



KAMER
VAKFI

**DECENTRALIZED GOVERNANCE MODEL FOR
GENDER EQUALITY**
our expectations





KAMER Foundation

Ali Emiri 3. Sokak Es-Şal Apt. No: 1 Yenişehir – Diyarbakır

Phone: +90 412 228 10 53

Fax: +90 412 224 23 19

d.kamervakfi@gmail.com

www.kamer.org.tr

Edited by

KAMER Foundation Editorial Board

Translated by

Yasemin Gedik

Graphic Design/Cover Design

Nesne Emt



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Empowering Women Empowering Humanity (UN)



Introduction

Women's issue is not specific to women, does not originate from women themselves, and not only the women suffer, and cannot be overcome by women alone.

Women's issue is a societal issue. Traditional roles ascribed to women and men by the society form the fabric of its emergence and perpetuated practice. The issue cannot be overcome without the contributions and the influential power of the society, and indeed the adverse effects of and the harm resulting from the violence women suffer and their submissiveness are shared by the entire society.

Democracy is not solely a form of governance, it is a way of life based on values and principles.

Those who seek democracy strive to ensure all individuals, communities, the society and the institutions adopt, embrace and implement those values and principles.

In democratic States, everyone possesses inherent fundamental rights and freedoms, which are inviolable and inalienable. (The Constitution of the Republic of Türkiye (RoT) [1982], Article 12)

ARTICLE 10- Everyone is equal before the law without distinction as to language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such grounds. (The Constitution of the RoT, Paragraph added on May 7, 2004; Act No. 5170/1)

Men and women have equal rights. The State has the obligation to ensure that this equality exists in practice. (Phrase added on September 12, 2010; Act No. 5982/1).¹

No privilege shall be granted to any individual, family, group or class. State organs and administrative authorities are obliged to act in compliance with the principle of equality before the law in all their proceedings and public services delivery.

Article 10 of the Constitution of the RoT also highlights absolute equality. The first paragraph of the article indicates sex as a "specific non-discrimination" trait. Consequently, legislation that envisages gender-based discrimination - regardless of the preferred viewpoint - is against the principle of gender equality.

There are people who oppose gender equality by arguing that it is "against creation" despite the provision in the Constitution. This constitutes a crime.

Because pursuant to the Constitution, there is absolute equality between the "genders".

Every woman or man who loves her/his country and aspires for the country to be governed and developed by democracy should advocate and promote gender equality.

With respect to sustainable development; Ensuring gender equality is an indispensable precondition to achieve the **Sustainable Development Goals** in real life including eradicating poverty, access to health, decent work, peace and justice.

Sustainable Development Goal (SDG) 5 focuses on Gender Equality.

The aim is to "achieve gender equality and empower all women and girls."

5.1. End all forms of discrimination against all women and girls everywhere

5.2. Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation

5.3. Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation

5.4. Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate

5.5. Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life

¹ <https://www.mevzuat.gov.tr/mevzuatmetin/1.5.2709.pdf>

5.6. Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences

5.a. Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws

5.b. Enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women

5.c. Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels²

Although the central government in Türkiye had committed to implement its obligations arising under the UN's Sustainable Development Goals, no significant progress has been achieved in practice.

Gender equality is the prerequisite for sustainable development. Nevertheless, the central government in Türkiye virtually banned the usage of the word "gender", and further declared that gender equality is "against creation".

With respect to the Sustainable Development Goals, a brief section from the report published on the website of the Presidency of Strategy and Budget - Presidency of the Republic of Türkiye reads:

"17 Sustainable Development Goals (SDGs) were identified within the framework of the 2030 Agenda for Sustainable Development that envisages shifting the world onto a more sustainable and resilient path to development. The SDGs which include 169 targets, based on the motto of "leaving no one behind", aim at leaving not a single person or country behind during the period between 2015-2030. Addressing the three-axes conception (social, economic and environmental) of sustainable development, the SDGs are broader in scope and go further than the Millennium Development

*Goals (MDGs) by addressing the universal need for development that works for all people. The SDGs that adopt the goals of eliminating the inequalities, encouraging the economic growth and employment, improving the cities and residential areas, ensuring the industrialization, conserving the oceans and ecosystems, generating and consuming energy in a more sustainable way, combating the climate change, improving sustainable production and consumption, and consolidating the human rights, were built on a ground relying on the success and progression of the MDGs. 'Türkiye's Current Situation (Gap) Analysis Project Concerning Sustainable Development Goals' focuses on the country's progress with respect to policies, legislation, the governance framework and projects within the context of the Sustainable Development Goals. Within the framework of the Project, Türkiye's current situation is assessed involving each SDG, and gaps as well as areas for improvement were identified based on relevant findings."*³

United Nations Women states that from enhancing women's representation in leadership and decision-making to redistributing care-work and productive resources, progress towards a gender equal and sustainable future starts with the following five key pillars to drive change:⁴

- Empowering Women Smallholders (Small-Scale Farmers)
- Investing in the Care Economy
- Supporting Women's Leadership
- Providing Funds to Women's Organizations
- Protecting Women's Health

Sustainable development cannot be achieved without investing in gender equality.

In recent years, we observe that the women's organizations and some rights-based CSOs are striving hard to contribute to decentralized governance by collaborating with municipalities as well as to ensure local CSOs' collaboration with the municipalities, and preparing and implementing local equality action plans by the municipalities.

² <https://turkiye.un.org/tr/sdgs/5>

³ http://www.surdurulebilir-kalkinma.gov.tr/wp-content/uploads/2020/03/Surdurulebilir-Kalkinma-Amaclari-Degerlendirme-Raporu_13_12_2019-WEB.pdf

⁴ <https://www.isoyesilblog.com/surdurulebilir-bir-yarin-icin-bugun-toplumsal-cinsiyet-esitligi/>

Despite all these efforts, the progress remains extremely limited.

That is because, in addition to shortcomings and deficiencies with respect to democracy and sustainable development, local governments in Türkiye are not able to take action on their own. A hierarchical superior-subordinate 'guardianship' relationship is observed between the central government and the local governments.

In general, local governments are unable to take any decisions that the central government doesn't approve of. During the preparatory stage of the project on the Decentralized Governance Model for Gender Equality, the relationships between the central and local governments in a number of countries were explored by analyzing their systems.

In countries that achieved significant progress in ensuring equality, the autonomy (self-governance) of local governments was notable.

The principle of local (decentralized) administration is both enshrined in the Turkish Constitution and also laid down by international treaties that Türkiye is a party to, and related domestic legislation.

*The Constitution: Article 127 – Local administrative bodies are public corporate entities established to meet the common local needs of the inhabitants of provinces, municipal districts and villages; whose decision-making organs are elected by the electorate described in law, and whose principles of structure are also determined by law. The formation, duties and powers of the local administrations shall be regulated by law in accordance with the principle of local administration.*⁵

The European Charter of Local Self-Government is a treaty that obliges the parties to applying basic rules guaranteeing the political, administrative and financial independence of local authorities. This means that a superior-subordinate relationship does not exist between the central and local governments.

However, in Türkiye the overall administration (government) policy is under the control of the central government. The central government may

monitor, inspect and watch over local governments based on its "authority of guardianship" claiming that there are incompatibilities in services provided.

We understand the root causes of the appointment of trustees, the investigations launched against municipalities and the failure to ensure decentralized governance, when we also consider the political parties' organizational structures, nomination processes / procedures during local elections, the destructive and devastating competition between (campaigns of) political parties, and how the principle of equality is viewed - besides the central government's claimed "authority of guardianship".

The situation in Türkiye also leads to arguments about and challenging women's vested rights.

However, the renewed understanding of democracy brought by the rapid change experienced in the 2000s considers the local governments as the cradle of democracy. This understanding had paved the way for making the required legislative amendments to re-authorize local governments and redefine their duties and tasks in Türkiye as well.

Under present circumstances, although the women's organizations struggle tirelessly to prevent women from getting killed and being subjected to violence as well as to reach local governments and collaborate with them; effective, widespread and long-lasting results cannot be reached.

While the publication on the Decentralized Governance Model for Gender Equality was being drawn up, the compliance (and non-compliance) of existing practices and implementations primarily with the Constitution, and also with the related international treaties and laws were assessed and identified.

From now on, the women's organizations will strive not only for preventing women from getting killed and being subjected to violence, but also for ensuring empowerment and participation to make sure that the required measures are in place to empower local governments.

⁵ <https://www.mevzuat.gov.tr/mevzuatmetin/1.5.2709.pdf>

To this end, the study primarily seeks to draw attention to obstructive approaches, deficiencies, shortcomings and setbacks due to (that emanate from) the central government. The study is composed of two parts: I- Expectations from the Central Government and II- Expectations from Local Governments.

This study that is carried out to draw up the Decentralized Governance Model for Gender Equality will be shared with all the municipalities, women's and rights-based organizations to promote and contribute to raise their awareness on and sensitivities about existing deficiencies, shortcomings and setbacks.

All together, we will continue to strive and struggle for ensuring democracy, sustainable development and decentralized governance.



First Comes The Constitution

The Constitution is critical both for the States and the individuals. It is the fundamental (foundational) document defining the framework of a State. The authority and power vested in a State to be exercised to fulfill its duties emanate from the Constitution.

Article 6 of the Turkish Constitution dated 1982 explicitly describes this provision of the Constitution: "No person or organ shall exercise any State authority that does not emanate from the Constitution."

Individuals make plans based on social / societal relations specified by the rule of law imposed by the Constitution and may envisage specific consequences / results. The rule of law not only regulates the social / societal life but also provides certain guarantees to individuals. In this context, the Constitution by safeguarding fundamental rights and freedoms, serves as a legal shield that protects individuals against other individuals and against the State.

The Constitution guarantees lives respecting human being's dignity - the right to life, freedom of thought and opinion, right to property and freedom of work.

We do not feel safe unless there is a democratic, secular, liberal and pluralist Constitution, and governments that fulfill their duties by upholding the Constitution!



expectations from the central government

The background of the page is a dark blue color. It features a decorative pattern of diagonal dashes. The dashes are arranged in a grid-like fashion, sloping downwards from left to right. Each dash is a rounded rectangle. The dashes are colored in two ways: a medium blue and a bright red. The red dashes are interspersed with the blue dashes, creating a rhythmic, textured effect across the lower half of the page.

Expectations from the Central Government



A. Legal Obligations Should Be Fulfilled Immediately and Properly Implemented

1. Pursuant to international treaties

Türkiye became signatory to the following international key treaties that propose basic universal norms, strategies and implementation policies. By signing, Türkiye has committed to fulfill its obligations. Consequently, the basic framework, principles and targets of Türkiye's future undertakings to achieve gender equality are indeed outlined in those treaties and related documents, and Türkiye should implement its obligations and commitments pursuant to these treaties.

Türkiye had signed and committed to implement its obligations as per the above-mentioned treaties, and had established a ministry and related service agencies to execute and oversee the implementation and practices from 1990s onwards. Until recently, significant legal reforms, action plans and services to safeguard women's rights were formulated and implemented.

However, from 2011 onwards, practices contrary to universal principles were gradually adopted, progressive practices were not adhered to and a reversal in approach concerning women's rights was experienced. Türkiye's withdrawal from the Istanbul Convention by a Presidential Decree is an indication of this reversal in approach.

