



# HRLP PRESENTS

**SPECIAL EDITION:  
NEWSLETTER**

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**#CHALLENGE  
ACCEPTED:**

*Tormenting Tales of  
Femicide in Turkey*

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*A Study elucidating the  
Femicide in Turkey.*

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# PREFACE

The murder of Pinar Gültekin by her ex-boyfriend has sparked outrage in Turkey, throwing light on the country's shockingly high femicide rate and government efforts to roll back legislations designed to protect women from gender-based violence. Nationwide protests are being held, and the issue has spread fast to social media, with Instagram timelines being painted black-and-white by women posting their pictures, accompanied with hashtags like #ChallengeAccepted and #WomenSupportingWomen. We too, have accepted the #challenge to take you through the timeline of events and their subsequent impact on the basic human rights of the women in Turkey.

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## INTRODUCTION

Recently, social media platforms, especially Instagram, saw their feed being flooded with streaks of posts filled with black and white pictures of women along with titles such as 'Challenge Accepted' or with hashtags such as #WomenSupportingWomen, #WomenEmpowerment and #ChallengeAccepted. Soon enough, the trending "Challenge" was seen to be taken up by women from all walks of lives, be it celebrities, politicians, activists or any other person. As a part of this challenge, women could be seen as not only posting monochrome pictures but also nominating other women to do so with a similar hashtag.[1] The trend is still gaining momentum with women seen to be lifting each other.

Though the spread of such pictures seems to have picked up pace like a wildfire, the cause behind the same has remained lost and vague for a lot of people. This seems so because the people who posted such pictures as a part of the "Challenge", said very little about the intent behind the same, and so it began to be criticized for being 'tone deaf' to the real issue. [2] The wide array of such posts regarding the trend #ChallengeAccepted could be seen depicting the general notion of "female empowerment" or "Women-supporting women" with users generally tagging their peers and making the challenge a chain mail.[3]

Vide the instrumentality of this magazine, we too have accepted the challenge to dissect and analyse the issue in depth, in the backdrop of human rights.

## THE TRIGGER POINT OF #CHALLENGEACCEPTED

The photo challenge was claimed to have started in Turkey after the murder of Pinar Gültekin, a 27-year-old student who had reportedly been missing since 16th of July, only to be found dead in a forest five days later. The university student had been murdered by her ex-boyfriend in what became yet another case among the growing number of femicides in Turkey.[4] Furthermore, this incident strikingly resembles the brutal murder of Emine Dirican, a beautician from Istanbul, who was shot dead by her husband in 2019 for working and enjoying her constitutionally guaranteed independence.[5] The events unfolding in Turkey today are a reminder of the murder of Aslan, a 19-year-old university student. Ozgecan Aslan was killed by a minibus driver who had attempted to rape her. This incident saw an unprecedented participation of women in protests for ensuring stringent punishment for perpetrators of violence against women.[6] The present case shares similarity with thousands of such cases where women were a victim of actions of opposite gender and were left at their mercy. However, this time, millions of women across the world stood in solidarity with the Turkish women and committed themselves to their cause.

"A TRUE REPUBLIC IS  
MEN ,THEIR RIGHTS AND NOTHING MORE  
WOMEN, THEIR RIGHTS AND NOTHING LESS."  
- SUSAN B ANTHONY



## HISTORY OF ATROCITIES AGAINST THE “SUPRESSED GENDER” IN TURKEY

Influenced by Greece, considerably developed by the Christian Romans and later captured and transformed into a Medieval Superpower by the Central Asian Muslim Turks, Turkey in every sense, is the place where the West and the East meet and thrive happily. It could be called as a gateway to Europe, having an influence of the ideas pertaining to capitalism, democracy and individualism of the West. However, in recent times, it has also showcased a rather conservative and pro-patriarchal attitude. For instance, around 42% women in Turkey have reported being victims of some form of abuse at the hands of their husbands or partners[7], whereas around 2000 women were killed since February 2015, with a record 474 deaths in 2019 against the 408 in 2018.[8] These numbers signify that Turkey has done little for reducing crimes against women in the recent past. To add to this, the laws in the state allow women to marry at a young age. The law influenced by religious documents allow girls as young as 9 years old to marry.[9] Moreover, the country only recently lifted the Hijab ban in 2018,[10] before which the female students who didn't wear a headscarf or hijab were not allowed inside educational institutions or public offices. This was not only a violation of their right to education but also a violation of their right to religion. The same proved to be a hindrance in education and work, ultimately leading to the income inequality in the country.

One can get a rough idea of the condition of women in the country by the data released by The Gender Parity report by World Economic Forum which states that women in Turkey need to wait for 257 years to accomplish full equality with the men.[11] Furthermore, the practice of “virginity testing” is common in Turkey and is closely associated with family honour.[12] Prostitution and trafficking of girls is another major predicament that has made the lives of women miserable in the state.[13] To make the matters worse, the State does not even have adequate laws to deal with victims of trafficking.

