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Turkey's "Human Rights Action Plan"¹ Brief Note

President and Justice and Development Party (AKP) Chair Recep Tayyip Erdoğan has announced a new "Human Rights Action Plan" consisting of 11 principles on the 2nd of March 2021. This note examines the "Human Rights Action Plan" consisting of 11 principles from a gender and human rights perspective.

While this note was being prepared Erdoğan published a presidential decision to withdraw from the Istanbul Convention, which is against the Turkish constitution in particular and the rule of law principle in general. The Government officials including President Erdoğan had engaged in several controversial debates over Turkey possibly withdrawing from the Istanbul Convention last summer. The debates had continued while there has been a surge in domestic violence during the Covid-19 pandemic and despite evidence that in Turkey every year hundreds of women are killed by current or former male partners, and that those who experience violence face significant barriers for getting help or systematic overcoming impunity for the abusers. However, this decision was still shocking as there was no recent debate on the Convention. It has been issued without consulting anyone or informing the public. In the light of the recent developments about the Istanbul Convention we doubt that the AKP government will realize effective mechanisms protecting and improving human rights.

When it is examined, the Action Plan does not prescribe any essential changes on the existing human rights regime in which Turkey is already obliged to obey under the international human rights law. Thus, unlike how the AKP calls it, it is far from a legal "reform". Moreover, with the references to the amendment of the electoral law and a new constitution, the Action Plan was met with concern among civil society.

There are a few gender related principles in the Action Plan. According to the Plan (Goal 3.5.), a family mediation system in divorce cases will be put into force. However, under the Article 48 of the Istanbul Convention, mandatory alternative dispute resolution processes, including mediation, in relation to all forms of violence covered by the scope of the Istanbul Convention, are prohibited. Since the government has

¹ This Action Plan is related to a European Union and Council of Europe project, namely, the Horizontal Facility for the Western Balkans and Turkey II - Supporting the Implementation and Reporting on the Action Plan on Human Rights in Turkey. The total budget of the project is 1.200.000 Euros. It started on 1 September 2019 and was planned to be implemented for 18 months, however due to COVID-19 measures the project has been extended to 31 December 2021.
<https://www.coe.int/en/web/ankara/supporting-the-implementation-and-reporting-on-the-action-plan-on-human-rights-in-turkey#%7B%2264116063%22%7D>

declared a decision to withdraw from the convention, we are concerned that the family mediation system will be also implemented in divorce cases related to VAW.

Also, the Plan announces (Goal 6.3.) that in order to minimize the possible negative effects of the divorce process, couples and children will be informed about the process and psycho-social support will be provided to those who need it. Although such provision seems positive at first sight, such psycho-social support will easily turn into a sort of “convincing” effort, especially considering the “family mediation institution” to be established in the same Plan.

Although there are some positive commitments under the Goal 6.3. like acknowledging stalking as a separate crime in compliance with the Istanbul Convention, it is suspicious that how all these commitments will be enforced effectively and comprehensively in combating gender-based violence, while withdrawal from the Istanbul Convention is on the table.

Under the Goal Protecting and Advancing the Rights of Youth (8.3.), the Plan also ensures that financial rewards for early married couples will be increased. The only objective of such a provision appears to exclude women from economic and social life by confining women into the household, in harmony with the idea that “women should not focus on any career other than the career of motherhood” as publicly announced by high level [politicians](#) several times.

According to the Plan (Goal 4.4.), it is expressed that there will be amendments regarding hate speech and discrimination in the Turkish Penal Code. However, in the Action Plan, hate speech and discrimination is defined only on the grounds of language, religion, race, color, sex, political opinion, philosophical belief, sect and similar reasons. Although researches prove that the most disadvantaged group with regards to hate speech and hate crime is the LGBTI+ community in Turkish [society](#), sexual orientation and gender identity is not included in definition of hate speech and discrimination provision of the Plan. It must be clearly noted that LGBTI+s are at great risk in recent months more than ever, since they are deliberately targeted by high level politicians in a constant and heavy manner. Exactly one month before the Action Plan was announced, Twitter had limited the tweets of the Minister of Internal Affairs, Süleyman Soyulu, in which he called LGBTI+s as [“perverts”](#).

Similarly, according to the Plan (Goal 8.1.), efforts to protect children from digital risks, cyberbullying, internet addiction and the damages of written and visual media will be increased. Although there is no further detail on possible legal arrangement, we are concerned that this will easily turned into a “LGBTI+ propaganda ban” under cover of protecting children, just like [in Russia](#), given the current [homophobic policies](#) in Turkey.

The Plan (Goal 9.4.) also provides that human rights education will be added to the curriculums in primary and secondary education in order to raise awareness of human rights from an early age. It must be noted that the Ministry of Education has cancelled the “Promoting Gender Equality in Education Project” in 2019. Almost simultaneously, the Council of Higher Education has cancelled the gender equality project conducted in the universities, due to “the concept of “gender” is not suitable with social [values](#).” Given the fact that the Ministry of Education has already numerous important protocols

with the Directorate of Religious Affairs and some religious civil society groups in primary and secondary [education](#), it is highly suspicious whether such human rights education will include gender equality, and more generally, whether it will be provided from a right-based perspective by independent human rights experts or not. Indeed, in the meantime this report is being prepared, the Ministry of Education has announced that they have signed a new [protocol](#) with the Ensar Foundation on human rights education for youths, the Foundation which is known with a major child sexual abuse [scandal](#).

Although the new Action Plan expresses that there will be improvements on freedom of assembly and freedom of speech, just one week later it was announced, at a daytime assembly on March 6 in Istanbul, police restricted people from bringing rainbow-colored objects, LGBT flags or banners to demonstrations, and stopped trans women joining assemblies. The police violently [detained](#) five trans women along with four other women who tried to stop the detentions. The same day, Fahrettin Altun, President Erdoğan's communications director, made a speech attacking LGBTI+ people, saying, "families and children [are] targeted through ... tolerance for homosexuality propaganda..." and calling homosexuality "[ugliness](#)."

Turkish authorities seriously restricted access to the annual Feminist Night March in central Istanbul on March 8, deploying hundreds of police, and putting that part of the city under lockdown. Officials this year also seemed particularly nettled by the participation of LGBTI+s in 8th March events. On 9th March, prosecutor's office opened a criminal [investigation](#) against 18 women's rights activists for shouting slogans ("Tayyip, run, run, run, women are coming") at a March 8, 2021 International Women's Day assembly in central Istanbul, on the ground of defamation President Erdoğan, a criminal offense in Turkish law punishable with a one to four-year prison sentence that violates international standards on freedom of expression. The fact that arrests came just a week after the government announced a new Human Rights Action Plan in which it pledged to protect and uphold freedom of speech and assembly is very contradictory and raises questions on the effectiveness of such a plan in the light of these developments.

More overtly, the attempt for withdrawal from the Istanbul Convention, the most comprehensive international convention recognizing that domestic violence is a violation of human rights is a major manifestation indicating no commitment to promote human rights by the government.

Instead of announcing new action plans in which not providing any true solutions to Turkey's existent human rights regime; Turkey should urgently fulfil its already existing obligations under its constitution as well as international human rights law, namely ECHR and CEDAW, stop the attempt to withdraw from the Istanbul Convention and ensure active and transparent participation of independent women's and LGBTI+ CSOs on the development and implementation processes of policies to eliminate violence against women.

Women for Women's Human Rights – New Ways