Major international treaties on gender equality signed/ adopted / ratified by Türkiye:

- 1981 - *The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)* Türkiye ratified in 1985
- 1995 - Fourth World Conference on Women and the *Beijing Action Plan* (the first text describing the most comprehensive gender equality policies - Türkiye signed in 1995)

- UN – (2015-2030) *Sustainable Development Goals (SDGs)*, Action Plan (Goal 5 focuses on gender equality at the local level)

- Palermo Protocol - UN Protocol to Prevent, Suppress and Punish Trafficking in Human Beings Especially Women and Children* (Türkiye signed the protocol on December 13, 2000 and ratified in 2003)

- Council of Europe (CoE) Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)* (Türkiye signed the Convention in 2011, it was published in the Official Gazette on March 8, 2012. Türkiye withdrew from the Convention on March 20, 2021 by a Presidential Decree)

- Council of Europe (CoE) Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention)* (Türkiye signed the Convention in 2011 that was then published in the Official Gazette and entered into force)

- Council of European Municipalities and Regions (CEMR) - the European Charter for Equality of Women and Men in Local Life-2006* (The Union of Municipalities in Türkiye joined the CEMR in 2010 and opened the Charter to signature of municipalities that sought to sign)

- Council of Europe (CoE) Recommendations* (In particular the Recommendation pointing out the relation of gender stereotyping, gender inequality and sexism with violence against women and girls (Recommendation CM/Rec) (2019)).



Norms and Policies

Türkiye is obliged to implement / adopt the norms and policies summarized below pursuant to treaties concluded with international organizations:

Norms

Ensuring equal access to rights by individuals of different genders, sexual orientation and gender identity,

Preventing gender-based discrimination to ensure equality,

Ensuring gender equality both in terms of equality in sameness and equality in difference,

Fulfilling the obligation to observe respect for human being's dignity in all practices,

Paying particular attention to "multiple inequalities" suffered by individuals who are exposed to more than one source of discrimination such as gender, gender identity, sexual orientation, age, disability, ethnicity, religion and language (the principle of intersectionality),

The need to consider indirect discrimination besides direct discrimination,

Ensuring conformity with justice and equity principles as required by and if compatible with equality principles,

Implementing "special measures" and "affirmative discrimination" measures to tackle persistent inequalities and discrimination,

In order to prevent human rights violations against women, taking into consideration the norms for humanely employment, balance of work and family life and economic independence of genders, during the implementation and practices

Placing women's empowerment at the forefront of all practices and implementation,

Due to the nature of crimes against sexual inviolability, taking "woman's statement" as the basis, if an inquiry request is made or a complaint lodged.

Policies

Ensuring political will (commitment) of relevant public and civil authorities to achieve gender equality,

Embedding the basic policy i.e. gender mainstreaming (the gender perspective) into the formulation, implementation and monitoring stages concerning all laws, policies, programs and projects,

Devising and building all institutional structures / mechanisms required for gender mainstreaming,

Generating action plans indicating activities, the actors and institutions who/that will be engaged in implementing policies,

Collecting and publishing gender specific data on a regular basis to assess the effectiveness of implementation,

Implementing "special measures" and "affirmative discrimination" measures to eliminate persistent inequalities,

Performing gender-impact analysis to assess the impact of policy implementation and the achieved transformation,

Performing gender budgeting, assessing the effects on resource utilization,

Performing methodological monitoring to assess the level of policy realisation

Establishing and supporting independent monitoring agencies to monitor policy implementations,

Collaborating with social stakeholders,

Ensuring the participation of men in gender-based awareness raising processes,

Developing gender indicators to facilitate and ensure objective monitoring.

The Constitution-Article 90: “Moreover, in the case of a conflict between international conventions concerning fundamental rights and freedoms and the laws, due to differences in provisions on the same matter, the provisions of international agreements shall prevail.”⁶

Unions such as the UN and EU that adopt and open to signature international treaties should provide and define more clear and precise roadmaps as well as monitoring and enforcement measures for States Parties.

The women’s organizations in Türkiye shall run campaigns with international women’s organizations and networks to ensure more precise description and effective monitoring of the implementation of the obligations of signatory States to international treaties.

States Parties (signatory governments) to international treaties should immediately ratify them to harmonize with the domestic law, and establish and operationalize the required mechanisms for implementation, monitoring and assessment.

Women’s organizations and the related CSOs shall track, monitor and create awareness, sensitivity and responsiveness for all related processes to ensure harmonization of international treaties with domestic law as well as the implementation, monitoring and assessment of obligations.



⁶ <https://www.mevzuat.gov.tr/mevzuatmetin/1.5.2709.pdf>

2. Pursuant to laws

Basic legislation laying down the duties, authorities, and the institutional structures of local governments should be made gender-sensitive.

Global principles aiming to ensure gender equality should be transposed into basic laws and related legislation regulating the political and social life as well as in to the policies and projects shaping the framework of implementation in each country. The *Local Agenda 21* and *Women Friendly Cities* programs that were initiated to provide guidance in this respect sought to support countries in improving and strengthening local democracies through the provision of international financial and technical assistance. Although both programs were implemented in Türkiye with long-standing support, the basic legislation laying down the duties, authorities and the institutional structures of local governments did not change.

Basic laws that need to be made gender-responsive are: Law No. 5216: Metropolitan Municipalities

Article 1- The purpose of this Law is to establish the legal status of metropolitan municipality administration and ensure that services are provided in a planned, programmed, effective, efficient and consistent manner.

Article 2- This Law covers metropolitan municipalities and the municipalities located within the boundaries of a metropolitan area.

Law No. 5393: Municipality Law

Article 1- The purpose of this Law is to lay down the establishment, organs, administration, duties, powers, responsibilities and working procedures and principles of municipalities.

Article 2- This Law covers municipalities.

Law No. 5302: Special Provincial Administration

Purpose: Article 1- The purpose of this Law is to lay down the establishment, organs, administration, duties, powers, responsibilities and working procedures and principles of special provincial administration.

Scope: Article 2- This Law covers special provincial administrations.

Definitions: Article 3- For the purposes of this Law;
a) "Special provincial administration" means a public entity having administrative and financial autonomy which is established to meet the common local needs of the people in the province and whose decision-making body is elected by voters;
b) "Organs of special provincial administration" means the general provincial council, the provincial executive committee, and the governor.

Fundamental laws regulating municipal services should take into consideration *gender-based differences in lifestyles, responsibilities and priorities*. The failure to observe gender equality in core activities such as providing access to services, service delivery and assuming office in the municipal administration may lead to the aggravation of inequalities. This results in what we call **gender-blind** public services. Further information about the Municipal Law is presented in Part II – Section B.



3. Pursuant to Circulars

The following Circulars had created extremely positive impact when they were published.

Prime Ministry's Circular numbered 2006/17 published on July 4, 2006⁷

The Circular describes the measures to be taken to combat violence against women and children and to prevent honor killings as well as the roles and duties of local public institutions and agencies.

The Circular that was drawn up by the contributions of the women's organizations as well had stirred up hope for preventing violence against women and children, with its inclusive and holistic scope.

Ministry of Interior's Circular dated August 18, 2006 and numbered 2006/67

The Governorates were notified of the following guidelines by the Circular dated August 18, 2006 and numbered 2006/67:

- *Representation and participation of women and women's organizations in events and programs implemented by local governments; attaching importance to and valuing their insights, views, recommendations and participation,*
- *Providing means of access to training and education at diverse levels for women to ensure gender equality,*
- *Prioritizing the provision of social services to children of all ages, youth, elderly, individuals with disabilities, and women subjected to domestic violence, neglect and abuse or implementing practices to strengthen and improve existing social support mechanisms,*
- *Considering these guidelines in the practices of city councils in particular,*
- *Paying particular attention to enhancing women's active participation in social life, protecting legal rights of women and children, ensuring women's safety and freedoms in daily life, and strengthening the family institution that is the foundation of the Turkish society.*

Ministry of Interior's Circular dated February 19, 2010 and numbered 2010/10⁸

The framework of **governance mechanisms** to institutionalize gender equality in local governments was set out in the Ministry of Interior's Circular.⁹ In order to expand the practices that were implemented in six pilot provinces across all the provinces, and to ensure other provinces to benefit from the practices implemented in pilot provinces; the Governorates were asked to notify the Special Provincial Administrations, District Governorships and Mayorships about the launch of the project, and ensure its implementation and monitoring. The Circular indicated the mechanisms implemented in pilot provinces within the framework of the institutional governance mechanisms (project goals):

- *Drawing up **Local Equality Action Plans** through a participatory approach (by the collaboration of local governments, women's organizations, local CSOs); approval of plans by Provincial Councils and Municipal Councils prior to the implementation stage,*
- *In order to specify the institutional framework of local equality policies, setting up **Provincial Women's Rights Coordination Committees** to coordinate and monitor gender equality-related practices in provinces,*
- *Setting up **Equality Units** at Governorships and Municipalities to carry out secretarial work and to process applications and complaints of women and girls,*
- *Setting up **Gender (Women and Men) Equality Committees** in Municipal Councils and Provincial Councils,*
- *Within the scope of urban services; establishing **women's counseling centers**, community centers, girls' dormitories, shelters, nursery care and breastfeeding (lactation) rooms; improving access of girls to pre-school facilities; enhancing vocational education opportunities and learning environments in order to support women's participation in work life; conducting gender awareness-raising programs for local decision-makers and public servants; devising service delivery models for vulnerable women's groups including seasonal agricultural workers.*

⁷ <https://www.resmigazete.gov.tr/eskiler/2006/07/20060704-12.htm>

⁸ Ministry of Interior's Circular dated 19.02.2010 and numbered 2010/10:

<http://www.kadindostukentler.com/content/docs/genelge-2010-10-kadinlarin-ve-kiz-cocuklarinin-insan-haklari.pdf>

⁹ Ministry of Interior's Circular dated 19.02.2010 and numbered 2010/10:

<http://www.kadindostukentler.com/content/docs/genelge-2010-10-kadinlarin-ve-kiz-cocuklarinin-insan-haklari.pdf>

However, failure of local executives, civil actors and the political parties to adequately internalize and support the purposes, caused the circulars to be disregarded after a while.

It should be recalled that the Circulars are in effect.





B. The Civil Code Should Be Fully Enforced

The former Turkish Civil Code based on the model of the Swiss Civil Code was enacted on February 17, 1926 with No. 743 in the Grand National Assembly and entered into force on October 4, 1926. This code was repealed after 75 years when the new Turkish Civil Code was put into effect on **January 1, 2002**.

The new Turkish **Civil Code** No. 4721 was adopted by the Grand National Assembly of Türkiye (GNAoT) on November 22, 2001 and entered into effect on January 1, 2002.

The Women's Rights (Law) Commission of the Union of the Turkish Bar Associations (TÜBAKKOM) that was established in 1999 has adopted as its basic objective; preserving democracy, secular rule of law, independence of the judiciary and the right of defense in our country while carrying out work related to observing gender equality in enacting and implementing laws and preventing violence against women.¹⁰

TÜBAKKOM had shared its views on the Turkish Civil Code (TCC) as follows:

"The Turkish Civil Code as our Revolutionary Law serves as the most significant step forward in ensuring women's access to equal citizenship rights with men. This step not only allowed for women to lead dignified lives but showed the entire society the path to a bright future and enabled women to take part in social life. Vital topics that reflect women's major rights today such as the "right to equal inheritance", "mandatory civil marriage", "women's consent to marriage", "right of divorce and custody", "equal weight of testimony in court", "banning of polygamy" and "right to work" indicate the progress achieved by the secular rule of law built brick by brick by the Republic. We, as women lawyers call the Grand National Assembly of Türkiye, the government officials at all levels, all related institutions and organizations, and our citizens

to take and demonstrate ownership of our Republic's achievements and the democratic, secular and social state governed by rule of law, and respect women's all vested rights, primarily the right to alimony, indicated in the Turkish Civil Code.

We esteem it our indispensable duty to warn against taking the slightest step back involving the Civil Code that will lead women to a grim future, and demand transformation through implementing holistic policies aligned with the basic principles of our Constitution, that will eradicate the discriminatory and masculine mindset."¹¹

It is possible to see whether the Turkish Civil Code ("Revolutionary Law" as described by TÜBAKKOM) is being fully enforced or not by assessing a few of its major articles.

KAMER operates in 23 provinces in the Southeastern and Eastern Anatolia Regions, with women's counseling / support centers in 20 provinces.

Women's issues with respect to "right to inheritance", "civil marriage" and "monogamy" were evaluated based on various reference sources and the results of the survey conducted in 2021 involving interviews with 13,517 women who obtain(ed) support from KAMER.