Additionally, lawyers, human rights advocates and victims of torture are frequently subjected to intimidation and harassment by the Turkish authorities who try to prevent them from seeking redressal for rights violations.[14] Such gender-based violation and abuses that have manifested in Turkey have not only shaken the conscience of humanity but have also reflected the primitive mentality prevailing in the state.



“WE REALISE THE IMPORTANCE OF OUR VOICES ONLY WHEN WE ARE SILENCED.”

- MALALA YOUSAFZAI

## THE REALITY OF TWO - FACED SOCIAL MEDIA CAMPAIGN

The black and white photo challenge became a trend for Turkish women who took to social media to draw attention to the rising instance of Femicide in Turkey. The current cycle of this challenge was seen to have been emanated first by a Brazilian Journalist Ana Paula Padrão on Instagram.[15] The Turkish women through the “Challenge” aimed to propagate on social media the fresh surge of activism in the country for greater governmental protections and enforcement of the Istanbul Convention. The Convention, which was ratified in 2012 by Turkish officials, established a legal framework for European countries to prevent gender-based violence, protect victims, and prosecute perpetrators. Meanwhile other overlapping narratives suggest that the influx of black and white images on social media were originally due to the 2016 campaign intending to raise awareness for cancer with the hashtag #ChallengeAccepted.[16] It was also claimed that over the years a similar trend has been observed to ‘spread positivity’.[17]

According to her, the trend was “basically meaningless and doesn’t accomplish anything aside from self-promotion” and was counter-productive to the actual social issue.[18] It was claimed that the non-contextual sharing of monochrome images was hijacking the trend that had originally emanated in Turkey as a mark of protest against femicide in the country.[19] It was also termed to be an act of meaningless activism with no heed being paid towards the real intent or cause behind the emergence of the “Challenge.”[20] In an attempt to bring out the real cause at the forefront, different narratives also started to emerge. These narratives do raise pertinent questions on whether social media activism does little to address the real issue and demolishes the power imbalance that prevails, or are they only limited to have democratizing effects and a mass feeling of participation, rather than actual involvement.



The recent trend dug out a bigger debate on the issue of whether showcasing solidarity through accepting and participating in challenges as such, helps develop concrete activism in the public domain. Taylor Lorenz, a celebrated reporter from the New York Times highlighted how the recent #ChallengeAccepted phenomenon showed no actual advocacy towards the real issue. She went ahead to highlight how sharing or taking part in such trends without a bigger involvement becomes an empty gesture.

Therefore, it would be appropriate to say that while such social activism through recent trends does not itself curb or solve such social issues, it does help gauge a wider perspective and audience towards the issue. It also comes with the caveat that such trends would be turned “empty-gestures” and only “performative” as #Challenges as Taylor Lorenz points out, if the real intent or cause behind the same is not effectively put out.[21]

**“NO COUNTRY CAN EVER TRULY FLOURISH IF IT STIFLES THE POTENTIAL OF ITS WOMEN AND DEPRIVES ITSELF OF THE CONTRIBUTION OF HALF ITS CITIZENS”.**

**- MICHELLE OBAMA**





## LACUNAE IN LEGISLATIONS AND IMPLEMENTATIONS

The past decade has seen an exponential rise in the violence against women in Turkey. The reason femicide continues to be on the rise, is that legislation alone is not an adequate means to curb the relentless atrocities against women. Further, due to vacuum in implementation, offenders either go scott-free or get their sentences reduced. The murder of Pinar Gültekin,[22] has forced Turkey, and the world to re-evaluate the disturbingly high rates of violence and the gross inadequacy in implementation of legislative efforts. While Turkish laws and their approach to international conventions and treaties appear to be in consonance with the ideas of equality, the lack of implementation[23] of the same have rendered them futile.

Turkey was one of the first signatories to the 2011 Istanbul Convention[24] which aims to obliterate gender-based and domestic violence, and also seeks to formulate an effective framework for prosecution of offenders and protection of victims.[25] Subsequently, Turkey also passed laws to protect the family and prevent violence against women, outlining similar progressive solutions.[26] The dichotomy lies in the fact that the government acknowledges the issue of violence against women but the laws are never implemented to fulfill purpose for which they were enacted.

Turkey has recently proposed "Marry Your Rapist Bill" [27] which will further aggravate the wounds of its female subjects. The bill is purported to provide amnesty to men convicted of statutory rape if they marry the victim, and is a glaring example of how the state institutionalizes inequality and abuse towards women.[28] Very evidently, this legislation is a blatant attempt to mask the rising tide of femicide, child marriage, intimate partner violence and other abusive trends in Turkey's recent past and present.

