nature of insecurity and hybrid warfare. The series has three overarching themes, namely "New Geopolitical Landscape in the MENA Region", "Peacebuilding and Conflict Prevention" and "Transnational Challenges to Water and Energy"

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