The right to equal inheritance

The Civil Code: Article 495 - First degree heirs of the inheritance are its descendants.

Children are equally heirs.

Children who have died before the inheritance are replaced by their altars through succession at all levels.

Despite the Civil Code, the majority of women cannot exercise their rights to inheritance.

The rankings of women's access to inheritance by KAMER provinces indicates that the Central Eastern Anatolia Region ranks the first with the highest proportion of women getting their share of family inheritance (40.5%), followed by the Northeastern Anatolia Region (37.9%) and the Southeastern Anatolia Region (26.8%). While the overall average for KAMER provinces is 31.6%; Erzurum (Northeastern

¹⁰ <https://www.barobirlik.org.tr/Haberler/tubakkom-13426>

¹¹ The Women's Rights (Law) Commission of the Union of the Turkish Bar Associations (TÜBAKKOM) 17.02.2022

<https://www.barobirlik.org.tr/Haberler/turk-medeni-kanunu-nun-kabulunun-96-yilinda-kadin-kazanimlarindan-odun-vermeyecegiz->

Anatolia – 83.1%), Siirt (Southeastern Anatolia – 82.7%) and Tunceli (Central Eastern Anatolia – 73.9%) provinces are notable with the highest proportion of women getting their share of family inheritance.

Responses to the question about the basis for inheritance distribution in the same provinces reveal that inheritance may be distributed in accordance with traditional religious beliefs as an alternative base to the Turkish Civil Code. Nevertheless, inheritance distribution as per relevant provisions of the Civil Code is more common in KAMER provinces in general (59.6%). While “traditional rules” are more significant as the basis for distribution of inheritance in the Southeastern Anatolia Region (46.8%), inheritance is mostly distributed as per relevant provisions of the Civil Code in the Central Eastern (57.8%) and the Northeastern Anatolia Regions (69.2%). Kars (Northeastern Anatolia Region, 98%), Siirt (Southeastern Anatolia Region, 81.6%) and Malatya (Central Eastern Anatolia Region, 81.4%) provinces rank the first in their regions in the distribution of inheritance as per relevant provisions of the Civil Code as the predominant basis.

Based on the Islamic law, family inheritance is distributed in two different ways in KAMER provinces; the man either takes three times (3:1) or double (2:1) the share of the woman. In general, in the Northeastern Anatolia and Southeastern Anatolia Regions, the man takes double (2:1) the share of the woman (79.1% and 67.9% respectively) whereas in the Central Eastern Anatolia Region, in general, the man takes three times (3:1) the share of the woman (55.9%). Erzurum where men’s share in inheritance is twice (2:1) that of women for all cases (100%) and Şırnak where men’s share in inheritance is three times (3:1) that of women for all cases (100%) are notable provinces.

Mandatory civil marriage

The Turkish Civil Code introduced “*Mandatory civil marriage*.”

TCC-Article 143/3: “*Validity of marriage shall not depend on religious ceremony.*”

The TCC clearly states that religious marriage ceremony is optional, has no legal significance and effect on the formal validity of marriage.

2021 results of the Family Structure Survey in Türkiye (TAYA) carried out by the Ministry of Family and Social Services indicate that 98.6% of couples (from among the population aged 15 and above) have entered into a civil marriage while 90% have entered into a religious marriage. The distribution of marriages by regions indicates that marriages typically employed a combination of both civil and religious: The percentages are 97.6% and 92.6% in the Northeastern Anatolia Region, 98.2% and 98.1% in the Central Eastern Anatolia Region, and 96.5% and 89.1% in the Southeastern Anatolia Region.¹²

According to KAMER’s findings, the proportion of exclusively religious marriages is 1% in the Northeastern Anatolia Region, 3.5% in the Central Eastern Anatolia Region and 8.4% in the Southeastern Anatolia Region. While the average figure for KAMER provinces is 6.7%, Diyarbakır in the Southeastern Anatolia Region stands out as the province with the highest proportion of exclusively religious marriages (26%).

Banning of polygamy

In KAMER provinces, 17.2% of women in the Southeastern Anatolia and 10.1% of women in the Central Eastern Anatolia Regions are “co-wives” among women who were forced into marriage. The overall average for KAMER provinces is calculated as 12.3%. However, Gaziantep in the Southeastern Anatolia Region stands out as the province with its very high rate of co-wives among women who were forced into marriage (40%).

¹² Turkish Statistical Institute (TURKSTAT) *Türkiye Aile Yapısı Araştırması (TAYA)* (Family Structure Survey in Türkiye) <https://data.tuik.gov.tr/Bulten/Index?p=Turkiye-Aile-Yapisi-Arastirmasi-2021-45813>

T.C. Adalet Bakanlığı (2021) *Adalet İstatistikleri. Adli Sicil ve İstatistikleri Genel Müdürlüğü* (Ministry of Justice - General Directorate of Judicial Records and Statistics: Judicial Statistics)

<https://adlisicil.adalet.gov.tr/Home/SayfaDetay/adalet-istatistikleri-yayin-arsivi>

Right to alimony

Pursuant to Article 175 of the Turkish Civil Code that regulates alimony terms, "The party to be driven to poverty due to divorce can demand alimony for subsistence of the other party indefinitely to the extent permitted by their financial power provided that the party demanding alimony is not at more fault. No fault shall be sought for with the party incumbent to pay alimony."

Since the amount of alimony is based on the financial power of the spouse incumbent to pay alimony, the party whose spouse is in poverty cannot get alimony after the divorce.

If both parties are in poverty during the course of a divorce, the woman is not granted alimony. At present, pursuant to the law, the party with a stable source of income (financial means to sustain himself or herself), who is remarried, who has an occupation/profession but prefers not to work or who gets adequate amount of government aid is not granted alimony.

There is ongoing debate surrounding the regulations on alimony payments; plans to revise the regulations are brought to the agenda, for example, such as introducing time limits for alimony payments based on the duration of the marriage or the state paying alimony.

Drawing attention to the issues that would arise by the amendments intended to be introduced involving alimony payments which would affect millions of impoverished housewives, Hülya Gülbahar said: "The government's discourse and regulatory amendment plans indicate its policy to protect the

interests of a group of men who claim to be victims of alimony, and to make the women in poverty bear the burden of the present economic crisis. We are discussing the right to divorce and the lives of millions of women who get poverty alimony that ranges between TL 260 and TL 300 in average. We are discussing the poverty alimony that constitutes a safety / security measure for the future of women enabling them lead lives free of violence even if they do not get divorced. Housewives should not bear the burden of poverty."

Highlighting the drawbacks of introducing time limits for alimony payments or formulating the amount based on the length of marriage, Gülbahar commented: "When there are no available employment opportunities, failure to indicate any formulation on how a woman who gets alimony payments for only two years after a three-year marriage left with two children, would provide for her family is the most unfair solution (deadlock)."

Arguing that the 'state to pay alimony after a given point' will lead to the emergence of conflicts between the women and the society, Gülbahar continued:

"The state paying the alimony that is financed by additional taxes collected from the citizens will impose additional burden on all citizens and will mean abandoning women to their fates shaped by shifting political powers and emerging economic crises. The proposed amendment allows men to get divorced with no cost while leads to women's imprisonment in poverty. At the same time, it restricts women's right to divorce. Women will either have to stay in a marriage where violence is the order of the day or attempt to get divorced by taking the risk of poverty. What needs to be done today is to properly enforce the Civil Code." ¹³

For women to feel safe and get empowered, the Civil Code should be accurately and properly enforced, and its enforcement should be monitored.

¹³ <https://www.gazeteduvar.com.tr/nafaka-tartismasi-bir-grup-erkegin-cikarlarini-koruma-politikasi-haber-1548915>



C. Central Politics Should Contribute to Strengthening Local Politics

The central government's rather adverse approach to empower local political institutions indicates the long-standing attitude of the present political regime in Türkiye. Henceforth, local politics is considered to be solely associated with public services to attract local electoral support – both by the government, the ministries and the central management of political parties – rather than as an instrument of strengthening democracy. This understanding that is manifested as a state/public policy in general has hampered the implementation of the above mentioned treaties at the local sphere. At present, in most places the implementation of norms and policies are solely dependent upon the personal preferences of elected or appointed local authorities. For example; in Türkiye, only 34 municipalities out of the total of 1,390 signed the *European Charter for Equality of Women and Men in Local Life*.¹⁴

And, a significant number of those municipalities were contented with signing for the sake of signing, and did not care much about implementing their commitments. Most of the signatories that lack the required expertise, responsiveness and political will behave as if they have completed the required practices and implementation, thereby cause the inconsiderate central policies of political parties they represent to remain unchanged. Indeed, this is among the factors behind the reversal in approach to women's rights at the local sphere.

In fact, the central government should encourage the adoption and signing of the Charter by local governments; its adoption must be an integral part of both the national policy and political parties' electoral campaign strategies.

Central governments should contribute to strengthening local politics by fulfilling their obligations as per the conventions mentioned above, by making the basic legislation that sets out the duties, authorities and the institutional structures of local governments gender-sensitive, by being committed to implement the circulars,

By ensuring identification of local needs with an inclusive approach by local political dynamics,

By encouraging the development of and devising ways to address identified needs by local dynamics,

By accommodating budgets prepared and requested by local dynamics to meet local needs.

¹⁴ The list of signatory municipalities to the Charter:

https://tbb.gov.tr/Tr/icerik_cemr-avrupa-yerel-yasamda-kadin-erkek-esitligi-sarti_304



D. Gender-Responsive Budgeting (GRB)¹⁵

Gender-Responsive Budgeting as a key instrument for gender mainstreaming allows for tracking the direct and indirect effect of public expenditures and revenues on women and men, girls and boys as well as devising policies to eliminate gender inequalities. The GRB approach involves a 'gender based analysis of budgets and incorporating the gender perspective into all stages of the budgetary process, and transforming revenues and expenditures in order to promote gender equality'. In this context, the GRB approach is both the implementation of gender mainstreaming in the budgetary process and also serves as a key instrument for gender mainstreaming.

The GRB requires the engagement of a wider group of stakeholders in the budgetary processes of both the central and local governments; prioritization of gender equality, and linking political commitments to resource allocations.

Australia was the first country to implement the GRB approach at the national government level. The GRB was introduced in the agendas of international organizations such as the European Union (EU) and the United Nations (UN) that had set women's empowerment as a strategic objective in the 2000s. The most significant regional progress in the legislative sphere was attained in the EU. 23 countries in the world take the lead in striving for implementing the GRB. Nonetheless, recently, the GRB and the inclusion of gender-specific information in the budgeting process get close attention in public financial management; gender-responsive fiscal policies are being implemented in many countries (although not within the framework of a precise GRB initiative), and more than 80 countries have adopted some form of the *Gender-Responsive Public Financial Management* (GRPFM) approach although their activities vary.

In Türkiye, the budgetary processes had been reformed by the *Public Financial Management and Control Law* No. 5018 that was adopted in 2003. This provided the favorable environment to initiate the GRB programs. In Türkiye, the GRB came to the agenda at the central government level in 2008; the strategy was set to commence preparatory work for the GRB implementation within the framework of the *National Action Plan for Gender Equality (2008-2013)* by the Directorate General on the Status of Women.

The Minister of Finance had expressed that the budget would be drawn up with a focus on gender-responsiveness during the presentation he delivered in 2011 before the *Planning and Budget Commission* of the Grand National Assembly of Türkiye. Türkiye's *10th Development Plan (2014-2018)* indicates that awareness would be raised on the GRB and exemplary practices would be implemented. However, no reference is made to the GRB in the *11th Development Plan* covering the period between 2019 and 2023. The removal of the gender equality phrase (concept) from the text while the 2020 *Budget Justification* was being drafted indicates a reversal in approach, and that the political will advocating for the GRB implementation no longer exists at the central government level.

