

INTRODUCTION

With its historical roots dating back to the aftermath of the Second World War, the European Economic Community (EEC), now the European Union (EU), has substantiated its success in several fields. The six founding countries' initial efforts to reshape Europe and avoid another possible war turned out to be a unique community for its era and led to several achievements in the long run. Even though the EU and its future are still being questioned today, it would be unjust to disregard the Union's remarkable accomplishments in certain fields, such as its contribution to the promotion of fundamental rights via its relevant policy instruments and actions.³ Notwithstanding the initially limited scope of the EEC (which was rather confined to economic policies), many of the EU's achievements gradually provided its citizens with welfare and well-being, also serving for the interest of third-country nationals as well (e.g. through the Union's external policy that attributes great importance to global peace, a policy which is very much in line with what Mustafa Kemal Atatürk, the founder of the Republic of Turkey, asserted almost a century ago: "*Peace at Home, Peace in the World.*")

Promoting gender equality and combatting gender-based discrimination and violence against women have long been amongst the primary action fields of the EU. It is now more highlighted in the recent agenda of the Commission of Ursula von der Leyen⁴ and explicitly mentioned (in the "*EU Gender Equality Strategy 2020-2025*") as a priority of her mandate.⁵

Turkey, a very long-lasting EU candidate country⁶, has -at least for many years in its history- endeavoured to reinforce the role of women in society by granting them various civil, social and political rights. Established as a secular and democratic state, yet having a considerable degree of a patriarchal and conservative profile of its society, the country has been a unique example in terms of attaching consistent importance to gender equality throughout its history, enacting modern and effective legislation thereof. In the wake of the proclamation of the Republic in 1923, Turkey went through a comprehensive legal transformation that had already embodied gender equality

³ 'The Protection of Fundamental Rights in the EU' (*European Parliament*, Dec 2019) <<https://www.europarl.europa.eu/factsheets/en/sheet/146/the-protection-of-fundamental-rights-in-the-eu>> accessed 10 January 2020.

⁴ Beatriz Rios, 'Von Der Leyen Leans on Gender Balance in Quest for Commission Presidency' (*Euractiv*, 19 Jul 2019) <<https://www.euractiv.com/section/middle-ground-politics/news/von-der-leyen-leans-on-gender-balance-in-quest-for-commission-presidency/1360617/>> accessed 10 January 2020.

⁵ Maria Noichl, 'Interview with Maria Noichl, SPD MEP and rapporteur in the European Parliament for the Gender Equality Strategy' (*The Progressive Post*, 4 Mar 2020) <<https://progressivepost.eu/no-category/maria-noichl-the-commissioner-for-equality-is-ready-to-fight-for-womens-rights-and-we-as-socialists-are-ready-to-fight-with-her>> accessed 15 Mar 2020.

⁶ Harun Arıkan, *Turkey and the EU: An Awkward Candidate for EU Membership?* (2nd edn, Ashgate Publishing 2006)18.

as one of its fundamental components. Thanks to these legislative efforts, women in Turkey were entitled to several opportunities (initially in the fields like education, decision-making and employment) with the ultimate prospect of being on an equal footing with men.

Yet, today, just like many other countries in the world, Turkey still faces certain challenges concerning the fight against gender inequalities and gender-based discrimination (including violence against women). Despite the country's historical efforts, such as the above-mentioned legal transformation which was later further encouraged to comply with the *Acquis* and the concrete progress achieved to some extent, it would not be wrong to claim that the country has been recently facing a serious setback in the field. There are still crucial problems today, waiting to be addressed swiftly, effectively but also more drastically.⁷

The main objective of this book is to analyse the efforts of the EU and Turkey; their achievements and challenges in promoting gender equality by combatting gender-based discrimination and violence against women. Offering some fresh insights on how the efforts and challenges of the EU intersect with those of a candidate country at certain points while differentiating at some others is also an additional objective. Ultimately, it is aimed to illustrate how all the progress and persistent struggles actually impact the relations of the parties, especially in terms of Turkey's prospective EU membership.

The book is subdivided into four main parts. Part-I aims to provide a basic acquaintance with the historical background of relations between Turkey and the EU. Also, the "Fundamental Rights" chapter of the *Acquis* is briefly mentioned in Part-I, given the fact that it constitutes a concrete criterion for candidate countries to fulfil on the road to EU membership.

The general approach of the EU to fundamental rights, gender equality and the Union's achievements and challenges in combatting gender-based discrimination and violence against women are tackled in Part-II.