The GRB implementation seeking to transform existing processes and budgets calls for synchronized fulfillment of some requirements of particular importance; key enabling factors for the GRB include political will and leadership, high-level commitment of public administrative institutions (bureaucrats), institutionalizing and internalizing the gender equality policy and implementing organizational change, gender-disaggregated data as well as the contributions and engagement of civil society in establishing the GRB.

The **GRB implementation process** starts with the analysis of the budget and policies through a **gender equality lense**. Since the ultimate goal of the GRB is to advance gender equality, it is essential to link it to the **overall gender equality goals**.

¹⁵ This section is drawn up with input from Doç. Dr. Ayşegül Yakar Önal's Workshop presentation.

The GRB implementation is not a one-time process, therefore it is essential to integrate the gender perspective into the budgeting cycle, monitor and assess the results through that perspective. And this can be achieved only through a transparent and participatory budgeting process. The required policy changes are made based on the monitoring and assessment results, performed through a gender perspective integrated participatory approach; and the budgets are adjusted accordingly.

International experience shows that there are **many different approaches** (that are sometimes combined) to implementing the GRB.

The most important approaches used in different gender budgeting initiatives are presented in Part II – Section E.

The ultimate purpose of the GRB approach as a long-term strategy is to incorporate gender equality into the institutional planning and budgetary processes at the central and/or local levels.

In this context, although the essentiality of establishing legislative and institutional frameworks and mechanisms for gender equality is apparent, the implementation should not be grounded only on those; the civil society should support, monitor and oversee them.

Developing comprehensive, systematic, formalized and participatory qualitative and quantitative monitoring and assessment systems, and investing in generating gender-disaggregated data and information including gender indicators is also of crucial importance for the GRB.

Furthermore, to ensure the free circulation of generated information and data; institutionalizing the coordination by establishing a “Coordination Unit” ideally under the Ministry of Treasury and Finance is a notable advice to facilitate the implementation and enhance the effectiveness of the GRB approach.





E. Gender-Responsive Mindset Should Be Rapidly Ensured in Politics

1. Gender-awareness and gender-sensitivity should be the essential criteria while selecting and nominating candidates during general/local elections.

Article 10 of the Constitution provides Constitutional protection for gender equality with the addition of the phrase in 2004: *“Men and women have equal rights and the State has the obligation to ensure that this equality exists in practice.”*

However, sexist discourse and behaviours in politics continue despite the Constitutional protection, treaties adopted/ratified by Türkiye, and the norms and policies that should be implemented as per those conventions.

Sexist language and behaviours of central authorities and their inner circles in particular, objectifying women cause women to be subjected to greater violence and even more women to fall victim to femicide.

We observe that it is in fact like living in an ivory tower to expect local governments to become gender-sensitive despite the sexist language, behaviours and practices that are continually re-produced by the central government, and its power of guardianship over the local governments.

The world of politics should take immediate action to raise awareness on gender equality. Raising awareness of political circles on gender equality has not been/is not an issue specific to Türkiye. All Member States of the EU have strived/are striving to this end as well.

The Council of Europe’s Recommendation of the Committee of Ministers to Member States on Preventing and Combating Sexism [CM/Rec (2019)1]¹⁶ is an important reference source to bring about change.

The Recommendation starts with the paragraph: *“Recalling that gender equality is central to the protection of human rights, the functioning of democracy and good governance, respect for the rule of law and the promotion of well-being for all, that it entails equal rights for women and men, girls and boys, as well as the same visibility, empowerment, responsibility and participation in all spheres of public and private life, and that it implies equal access to and distribution of resources between women and men, as set out in the Council of Europe Gender Equality Strategy 2018-2023”* and continues by listing recommendations for tackling sexism.

“Gender-awareness and gender-sensitivity” should be the essential criteria while selecting and nominating candidates during general/local elections. This will constitute an important step toward achieving gender equality.

¹⁶ <https://rm.coe.int/1680a12168>

2. Sexist and discriminatory language, speech and behaviours should be strictly monitored and indicated, and such conduct should constitute an offense.

Pursuant to Article 122 of the Turkish Criminal Law, any discriminatory conduct on the ground of hatred based on differences of language, race, nationality, colour, gender, disability, political view, philosophical belief, religion or sect shall constitute an offense. These are defined as "Offenses Against Freedom".

According to the rationale of the article; the article punishes discriminatory conduct that is prohibited by applicable law, that results in some individuals' deprivation from opportunities provided by law.

As mentioned in Part I of the publication drawn up for the Decentralized Governance Model for Gender Equality, **Fatmagül Berktaş says: "Language is not only a communication tool, it is a political and ideological weapon."**

"Although politics is defined in several ways, it is primarily a social activity and therefore conducted through language."¹⁷

During recent years, we keep on hearing discriminatory remarks and speeches of key politicians aiming to vent sexist, discriminatory policies and indeed they should be criminalized. However, we are deprived of a judicial system (rule of law) that would hear, judge and prosecute hate speech.

First of all, the world of politics should be cleared of such sexist language and behaviours.

The Council of Europe developed various materials to support Member States in their efforts to address and eliminate sexism.

The initiative titled **Sexism: See it. Name it. Stop it.**¹⁸ is among those. It defines sexism as: *"Sexism is any expression (act, word, image, gesture) based on the idea that some persons, most often women, are inferior because of their sex."* And continues: *"Sexism is harmful. It produces feelings of worthlessness, self-censorship, changes in behaviour, and a deterioration in health. Sexism lies at the root of gender inequality. It affects women and girls disproportionately."*

Politicians should alter their language and behaviours by drawing on this and similar reference sources.

Independent judicial bodies should take action against anybody who uses hate speech.

Because such language and behaviours reinforce and reproduce sexist practices and attitudes.

¹⁷ Fatmagül Berktaş, 2010, *Politikanın Çağrısı* (The Call of Politics), İstanbul Bilgi Üniversitesi Yayını (İstanbul Bilgi University Publications) 309, p.111

¹⁸ <https://human-rights-channel.coe.int/stop-sexism-tr.html>



F. Women's Participation in Politics Should Be Enhanced

First and above all, women's difficulty (inability) to participate in decision-making processes and their unequal representation in politics is a democracy issue. A "true democracy" cannot be attained without ensuring women's representation.

International treaties and related norms and policies listed under Section A.1 above were drawn up to ensure women's participation in decision-making processes and mechanisms, and their equal representation in politics. They were all adopted / signed / ratified by Türkiye as well.

Meanwhile, the criteria with respect to women's equal participation in decision-making mechanisms indicated under UN's Sustainable Development Goals (2015-2030) that Türkiye committed to implement its relevant obligations - SDG 5 on "Achieving gender equality and empowering all women and girls" are:

- *Guaranteeing women's equal participation in all decision-making processes and mechanisms,*
- *Ensuring women's full and effective participation and access to equal opportunities for leadership at all levels of decision-making in political, economic and public life.*

Women's and men's access to equal rights is enshrined in the Constitution.

The Constitution-Article 10: "Men and women have equal rights. The State has the obligation to ensure that this equality exists in practice. Measures taken for this purpose shall not be interpreted as contrary to the principle of equality."

The Grand National Assembly of Türkiye is a member of the IPU.¹⁹

The Inter-Parliamentary Union (IPU) is an international organization of national parliaments. The organization was established in 1889. As of 2020, the national parliaments of 179 countries are members of the IPU. It works in close cooperation with the United Nations. Its headquarters are in Geneva, Switzerland.

The IPU works to strengthen representative institutions, establish peace and inter-communal collaboration, and enhance contacts between parliaments and the parliamentarians. To this end, exchanging experiences is supported through meetings and contacts among the parliaments and parliamentarians of all countries. Current political and economic issues on the international agenda are addressed and work is carried out primarily on these topics.

Its areas of work include; peace and disarmament, human rights, defending human rights of parliamentarians, violence against women and children, social and economic developments, the environment and sustainable development, education, political and legal issues, women's rights, security and cooperation in the Mediterranean region, supporting and advancing parliamentary organizations, and promoting the North-South dialogue. The Grand National Assembly of Türkiye (GNAoT) is represented at the IPU by nine MPs (8+1 Youth Parliamentarian). Istanbul MP Ms. Ravza KAVAKÇI KAN is the President of the Turkish Delegation to the IPU for the 27th Legislative Term of the GNAoT.

The IPU promotes gender-sensitive parliaments.²⁰

It promotes and achieves equality in numbers of women and men across all of its bodies and internal structures.

- *Develops a gender equality policy framework suited to its own national parliamentary context.*
- *Mainstreams gender equality throughout all of its work.*
- *Fosters an internal culture that respects women's rights, promotes gender equality and responds to the needs and realities of MPs – men and women – to balance work and family responsibilities.*

¹⁹<https://www.tbmm.gov.tr/pab-anasayfa>

²⁰ *Parlamentoların Toplumsal Cinsiyete Duyarlılığını Değerlendirmek (Evaluating Gender-Sensitivity of Parliaments)* ISBN: 978-92-9142-663-8

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■ Acknowledges and builds on the contribution made by its men members who pursue and advocate for gender equality.

■ Encourages political parties to take a proactive role in the promotion and achievement of gender equality.

■ Equips its parliamentary staff with the capacity and resources to promote gender equality, actively encourages the recruitment and retention of women to senior positions, and ensures that gender equality is mainstreamed throughout the work of the parliamentary administration.

In 2012, the IPU members including Türkiye adopted the Plan of Action for Gender-Sensitive Parliaments. The Plan presents a broad range of strategies in seven action areas:

Action area 1: Increase the number of women in parliament and achieve equality in participation

Action area 2: Strengthen gender equality legislation and policy

Action area 3: Mainstream gender equality throughout all parliamentary work

Action area 4: Institute or improve gender-sensitive infrastructure and parliamentary culture

Action area 5: Ensure that responsibility for gender equality is shared by all parliamentarians – men and women

Action area 6: Encourage political parties to be champions of gender equality

Action area 7: Enhance the gender sensitivity of, and gender equality among, parliamentary staff

The Action Plan is a call to parliaments for self-assessment; to analyse, measure, and evaluate their operations and ways of functioning in a critical way, and achieve reforms and progress accordingly.

The Plan encourages parliaments to design a process suited to their national situations to initiate and implement gender-sensitive reform.

We know that in Türkiye, the primary structural barrier hindering women's participation in politics is the male-dominated institutional culture embraced by the centralist mechanisms of political parties that do not value and care to implement gender equality policies.

The political parties promote and support gender equality policies if and to the extent that they consider it essential to attract electoral support and influence public opinion. It is critical as to whether the political parties have set 'achieving gender equality' as their fundamental party policy.

All of the recommendations and advice in relation to the Decentralized Governance Model for Gender Equality aim at ensuring women's equal representation.

In Türkiye, there is a highly powerful and effective woman's movement striving to ensure women's participation in decision-making processes and equal representation in politics.

It is critical for political parties to design and implement a roadmap to achieve women's participation and representation, in collaboration with the women's movement organizations.

Türkiye should take immediate action to ensure women's participation in decision-making processes and equal representation in politics by complying with and implementing its obligations pursuant to the Constitution, international treaties and all legislative and policy documents it has adopted / signed.



G. Literacy Programs Should Be Designed for Women and Girls Who Cannot Exercise Their Rights to Education

Even though the Decentralized Governance Model for Gender Equality is proposed, the central governments are still expected to draw up effective plans in a rapid manner to address and overcome issues accumulated as the result of decades of inadequate policies.

In Türkiye, the number of illiterate people above six years of age is 1,862,532 (of which 14.5% are men and 86% are women).

21% of illiterate women live in the Southeastern Anatolia Region whereas **5% live in the Northeastern Anatolia** and **9.3% in the Central Eastern Anatolia** Regions.²¹

3579 – The Primary Education and Training/ Education Law

Article 2: Primary education is given in primary education institutions; it is compulsory for girls and boys of educational age, and is free of charge in public schools.²²

Although the State is obliged to ensure access and attendance of all citizens to primary education, it fails

to fulfill its obligation to this end. Although Article 2 of the Primary Education and Training/Education Law states that the “primary education is compulsory and free of charge in public schools”, the Attendance Follow-Up System that was implemented to ensure girls’ attendance to primary schools before 1980 was abandoned after then.

Girls – whose access to education is considered to be unnecessary according to traditional norms – remained outside the schooling system.

The illiterate women in the Southeastern and Eastern Anatolia Regions do not speak/know Turkish and they can communicate only in their native languages.

As a consequence, interactions of those illiterate women who do not speak Turkish with their surroundings is restricted to their families. These women remain totally uninformed / ignorant about women’s human rights as well as their own rights and opportunities.

Although women’s organizations try hard to reach and communicate with those women in their native languages, and inform them about their rights and opportunities, their efforts remain inadequate.

Despite this huge inequality, Article 4 of the Criminal Code of Türkiye applies to them like all other citizens. **ARTICLE 4:** (1) Ignorance of the criminal laws may not be an excuse.²³

In order to eliminate this substantial inequality:

The Attendance Follow-Up System should be re-implemented to ensure girls’ enrolment,

Non-formal literacy education programs should be initiated for women who are deprived of the right to education,

Multi-lingual programs should be implemented to ensure all women get informed about their legal rights until such inequality is eliminated.

²¹ TURKSTAT (2021) *Ulusal Eğitim İstatistikleri Veritabanı* (National Education Statistics Database), <https://biruni.tuik.gov.tr/medas/?kn=130&locale=tr>

²² <https://www.mevzuat.gov.tr/mevzuatmetin/1.4.222.pdf>

²³ <https://www5.tbmm.gov.tr/kanunlar/k5237>



H. Women's Access to Justice Should Be Ensured

According to the formal findings of the Domestic Violence against Women Survey in Türkiye, the proportion of women in the 15-59 age group who are subjected to physical violence by men closest to them is 36%, to sexual violence is 12% and to emotional violence is 44%. In terms of the prevalence of violence by regions, while the proportion of women who told that they were subjected to physical violence at some point in their lives in the Northeastern Anatolia Region is around 39%, the figure stands at 32% in the Central Eastern and Southeastern Anatolia Regions. The proportion of women who told that they were subjected to sexual violence is 19% in the Northeastern Anatolia Region and 11% in the Central Eastern and Southeastern Anatolia Regions. The findings of the same survey reveal that only 11% of women reported to/demanded support from public institutions and agencies to cope with the violence they were subjected to. The proportion of women who reported to/demanded support from public institutions and agencies because of incidents of physical and/or sexual violence they were subjected to is 6% in the Northeastern Anatolia Region, 4% in the Central Eastern Anatolia Region and 3% in the Southeastern Anatolia Region.²⁴

Meanwhile, according to the official data of the Ministry of Family and Social Services, the Violence Prevention and Monitoring Centers (ŞÖNİMs) provided guidance, assistance, counseling and related services to 255,515 women.²⁵

The Ministry of Justice's 2021 statistical data indicates that the number of restraining orders filed pursuant to Act No. 6284 to Protect Family and Prevent Violence against Women is 134,501.²⁶

Türkiye's population in 2022 is 84,680,273 of which 41,915,985 (50.1%) are men and 41,698,377 (49.9%) are women.²⁷

Official data indicate that 36% of women (15 million in average) were subjected to violence.

Only 134,501 women of the 15 million in total who were subjected to violence accessed to justice. The proportion of access to justice is 0.9% (nine per thousand).

The women who manage to access justice face new challenges. KAMER implemented projects titled "Who's to Blame?" to explore the extent to which women accessed justice and the issues they are confronted with in the course of trial.²⁸ The results of those projects reveal that women - who already have limited access to justice - have to cope with many other issues during the course of trial.

All these data indicate that impunity for perpetrators of violence against women exists to a large extent.

In her article titled "Women's Access to Justice" published in the Ankara Bar Association Journal, Duygu Hatipoğlu Aydın says:

"The principle of equality that is among the pillars of modern law dictates that everybody is equal before the law and the court. However, in day-to-day life, the principle of equality might mean inequality. Gender inequality as a form of inequality is a significant topic of arguments during the course of access to justice.

²⁴ Hacettepe Üniversitesi Nüfus Etütleri Enstitüsü (2014) *Türkiye'de Kadına Yönelik Aile İçi Şiddet Araştırması*, Kadının Statüsü Genel Müdürlüğü. [Hacettepe University Institute of Population Studies (2014). (Survey on Domestic Violence Against Women in Türkiye), Directorate General on the Status of Women]

https://hips.hacettepe.edu.tr/tr/analiz_ve_rapor-102

²⁵ The Ministry of Family and Social Services (2022) *2021 Annual Report*

<https://www.aile.gov.tr/sghd/arge-raporlar/>

²⁶ T.C. Adalet Bakanlığı (2021) *Adalet İstatistikleri*. Adli Sicil ve İstatistikleri Genel Müdürlüğü (Ministry of Justice - General Directorate of Judicial Records and Statistics: Judicial Statistics)

<https://adlisicil.adalet.gov.tr/Home/SayfaDetay/adalet-istatistikleri-yayin-arsivi>

²⁷ <https://data.tuik.gov.tr/Bulten/Index?p=Dunya-Nufus-Gunu-2022-45552#>

²⁸ https://kamer.org.tr/menus/suclu_kim_2_tr.pdf

*Mary Jane Mossman describes how gender inequality is manifested in day-to-day lives by citing a professor's experience lecturing on sexual assault in the criminal law class. The professor first asks the male students in the class what they do to protect themselves from sexual assault in their daily lives. The male students look on in bemused silence and they do not respond. Then the professor asks the same question to the female students. He gets very different responses ranging from avoiding to go to the parking lot of a specific shopping center since there are drunkards in the dark, locking the window regardless of the weather, checking whether there is someone in the back seat before getting into the car, avoiding going to the campus when there are not many people around to even carrying weapons. The differences in experiences of women and men in their daily lives to ensure their safety is only an example. However, in my opinion, such differences require tackling the issue of access to justice also by recognizing gender inequality."*²⁹

UN Women makes the following points concerning women's access to justice:

"Women's effective access to justice is possible by imposing penalties for women's rights violations."

Women's access to justice:

- Serves for women's access to equal rights.
- Contributes to fighting against impunity for perpetrators of violence against women.
- Is pivotal to maintaining the rule of law.
- The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) - to which Türkiye is a State Party - safeguards women's effective access to justice.

The central government is responsible from ensuring women's access to justice as well as identifying, addressing and overcoming the issues they cope with during the course of trial. There are dozens of studies available involving women's access to justice.

Central governments should take specific measures to ensure women's access to justice, impunity for perpetrators of domestic violence must be ended.



²⁹ <https://dergipark.org.tr/tr/download/article-file/398470>



I. The Implementation of the Act No. 6284 Must Be Ensured, Responsibilities of Law Enforcement Officers/ Officials Should Be Defined

“Act No. 6284 on the Protection of Family and Prevention of Violence Against Women” is a robust act enacted to prevent incidences of violence – hot-button issues of the society.

Nevertheless, despite this robust law, around 350 women are blatantly murdered in the middle of the street every year. Furthermore, about 25% of those women who were killed had taken action to exercise their rights enshrined in Act No. 6284.

On August 18, 2019, 38-years-old Emine Bulut was stabbed to death by her ex-husband Fedai Varan in Kırkkale. Baran attacked Bulut with a knife he was carrying. The incident was filmed and broadcasted on TV channels. The video shows Bulut screaming “I don’t want to die” while her 10-year-old daughter was crying “Mom, please don’t die!”. Emine Bulut lost her life.

Four hours before she was killed, Emine Bulut had taken refuge in a police station. It was stated in the police report signed by four police officers who were then at the station, that Emine Bulut came to the station but did not request a protection order. Since the Ministry of Interior did not authorise an investigation, further information about the case was not available.

We know that some women victims of murder had taken action to exercise their rights enshrined in Act No. 6284; however, they were killed since adequate protective and preventive measures were not in place. Besides, investigations were not launched following these murders by holding any official(s) / officer(s) responsible.

These events indicate that Act No. 6284 (which is an appropriate regulation) is not being implemented properly, and that more comprehensive regulations as well as strict and proper implementation are required. Otherwise, it will not be possible to prevent femicides and violence against women.

The major reason for the improper implementation of the law is the failure of the majority of law enforcement officers/officials to internalize the law (to adhere to the spirit of the law) like most of the authorities. In order to remedy this issue, work should be carried out to ensure internalising the law; and the responsibilities of law enforcement officers/officials should be defined.

It is apparent that amendments should be made to Act No. 6284. It is a key requirement for relevant ministries to collaborate with the women’s organizations and bar associations both to overcome difficulties faced during the implementation of the law, and formulating/drafting the required amendments.



J. Gender Monitoring Indicators Should Be Developed³⁰

Monitoring and evaluation of gender equality, and their functions in policy-making processes are critical.

Because:

The indicators for social research and policy formulation are tools fed by data that make it possible to observe, measure and assess a complex or invisible (hidden) situation.

Although scientific information production in itself is affected by values, perceptions, political views as well as data collection and production approaches; an objective indicator is expected to be free of subjective bias – value judgments and attitudes – as much as possible; to be equally observable by third parties, and to allow for a specific level of standardization.

Gender data is needed for awareness-raising, improving institutional work in the field, engaging in effective advocacy, and policy formation.

Rights-based monitoring is carried out with the aim of revealing human rights violations, preventing these violations, and fundamentally protecting and securing human rights. In rights-based monitoring, gendered data focuses on exposing gender-based inequalities and discrimination. Gender-sensitive rights-based monitoring is not limited to quantitative indicators where monitoring has traditionally been more widely used for its production. Since its ultimate goal is to achieve gender equality, gender-sensitive rights-based monitoring is known to be a more comprehensive monitoring activity that takes structures, processes, and outcomes (results) into account.

Key references to the production and use of gender data across international conventions and policy documents are:

■ CEDAW Recommendation No. 9 (8th Session, 1989)

■ CEDAW Recommendation No. 17 (10th Session, 1991)

■ Fourth World Conference on Women and Platform for Action (1995)

Article 11 of the *Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention, 2011)* which focuses on data collection and research reads:

1. For the purpose of the implementation of this Convention, Parties shall undertake to:

a. collect disaggregated relevant statistical data at regular intervals on cases of all forms of violence covered by the scope of this Convention;

b. support research in the field of all forms of violence covered by the scope of this Convention in order to study its root causes and effects, incidences and conviction rates, as well as the efficacy of measures taken to implement this Convention.

2. Parties shall endeavour to conduct population-based surveys at regular intervals to assess the prevalence of and trends in all forms of violence covered by the scope of this Convention.

3. Parties shall provide the group of experts, as referred to in Article 66 of this Convention, with the information collected pursuant to this article in order to stimulate international co-operation and enable international benchmarking.

4. Parties shall ensure that the information collected pursuant to this article is available to the public.

Generating gendered data is an effective tool in combating gender inequalities while at the same time it is an obligation as per the conventions that Türkiye signed/adopted/ratified.

In Türkiye, the Directorate General on the Status of Women (DGSW) is responsible from the generation of gendered data. The DGSW commissioned a survey in 2014 and shared its results with the public.

³⁰ This section is drawn up with input from Doç. Dr. Yelda Yücel's Workshop presentation.

The DGSW commissioned another survey in 2018, however did not share the report with the public nor with related women's organizations.

Surveys were not conducted in subsequent years.

The methodology for as well as the descriptions, functions and the scopes of indicators are presented in Part II – Section F.

Masking and disregarding the issues will only exacerbate them.

The central government must conduct/commission surveys on gender equality and share the results/findings with the public.

Policy formation must be based on those findings and data.



expectations from local governments



Expectations from Local Governments

*The Constitution-Article 127 - 2. Local Administrations³¹
The formation, duties and powers of the local administrations shall be regulated by law in accordance with the principle of local administration.*

The 1982 Constitution **authorizes the legislative organ** with regard to the segregation of duties between the **local governments** and the **central government**, provided that the conformity with the principle of local administration (decentralized governance) is not violated.