After briefly touching upon Turkey's recent human rights challenges (especially in the light of the country's relations with the EU), Part-III explores the legislation of Turkey in the related fields and evaluates its level of alignment with the country's international obligations (especially with the EU laws and standards). The part also aims to walk the readers through the situation in Turkey concerning gender equality and gender-based discrimination. It is then followed by a chapter that draws particular attention to the issue of violence against women in the country.

Finally, the Conclusion Part, Part-IV, assesses in a nutshell (along with presenting certain policy recommendations) how Turkey's road to EU accession has been, is and will continue to be influenced by the evolution and challenges in the parties with

⁷ 'Gender Equality in Turkey' (*European Parliament*, Jan 2012) <[https://www.europarl.europa.eu/RegData/etudes/note/join/2012/462428/IPOL-FEMM_NT\(2012\)462428_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/note/join/2012/462428/IPOL-FEMM_NT(2012)462428_EN.pdf)> accessed 10 February 2020.

regard to the topic in question. This part, along with certain other sections throughout the book, predominantly reflects personal and subjective opinions and suggestions of the author, hoping for a concrete and unique contribution to the field.

Three main annexes are to be found at the end of the book following the Conclusion Part. The first annex (Annex-I) involves some of the landmark decisions and recent case law of CJEU, ECtHR and national courts, to illustrate the common and differentiating approaches of the Parties, as well as exemplify certain concepts and principles emphasized throughout the book. The second annex (Annex-II) is composed of up-to-date interviews conducted with different women's organizations in Turkey, an interview with Turkey's former judge of the ECtHR and an interview with the Belgian Institute performing in the field of gender equality. The final annex (Annex-III) involves additional statistics to visualize the situation in certain aspects.

Methodology and the Anticipated Added-Value

This book is predominantly the outcome of vast research, comparative analysis and personal assessments, and is mainly based on a descriptive method. In order to avoid controversial interpretation of major concepts, a definition of key terms is provided right from the start, clarifying their meaning and scope in the sense that is meant within the book. A comparative method is also used in certain parts, especially when pointing out some of the recent discussions going on in Turkey and the EU. Moreover, legal research was undertaken to clarify the conformity of the up-to-date laws of Turkey with the current EU legislation and distinguish between some of the good and bad practices in the parties.

The added-value of this book also stems from the fact that it incorporates up-to-date data, comparable statistics, recent information regarding the legislation and practices in the field, as well as personal opinions in several parts. Given that the topic in question is a multidisciplinary one that requires the involvement of many different actors to achieve long-term and permanent solutions; concrete suggestions based on the studies and professional experience of the author, and different opinions, experiences and remarks of the key actors (such as academics, former ECtHR judge, women's organizations) together constitute another intended asset of this book.

The book attaches crucial importance to the practice in the field and to getting into action as swiftly as possible, and therefore it deliberately refrains from going into redundant details regarding the literal definitions of certain concepts, such as the forms of violence (their definitions and classification) simply because such topics (that have already been studied through a mass number of academic studies) fall outside the scope of the main topic and purpose herein. Instead, the motive of the author is to be more creative, by not restraining the scope only to the legislative analogy between Turkey and the EU, their approaches to the issue and the recent controversial debates

going on in both parties but also questioning- as much as possible- the underlying causes of gender inequalities and violence against women, and coming up with, or at least stimulating, unique and to-the-point suggestions.

Throughout the research carried out, a number of updated international documents from well-known sources were encountered in which there were plenty of crucial mistakes, possibly due to an inaccurate translation from the Turkish language. That is why the book incorporates a certain amount of diligently self-translated information (from the Turkish language to English) to allow an accurate analysis of the current laws, regulations and practices of Turkey in the field.

A set of landmark and recent case law is summarized in Annex-I with a view to demonstrating the implementation of certain concepts and principles mentioned throughout the book. It also aims to reveal some of the compliant and non-compliant rulings in Turkey with the ones of the CJEU and ECtHR.

Last but not the least, a Belgian institute performing in the field of gender equality and some of the major and most well-known women's associations and foundations in Turkey were contacted to interview for the purpose of paying regard to different opinions on the issue and reflecting them equally at the end of this book from their perspectives. Similarly, an interview was carried out with the former ECtHR judge from Turkey. All these interviews are attached to the book via Annex-II. The interviews lay out very clearly -from where the practitioners and academics stand- similar ideas and certain points of consensus, together with some other points that still seem to be rather controversial in the sense to differ in essence from one point of view to the other.