In Türkiye, the municipalities constitute the backbone – the fundamental pillar – of the decentralized governance system. The municipalities bear the responsibility of delivering key local services relevant to local communities. As stipulated by international conventions that Türkiye adopted/signed/ratified and the domestic legislation (laws and circulars), gender roles and interactions are among the major issues under the responsibility of municipalities. For this reason, the international treaties take into account the prioritization of not only the national mechanisms and policies but also the gender-sensitive policies while defining the authorities and responsibilities of local governments (the municipalities in particular).

The sexist regime around the world is designed according to masculine values and hegemony. Therefore, women suffer from inequalities created by authoritarian powers in many spheres. Gender inequalities that arise from this social and political formation lead to differentiation of needs and demands of women and men. Gender-sensitive policy means adopting a perspective with the aim to devise policies in order to eliminate gender inequalities and to address/overcome legal, political, social and economic issues that result from inequalities.

The purpose of this study is to call upon the legal, legislative and political responsibilities and authorities of municipalities in Türkiye in relation to gender-sensitive policy formation, and indicate existing deficiencies and shortcomings.

It needs to be recalled that defining, addressing and overcoming issues at the local level by local governments shall make a significant contribution to democracy and the sustainable development of the country.

The decentralized governance system to be coordinated by local governments should be inclusive by embracing all local CSOs and the public. Local governments that work only with people, groups and CSOs with close ties to their own parties will not serve for the purpose.

The key indicator to be tracked and monitored is whether and to what extent the local governments are inclusive.

Because decentralized governance is in harmony with democracy that is a pluralist form of government.

The people should be able to convey and share their views, recommendations and complaints easily with decentralized (local) government officials, institutions and agencies.

Decentralized governance system ensures prompt and timely implementation / delivery of major public services by relevant authorities and experts.

Decentralized governance system enables reaching much faster results in comparison to the central governance system.

³¹ https://www.tbmm.gov.tr/develop/owa/tc_anayasasi.maddeler?p3=127



A. Gender-Sensitivities and Gender-Awareness of Local Politicians Must Be Raised / Enhanced

“Conventional attitudes fed by various presuppositions are probably the hardest obstacles to overcome since they resist change. In general, conventional attitudes / responses around us are exhibited as “intolerance”, rejection or avoidance.

Probably one of the most common sayings perfectly expresses this: “In our neighbourhood, women who behave like that are not well-responded.” In fact, “in our neighbourhood” might mean anywhere from the city centre to the local community and “back home”. The only difference is that the “eyes that are on us” are farther away in the city centre, whereas at the local sphere there are more face-to-face relationships. This increases both the number and the power of eyes on us.

Women shoulder the load of some specific tasks; taking care of the children, cooking, cleaning the house, elderly care, self-sacrificing for the family, doing the laundry and lots of similar tasks are considered / assumed to be among the women’s duties.

Meanwhile, men earn money, are engaged in politics, make and implement decisions for others; rule the house, the city and the country. Formal organising and saying something political are conceived to be actions that belong to men’s world. Therefore, women’s organization is perceived to be inconsistent with and unacceptable according to traditional rules and practices, and therefore is not well responded and meets resistance.”³²

Distribution of tasks and duties aligned with gender stereotypes leads to women’s exclusion from policy-making processes. Yet, this is not the only root cause for their exclusion. Policy-making is considered to be a tool held by a powerful minority serving to build up and further enhance their power and influence. Women’s political stance is considered to pose a major threat to the conventional balance of power in the society.

All these approaches and attitudes impede women’s empowerment, leaving them alone with this enormous issue to combat and overcome.

However, “women’s issues” are not only the women’s issues; they are the issues of the entire society. For this reason, best practices in decentralized and local governance can only be achieved through collaborative efforts of women and men.

All public employees – men or women – should create opportunities for themselves to raise gender awareness and sensitivities, both before and after they are elected / appointed.

Unfortunately, the formal education curriculum is far from ensuring such awareness.

There are many women’s organizations or volunteers (women or men) that/who would contribute to gender awareness-raising of local dynamics. Their support might be obtained.

Gender-aware and gender-sensitive authorities, executives and teams are required to promote and strengthen the commitment and will to live up to gender equality.

³² Düşüm Bilgisi (Untying Knots) Aksu Bora, Ceren İřat, KA-DER (Association for Support of Women Candidates)



B. Local Governments Should Sign the European Charter for Equality of Women and Men in Local Life and Start to Implement Their Obligations

The Council of European Municipalities and Regions (CEMR) launched in 2006 the European Charter for Equality of Women and Men in Local Life.

The Union of Municipalities in Türkiye (TBB) joined the CEMR in 2010. This allowed for opening the Charter to signature of municipalities in Türkiye.

According to the provisions of the Charter, each municipality must sign it on its own behalf and start to implement commitments set out. 1865 municipalities from 36 countries internationally and only 34 municipalities from Türkiye (out of the total of 1390) signed the Charter. Some of the signatory municipalities in Türkiye signed it just for the sake of signing and disregarded / did not care much about implementing their commitments and obligations.

Under the section on the principles of the Charter, the **equality of women and men is acknowledged as a fundamental right** in terms of equality in the local sphere.

The central government's rather adverse approach to empower local political institutions indicates the long-standing attitude of the present political regime in Türkiye. At present, the implementation of norms and policies that would strengthen local politics is solely dependent upon the personal preferences of elected or appointed local authorities.

However, signing and implementing the Charter decisively shall accelerate women's participation and empowerment, help municipalities take action to address and overcome local issues, and enable municipalities to take part in global collaborative networks.

The European Charter for Equality of Women and Men in Local Life is composed of three parts.³³

Part I describes **fundamental guiding principles** to achieve equality in local life; the **commitments** concerning the implementation of equality principles in local life and their **institutional governance framework** are depicted in Part II; **specific regulation areas** with regards to the adoption and implementation of principles stated in Part I are described in Part III. It is of significant importance that the Charter provides guidance on governance frameworks and mechanisms beyond solely indicating principles and commitments.

Furthermore, the Congress of Local and Regional Authorities of the Council of Europe adopted the first European Urban Charter in 1992. The **European Urban Charter**³⁴ defines the rights of city and town residents as:

- The right to live in a safe, clean and healthy urban environment
- The right to housing and employment
- The right to have access to health care services, education and socio-cultural events
- Freedom of transportation and mobility
- Right to participate in and monitor decision-making processes in relation to their settlements
- Ensuring equitable access to basic urban rights by all people regardless of their gender, age, belief; social, economic or political status or physical or mental disabilities

³³ The information on the Charter is based on Workshop presentations of Ece Öztan and Yasemin Yılmaz. Detailed information is presented in Part II – Section A.

³⁴ <http://www.migm.gov.tr/kurumlar/migm.gov.tr/AVRUPA-KONSEYI/AvrupaKentselSarti-2.pdf>

The signing of the Charter should be considered as an integral part of both the national policy and political parties' electoral campaign strategies.

Of course, signing the Charter has no significance by itself alone.
The Charter must be signed; all local executives, officials and staff should learn about the Charter and implement decisively.

To this end, particularly the women's movement and rights-based civil organizations must assume key political roles. Building a momentum is only possible through political demands and persistent endeavors of civil organizations.

It has to be kept in mind that the political parties are the core policy-makers with respect to local policy transformations, and before all else, the political parties' policies need to be transformed.





C. Equality Units Should Be Established

Equality Units are institutional mechanisms which seek to ensure the disadvantaged groups that were/are subjected to discrimination due to varying factors benefit from services and resources on equal terms. As in other parts of the world, they are established to achieve inclusiveness in service delivery by local governments, prevent social exclusion and discrimination, and establish gender equality also in Türkiye.

In Türkiye, there is no legislation or a legally binding mechanism mandating the establishment of Equality Units at the local level nor any related holistic and concrete public policy.

The women's movement organizations insistently demand the formulation of legislation and the public policy concerning Equality Units.

Although there is no legislation mandating the establishment of Equality Units, we see that some municipalities have formed Equality Units through their own initiatives and made a visible difference despite all the setbacks and obstacles. Detailed information on this subject is provided in Part II – Section C.

The significant preliminary steps taken to devise and build the institutional mechanisms as vehicles to ensure gender equality at the local level were materialized by the "Women Friendly Cities Project" (2006-2010) developed within the framework of the United Nations Joint Program (UNJP) to Promote and Protect Human Rights of Women and Girls.³⁵ Upon the completion of the First Phase of the project, the Ministry of Interior issued the Circular numbered 2010/10³⁶ requesting all the cities to implement

the "women friendly city" model and to prepare Local Equality Action Plans (LEAPs) by establishing **equality units** as institutional mechanisms for gender mainstreaming with the aim to achieve gender equality.³⁷

In general, an *Equality Unit* works to follow-up the relevant municipality's activities undertaken within the scope of the Local Equality Action Plan, contribute to the strategic plan preparation process, coordinate the collaboration between the municipality and local women's organizations, and formulate service delivery models to meet the needs of women in the city.

A well-planned and well-defined organization model (both vertical and horizontal) for an Equality Unit within the municipality shall ensure / allow for other services of the municipality to be assessed with the gender perspective, create opportunities to share knowledge and experiences, and enable / improve internal coordination.

Primary duties of equality units may be summarized as:

- Incorporate the gender equality perspective into the municipality's entire services and policies,
- Participate in the preparation and monitoring processes of the Strategic Plan and the Local Equality Action Plan,
- Combat inequalities, gender stereotypes and discrimination,
- Ensure compiling and publishing gender data to detect and closely monitor gender inequalities,
- Organize trainings and events to help ensure gender equality at the local level,
- Organize workshops and programs to combat violence against women and discrimination based on sexual orientation and sexual identity,

³⁵ Cities within the scope during the 1st Phase: İzmir, Nevşehir, Kars, Şanlıurfa, Trabzon, Van.

Cities within the scope during the 2nd Phase: Adıyaman, Antalya, Bursa, Gaziantep, Malatya, Mardin, Samsun.

<http://www.kadindostukentler.org/kdk-kadin-dostu-kent.php>.

³⁶ Ministry of Interior Circular numbered 2010/10:

<http://www.kadindostukentler.com/content/docs/genelge-2010-10-kadınların-ve-kız-cocuklarının-insan-hakları.pdf>.

³⁷ This section is drawn up with input from the study titled "The Institutional Assessment of Gender Equality in Local Administrations in Türkiye" carried out by Prof. Dr. Berrin Koyuncu Lorasdağı based on selected data from the TÜBİTAK (The Scientific and Technological Research Council of Türkiye) 1003 Project numbered 218K355 and titled "Sustainable Urban Policies: Cities & Districts in Türkiye in Terms of Quality of Life", presented by her in the Workshop.

-
- Organize cultural, artistic, educational and social activities and events that reflect the gender perspective; support such activities and events,
 - Establish collaborations with various national and international organizations and institutions; implement projects to enhance these collaborations,
 - Organize gender-themed in-service training programs for other units and staff of the municipality,

- Organize trainings and seminars focused on topics such as women's human rights and women's health to empower and strengthen women,
- Collaborate with the Specialist Commission for the Equality of Women and Men set under the Municipal Council and the City Council Women's Assembly.

Setting up Equality Units by the municipalities by considering the following points is an urgent and significant need.

An Equality Unit must be an institutional mechanism (body) on its own.

The activities and tasks of Equality Units must be defined by regulations, directives, guidebooks, etc.

Equality Units must have separate budgets.

Equality Unit staff must be equipped with adequate skills and knowledge enabling them identify strategies that will reflect the principle of gender equality in the best way.

Job descriptions of the Equality Unit staff must be clear and precise; they should not be employed as stand-by staff for other directorates.

Tasks of Equality Units must not be relegated to social aid services.

They should be inclusive and open to monitoring/assessment by CSOs.





D. City Councils and Women's Assemblies Must Be Established³⁸

City Councils are institutionalized around the concepts of sustainable development, the law of fellow-citizenship, urban rights and governance. Simply, they are **advisory and participatory mechanisms comprising the constituents and other stakeholders in cities to achieve their management / governance through shared wisdom.**

Women's Assemblies that are among the sub-assemblies of city councils are established to achieve gender equality in the cities within the framework of sustainable development. In other words, they are invested with the responsibilities / accountabilities contributing to participatory and sustainable local democracy practices that is the primary role of city councils in general, and women's equality as well as their participation in sustainable urban government in particular.

In 1997, the *UN Local Agenda 21 Program* was launched and the **City Councils** began to be established within the scope of this Program. City Councils were defined as institutional mechanisms required to achieve sustainable development, participation and democracy at the local level.

The provision about *City Councils* was incorporated into the regulatory system by the amendment of Article 76 of the Municipal Law No. 5393 enacted in 2005, and their establishment became mandatory.

However, in Türkiye signing/adopting/ratifying the international treaties do not necessarily mean that they are and will be implemented. In order to adopt and implement the norms and policies, political will (commitment) needs to be firmly established; the required legislation must be in place, and the encouraging and mandatory measures should be stipulated.

The City Councils and the *Women's Assemblies* under the City Councils are among the mechanisms providing / that would provide strategic contributions to local governments in Türkiye in ensuring gender equality.

The City Councils shall endeavor to enhance the participation of residents in the city; and the local governments are assigned to develop and implement programs that will ensure women's effective participation in local decision-making, planning and implementation processes in accordance with the goals of the Local Agenda 21 Program. The **City Council Women's Assemblies** were established in this context.

Women's Assemblies are civil structures centered around the principles including volunteerism, transparency, objectivity, governance, and social responsibility; composing of women representatives of CSOs, women's research centers in universities, the professional associations and unions.

Since the City Council Women's Assemblies do not have their own separate budgets, they require substantial support from political parties locally. This impedes women's assemblies to function as participatory and effective civil mechanisms. Since a women's assembly's operations are defined by influential political and economical actors at the local level it cannot operate independently of the City Council. Although they were envisaged to operate as "bipartisan" structures / mechanisms in ideal terms, the dominance of political circles that a municipality is affiliated with dissuades the participation of women of opposing viewpoints. Therefore, only a few of them function effectively at present.

A best practice example to women's assemblies is at the Bursa-Nilüfer Municipality.³⁹

³⁸ Detailed information about City Councils is presented in Part II – Section C.

³⁹ This data is derived from interviews held within the framework of the Scientific and Technological Research Council of Türkiye (TÜBİTAK) Project No. 218K355, titled: "Sustainable Urban Policies: Quality of Life in Cities/Districts", carried out by Prof. Berrin Koyuncu-Lorasdağı.

The municipalities:

- Must ensure the establishment of City Councils and City Council Women's Assemblies.
- City Councils and Women's Assemblies must be bipartisan – not affiliated with any political party.
- Local authorities must support the establishment of City Councils and Women's Assemblies by adopting a participatory approach regardless of their political affiliation.
- City Councils' and Women's Assemblies' access to adequate authority and resources should be ensured.

■ Pursuant to the provisions of the 2006 Regulation: "Views and opinions declared by a city council must be assessed during the first meeting of the municipal council, and their feedback must then be presented to the city council."⁴⁰

■ The City Councils should be empowered and provided with training and capacity building support to ensure their functioning as local democratic governance mechanisms. The City Council Guidebook⁴¹ is an important reference source on training and capacity building support to City Councils.

Primarily the women's movement organizations, and the political parties and rights-based democracy agencies must be the political owners of these policies.

Lobbying and drawing up detailed action plans to ensure that the requirements are met are of urgent and utmost importance.



⁴⁰ https://uclg-mewa.org/uploads/file/cd17de500da24d4188d522147a1a1ad5/Surdurulebilir_Kalkinma_Hedefleri_Turkiye_Haritalan-dirmasi_Pilot_Projesi.pdf

⁴¹ <http://efelerkentkonseyi.org/wp-content/uploads/2019/11/kent-konseyleri-kilavuzu.pdf>



E. Local Equality Strategic Plans (LESPs) and Local Equality Action Plans (LEAPs) Must Be Drawn Up, Embraced and Implemented

The Local Equality Strategic Plan and the Local Equality Action Plans describing the implementation steps of the Strategic Plan comprise principles that affect the women's day-to-day lives, facilitate their access to urban services and enhance their participation in local mechanisms.

The major factor that makes the LESP and the LEAP practical, relevant and results-driven is that they are being drawn up with a **"participatory"** approach.⁴²

The LEAPs must be drafted prior to drawing up the strategic plan to allow each unit focus on strategic planning by knowing the identified issues and expectations concerning its own services and other services to be executed in collaboration. In this way, the LEAP-related and the LESP-related works might be carried out simultaneously.

It must be argued, advised and proposed that establishing the LEAPs constitutes a **stage of the strategic planning (LESP) process**.

The Local Equality Action Plans (LEAPs) are the key agents of gender mainstreaming. They are the planning roadmaps/documents describing ways of implementing institutional objectives derived from key strategic issues and solutions concerning gen-

der equality. Drawing up the LEAPs through a "participatory" approach – with the participation of all the relevant stakeholders (public institutions in the province/district, civil society organizations, women's research centers in universities, city council women's assemblies, etc.) that are responsible for ensuring gender equality at the local level – is of critical importance.⁴³

The notion of *Local Equality Action Plan* was first introduced in the *European Charter for Equality of Women and Men in Local Life* that was launched by the **Council of European Municipalities and Regions** (CEMR) in 2006.

The Charter denotes that to achieve gender equality, local governments must integrate the gender dimension into all of their activities and establish Local Equality Action Plans (LEAPs). Besides, to ensure the effectiveness and sustainability of the implementation, adequate staff and budget must be provided.

In Türkiye, the first LEAPs were established within the scope of the *Women Friendly Cities United Nations Joint Programme* that was initiated by KA-DER Ankara Branch. The Program was bolstered by the participation of the *Women's Coalition* in the 2000s and progressed with the *"Today for Tomorrow"* Campaign conducted in 2003 which played a key role in building the path from local policy-making endeavors implemented in diverse cities and districts to the LEAPs. *"Raising gender sensitivities of and amongst local governments, establishing perspectives to develop gender-equitable local governance policies, and enhancing collaboration between local governments and local women's organizations"* were among the goals of the Campaign that was run across the country with women's organizations.⁴⁴ Initiatives carried out to reach those goals provided the basis for the LEAPs

⁴²<http://www.kadindostukentler.com/proje-yeep.php>

⁴³For guidance on preparing the LEAPs, see: www.kadindostukentler.com, Project Report, p:5

⁴⁴For publications published after the campaign, see: Dügüm Bilgisi (Untying Knots) (Aksu Bora, Ceren İřat)

<http://ka-der.org.tr/wp-content/uploads/2018/01/dugumbilgisi.pdf>,

Belediye Kadınlara da Hizmet Eder/ Kadın Dostu Belediye Hizmetleri: Neden, Nasıl? (The Municipality Provides Services to Women As Well / Women Friendly Municipal Services: Why? How?) (Ayten Alkan)

<http://ka-der.org.tr/wp-content/uploads/2019/06/belediyeKadinlarada.pdf>,

Yerel Yönetimlere İlişkin Yasal Düzenlemeler Çerçevesinde Kadınlara Yer Açmak (The Prospect for Women's Inclusion Within the Framework of Legislation on Local Administrations) (L.Yıldız Tokman, Sema Kendirci),

<http://ka-der.org.tr/wp-content/uploads/2018/08/yerelyonetimlereiliskin.pdf>

that were to be developed later by municipalities. Eventually, the process accelerated as a result of advocacy endeavors of local women's organizations and the signing of the *European Charter for Equality Between Women and Men in Local Life* by municipalities, and their commitments. And subsequently the LEAPs began to be established.

Following planning works; duties and responsibilities of institutions around women's participation in local decision-making mechanisms, urban services, violence against women, economic strengthening (well-being) and work life, educational/training and healthcare services are transposed into institutional commitments within the framework of the Local Equality Strategic Plans and the Local Equality Action Plans through joint efforts and contributions of all stakeholders.⁴⁵

The Local Equality Action Plans (LEAPs) are the key agents of gender mainstreaming.

The LEAPs must be drawn up and monitored through a participatory approach.

The municipalities should embrace, understand the importance and ensure the implementation of the LEAPs.

During the processes of drawing up, implementation of and monitoring the LEAPs, the closest stakeholders of the municipalities shall be the women's organizations.



⁴⁵<http://www.kadindostukentler.com/proje-yeep.php>



F. Gender-Responsive Budgeting (GRB)⁴⁶

Gender indicates expectations from women and men, what they are allowed to do and how much they are valued in any society.

In many societies inequalities exist with respect to women's and men's responsibilities and duties, access to social/societal resources and control of those resources, etc.

Gender Equality indicates that the rights, responsibilities and the opportunities that individuals benefit from are gender-neutral; in other words they are not differentiated according to an individual's sex or gender. This approach is an integral part of a broader strategy called "Incorporating Gender Equality into Basic Policies" that enables and ensures the assessment of all policies through the gender perspective.

The GRB does not mean drawing up separate budgets for women and men nor increasing the expenditures for programs only for women. The purpose of the GRB is not to increase public expenditures but to re-formulate / re-define the priorities. The GRB ensures the integration of gender awareness into the policies, plans, programs and budgets of all public institutions and agencies.⁴⁷

The Gender-Responsive Budgeting **process** starts with the **analysis** of the budget and policies **through the gender perspective**.

Since the ultimate goal of the GRB is to achieve gender equality, it is essential and critical to link it / map with to the **overall gender equality goals**.

The primary support to awareness-raising projects and programs implemented both at the central and local governance levels are provided by the UN programs.

The United Nations (UN), through its *Sustainable Development Goals* (SDGs)⁴⁸ agenda set up a roadmap covering a variety of areas to improve the quality of life particularly in developing countries and regions. The UN promoted the SDGs as global goals of sustainable development for the (2015-2030) period. The roadmap was adopted by the governments of the UN Member States meaning that they committed to implement their related obligations to reach the goals. The SDG agenda is different from the preceding *Millennium Development Goals* (MDGs)⁴⁹ since the performance indicators for sub-targets are defined here. The performance assessment of policy implementation shall be based on relevant data that need to be compiled. This will allow for following-up the implementation.

Co-existence of key enabling factors (prerequisites) indicated below is vital for the implementation of gender-responsive budgeting:

- Political will / leadership
- High-level commitment of public administrative institutions / authorities
- Institutionalizing / internalizing the gender equality policy
- Producing gender-disaggregated data
- Contributions and engagement of civil society

The central government in Türkiye is far from demonstrating its intention and will to ensure that the key enabling factors are in place. Although the central government constantly mentions the UN's Sustainable Development Goals, it did not put efforts to achieve any progress in practice.

⁴⁶ Detailed information on Gender-Responsive Budgeting is presented in Part II – Section E.

⁴⁷ <https://eca.unwomen.org/sites/default/files/Field%20Office%20ECA/Attachments/Publications/Country/Turkey/unw-grb-initialbrochure-tr.pdf>

⁴⁸ <http://www.surdurulebilirlik.gov.tr/>

⁴⁹ <https://www.un.org/millenniumgoals/bkgd.shtml>

Despite (and contrary to) the central government, we witness that the local civil society organizations and the municipalities initiated raising-awareness and training programs on gender-responsive budgeting from 2006 onwards.

Within the framework of projects led by international organizations and/or the CSOs, the provinces that host the GRB initiatives in Türkiye include Adıyaman, Antalya, Aydın, Bursa, Çanakkale, Edirne, Erzurum, Eskişehir, Gaziantep, İzmir, Kahramanmaraş, Kars, Kastamonu, Kayseri, Kocaeli, Malatya, Mardin, Nevşehir, Ordu, Samsun, Şanlıurfa and Trabzon. Furthermore, some specific practices are promising – such as of the İstanbul-Beylikdüzü and the Eskişehir-Odunpazarı district municipalities that began to incorporate the GRB into their administrative and budgetary processes – outside the scope of a national or international program.

However, the GRB should be implemented with a holistic approach at the central and local levels. **Institutionalizing Gender-Responsive Budgeting** means sustainable (permanent) integration of the GRB approach into the planning and budgetary processes.

The GRB implementation is not a one-time process, so it is essential to integrate the gender perspective into the budgeting cycle, monitor and assess the results through that perspective. And this can be achieved only through a transparent and participatory budgeting process.

The required policy changes are made based on the results of monitoring and assessment – performed through a gender perspective integrated participatory approach; and the budgets are adjusted accordingly.

Ideally, effective and sustainable gender-responsive budgeting is expected to be implemented in practice as a mainstreaming policy at all levels of public administration together with the involvement of non-governmental / civil society actors. Nonetheless, in the context of policy implementation and service delivery enabling participatory approaches, and taking the local circumstances into account, it is also of particular importance for local governments to implement the GRB with an array of tools.

At the macro level, it is possible to categorize the **benefits provided by the GRB to local governments** under the following six major headings:

- *It contributes to high quality and democratic governance*
- *It ensures accountability and transparency*
- *It serves to ensure gender equality and women's empowerment*
- *It develops gender-sensitive participatory approaches*
- *It improves economical efficiency*
- *It contributes to alleviating poverty and enhancing welfare*

Gender-Responsive Budgeting:

Provides substantial contribution to advancing gender equality and women's rights.

At the same time, it allows for and provides the means and opportunities to enhance the effectiveness, efficiency, accountability and transparency of government policies and local governments.



G. Service Institutions / Agencies Should Be Opened to Enhance Women's Empowerment and Participation in Public Life

Facilitating women's day-to-day lives through services implemented and delivered to them by municipalities is not sufficient; indeed, empowering women by meeting their strategic needs such as alleviating poverty and providing affordable nursery is of vital importance. Therefore, **integrating gender-awareness into all public services** that are implemented / delivered by municipalities is of critical importance.

The primary service institutions and the factor that shall reduce women's workloads, facilitate their participation in life outside their homes while at the same time will strengthen their participation in local politics are the women's counseling centers, women's shelters, the crèches / day care centers, and employment areas / opportunities that will enable women participate in the work force.

Women's Counseling Centers: Counseling centers must be established to provide training, employment, guidance and advisory services to women. According to 2020 data, the number of women's counseling centers in all the municipalities is 54.⁵⁰ Works related to combating violence against women, women's empowerment, and local equality action plans are performed simultaneously in those centers.

Women's Shelters: Units and shelters must be established for women who seek refuge from violence

perpetrators. According to 2020 data, the number of municipalities with shelters is 32. The ratio of municipalities with **women's shelters** - that are among the key mechanisms in combating violence against women in Türkiye - to the total is 3.9%.

It is of vital importance to develop preventive policies to support women victims who are subjected to male violence as well as addressing and overcoming deficiencies in training the public officials who provide services. Women need to be informed about combating violence against women and legal rights. Making men's voices denouncing male violence heard, valuing and appreciating men's support, and enhancing awareness-raising programs and trainings for men on violence against women and gender equality must be an integral part of service planning that will deliver strategic transformation.

Crèches and Day Care Centers: Affordable and quality crèches and day care centers should be opened to reduce the burden on women of child care responsibilities and to provide the opportunity enabling them participate in public life. Ankara-Çankaya Municipality is a best practice example with the highest number of crèches at 12.

Units for Women's Participation in the Labour Market: Local governments should devise planned and sustainable institutional policies for women's participation in the labour market with the purpose of ensuring gender equality in employment and occupation. Indeed, equality in employment is Türkiye's international commitment. Türkiye has signed major conventions / policy documents concerning the working life / labour market. These documents propose/dictate standards also applicable to the operational processes of the municipalities.

In-kind, legal (counseling), and psycho-social support extended to women during the transition to independent life, and crèche services play an important role in the mechanisms utilized by municipalities.

Service institutions that will reduce the women's workload shall also enhance their participation in local politics.

⁵⁰ TESEV (Turkish Economic and Social Studies Foundation), 2021, *Yerel Yönetimlerde Kadına Yönelik Sosyal Politika ve Hizmetler* (Social Policies and Services in Local Administrations for Women), Author: Şenay Yılmaz
<https://www.tesev.org.tr/tr/research/yerel-yonetimlerde-kadina-yonelik-sosyal-politika-ve-hizmetler/>



H. Women's Participation / Representation in Local Politics Must Be Enhanced

Unequal representation of women and men in local politics cannot be explained by arguing that women are not interested in politics. Expecting unequal women and men to take part in politics by striving and fighting under the same conditions is to treat unequal individuals as if they are on equal footing. Considering women's underrepresentation in politics as normal and claiming that the current situation is the result of women's own choices is an extremely flawed approach that leads to the continued increase of inequalities.

The extremely low level of women's representation particularly in local politics that is well below the world average as a result of those approaches, is among the key obstacles hampering local development and prosperity.

On the other hand, lack of equal and active participation of women in local politics and decision-making mechanisms is now being addressed as a major **women's rights and gender equality deficiency** issue. Because, unlike the central political sphere in Türkiye, in the local political arena that is dominated by men both due to their greater number and also since they monopolize the right to expression; unfortunately, the women and their local needs and requirements are not taken into consideration "automatically".

We may summarize the reasons for women to stay away from politics as:

- Organizational structure of political parties, the electoral system, nomination and candidacy methods and procedures
- Women's responsibilities and duties based on conventional division of labor
- Male dominance in politics
- Masculine discourse and approaches in politics

TESEV (Turkish Economic and Social Studies Foundation), indicated the need to "expose the masculine politics" at first, to enhance women's participation in local politics in its report titled "Women in Municipalities, Municipality for Women". A brief quote from the report reads:

"We think that the situation revealed by our field observations is very clear: it is not easy for women to be present and active in politics without any intervention, because politics is perceived to be the domain of men. The political domain, with its masculine terminology and language, with its position which is perceived as more privileged than all other activities, its irregular work schedule habits, its dress code and its financial requirements seems to be a space where men can much more easily adapt.."

From this point of view, work about the inadequate presence of women in politics would be possible at first by thoroughly exposing the default masculine settings of politics. Along these lines, it seems it is mandatory to expose in detail the explicit and implicit masculine routines of politics both to men and women and to object to the normalization of these routines so that women can have a more representative role in politics."⁵¹

Also, the gender quota system indicated/institutionalized in the by-laws of political parties in Türkiye is generally implemented during general elections and the elections of central executive board members of political parties. This gender-based underrepresentation and inadequate participation leads to aggravation of inequalities. The political parties should implement the gender quota system at the local level as well.

Certainly, primarily women politicians / elected women, women bureaucrats as well as various women's organizations and civil initiatives advocating women's rights are expected to promote the adoption of policies required for **gender mainstreaming** and ensuring the institutional transformation in local governments. Therefore, electing or appointing women who would be effective in local policy development and decision-making is among the most strategic prerequisites. Yet, effective and active support of men who promote gender equality is a vital requirement, particularly at the local level.

⁵¹ <https://dSPACE.ceid.org.tr/xmlui/bitstream/handle/1/385/ekutuphane3.5.2.1.28.pdf?sequence=1&isAllowed=y> TESEV Belediyede Kadınlar, Kadınlar İçin Belediye – Ulaş Bayraktar

While addressing women's equal participation in local politics; women who are appointed and assigned to and who nominate and are elected for varying posts must be taken into consideration. They range from those who take part in local political party organizations, who run for candidacy to be elected municipal councillors, mayors and mukhtars; to members of the City Council Women's Assemblies, local CSOs and professional chambers. Besides, women executives, experts and bureaucrats appointed to posts in local public institutions and organizations need to be considered in this context as well.

In other words, the presence of effective women in local public institutions, professional chambers and even in commercial companies, apart from the women executives at local organizations of political parties and elected municipal executives – as the key players of local politics – is also crucial in ensuring women's equal participation in local decision-making mechanisms.

These issues, besides making women's participation in local politics harder, adversely affect equal recognition of women's political identities and demands as well as fair allocation of local resources by observing gender equality. Therefore, a gender-sensitive local governance model must be formulated by taking these problematic areas into consideration.

In order to enhance women's representation and participation in local politics, firstly;

masculine politics should be exposed,

gender quota system must be implemented also at the local level,

service institutions and agencies must be opened to enhance women's participation in politics.





I. Gender-Sensitive Data Should be Generated / Collected at the Local Level

Gender-blind approaches fail to identify differences and disparities in women's and men's experiences, and assume that women and men experience the same problem/situation in the same way and are affected by it in the same way.

Gender-sensitive approaches and data collection by these approaches enable understanding and identifying differences among women – rather than treating them as a homogeneous whole – and also contribute to the policy formation process.

Gender-sensitive data enable taking into account the women's status in the society, their discourses, and the circumstances restricting them as well as allow for performing women-focused assessments. They indicate multiple and/or intersectional discriminations that women are exposed to.

Therefore, gender-based data collection at the local level is of critical importance.

Data indicating the local population structure (composition), level of utilizing public services, conditions of troubled groups are not available in Türkiye. Lack of data in this respect is among the root causes masking and making the inadequate participation / representation of women in the local sphere invisible. For example, the Supreme Election Council in Türkiye that is responsible for carrying out all the procedures, from the beginning to the end of the national and local elections provides only the total number (percentages) of elected women and does not share local figures since 1989. In general, data available to us are provided by women's associations and academic studies. City Council Women's Assemblies, municipal equality units, the LEAP and the GRB practices and projects do not provide data.

Comprehensive data other than TEPAV's (Economic Policy Research Foundation of Türkiye) *Gender Equality Index for 81 Provinces*, and CEİD's (Association for Monitoring Gender Equality) works are not available.

Comprehensive information on the importance of monitoring and assessment of gender equality in local policies and their functions in policy-making processes are presented in Part II – Section G.

We shall briefly mention here the importance of Gender-Sensitive Data.⁵² Gender-sensitive data, which is known to be an effective tool in tackling gender-based inequalities;

- makes hidden inequalities and discriminations visible,
- questions the existing data in terms of inequality and discrimination,
- changes/transforms and eliminates inequalities and discriminations,
- functions as a source to empower groups exposed to inequality and discrimination.

Türkiye is a diverse country with different languages and cultures, and its population is approaching 90 million as a result of the massive flow of inward immigration during recent years.

Norms set by different cultures about women may differ as well. Therefore, while developing and formulating the approaches and mechanisms to achieve gender equality, these differences must be taken into account.

For this reason, collaboration of local CSOs and universities in generating / collecting gender-sensitive data at the local level is of vital importance.

Data should be collected and assessed in the relevant city or town without disregarding any differences, distinctions nor disparities, and issues of all women must be made visible.

⁵²This section is based on the Workshop presentation of Dr. Hilal Arslan whose material is prepared for the CEİDizler Project as monitoring training material entitled "Gender Sensitive Data and Indicators". For detailed information see: Yüksel-Kaptanoğlu, İ., Arslan, H. & Akyıldırım, O. (2021). *Toplumsal Cinsiyet Eşitliğine Duyarlı Veri ve Göstergeler* (Gender-Sensitive Data and Indicators). CEİD (Association for Monitoring Gender Equality) Publications

<https://dspace.ceid.org.tr/xmlui/handle/1/1415>

Gender-sensitive (gender-disaggregated) data facilitates the policy generation process by prioritising the issues.

Provides guidance during the course of monitoring and assessment of policy results (outcomes) and replanning.

Enables developing intervention tools.





KAMER
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