The resurgence of conservative politics in Turkey has massively impeded the implementation of protective legislation-so much so, that in early July 2020, Turkey was seriously considering withdrawing from the Istanbul Convention.[29] The ruling party has repeatedly tried to roll back legislations that threaten the so-called 'family values'.[30] There has also been an increase in influential lobby groups demanding changes in the Convention which they believe encourages divorce and immorality.[31] Family-oriented plans accentuating the role of women as 'housewives' and 'mothers' are being expanded at the expense of their rights.[32]

When women's empowerment is perceived as a threat to the unity of the family, the rights of women are largely ignored on a more individualistic level.[33] Unfortunately, the government does not display an integrated approach and a political will with regard to the implementation of policies that are aimed towards combating gender-based violence.

All these factors not only contribute towards stunted growth of gender equality, but they also increase gender-based violence. The importance of legal codes in battling socio-political inequalities cannot be understated. Historically, laws have been a mirror to society's normative attitudes- be it to commerce, trade, family, or women.[34]

The persistent inequality of genders is inextricably linked to legislations that have failed to recognise them as equal citizens. The return of conservative stereotypes and moral codes, with the explicit overemphasis of marriage and family are inevitably gendered. Such deplorable and time-worn ideals either endorse legislations that circumscribe the rights of women, or curb those that safeguard their rights. The situation in Turkey is a rude awakening of the colossal dearth of basic legal equality that women face.

**"ONE HAS A MORAL RESPONSIBILITY TO DISOBEY UNJUST LAWS."**

**-MARTIN LUTHER KING JR.**



## THE WAY FORWARD

What the law states in Turkey and what the government practices indicate are poles apart. Thus, the only way to root out this problem is through stricter implementation of laws, which can only happen when the government buries its stereotypical ideologies and progressively works towards an egalitarian society. As an immediate step, the government should create, implement and monitor a national action plan for violence prevention. A robust mechanism for additional study and systematic data collection on all types of femicide shall be institutionalised. However, the issue that demands immediate redressal is that of financial dependence of women on their male counterparts. The financial dependency of women on their abusers is a major hurdle[35] that prevents them from coming out of the abusive relationships. International organisations and local government should work towards training and educating women to make them self-reliant.

The ongoing protest is a fight against social attitudes rather than government policies. The fight is to change the culture, social relations, and the place where women have been put historically. In mass movements like this, the change is slow but certain. This is evident from our past- from the stoning of Bastille, to the Gandhian March of Salt Satyagraha, collective perception indeed has brought forth a positive change by rooting out oppressive cultures. Today, large protests often lack legitimacy, especially because digital technologies have made organizing them so much easier.[36] The question that arises is, do these protests achieve the goal for which they are emanated? The response is, yes, demonstrations work, of course, but generally, they don't work in the way many people believe in. Demonstrations do not provide an immediate solution to the issue. Instead, they impact the society over long periods.



*"The ultimate triumph, therefore lies in resistance, because protest is when you say you refuse to go along with it anymore. Resistance is when you make sure everybody else stops going along too."*



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## **ABORTION, EVERY WOMAN'S IRREVOCABLE RIGHT**

EXAMINING THE INTERSECTION OF LAW AND HUMAN RIGHTS IN THE MTP (AMENDMENT) BILL 2020



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## **INTRODUCTION**

Abortion in the simplest of terms is a medical procedure, that terminates a pregnancy through the expulsion or removal of an embryo or fetus(1). Yet, it is a process that is dictated by the intersection of law, morality, ethics and politics- a conflict zone which endangers the lives of thousands of women every year. In most countries the stigma surrounding abortion only strengthens laws which criminalise the act, forcing women to resort to unlicensed practitioners and other unsafe routes. In March 2020, the Lok Sabha passed the Medical Termination of Pregnancy (Amendment) Bill (2) 2020 which introduces significant changes in the Medical Termination of Pregnancy (Act) 1971(3). This article examines the intersection of abortion and human rights law with a special focus on the new amendments proposed.

"ONE HAS A MORAL RESPONSIBILITY TO DISOBEY UNJUST LAWS."  
-MARTIN LUTHER KING JR.



## ABORTION AND INTERNATIONAL HUMAN RIGHTS LAW

The advances in the field of science and medicine and women's movements across the globe have enabled many more women to access the procedure. But this was not always the case. Abortion was restricted legally in almost every country by the end of the 19th century (4) as the procedure was quite dangerous if not performed by an experienced practitioner.

Abortion was also considered a sin by many sections of the society, spurred on by an overarching religious and patriarchal structure. The 2018 Abortion Worldwide report (5) stated that from 2010-2014, an estimated 55.9 million abortions occurred each year- 49.3 million in developing regions and 6.6 million in developed regions. That is 35 abortions each year per 1000 women aged 15-44, which suggests that on an average, a woman would have one abortion in her lifetime! When abortions are conducted by a skilled health care provider, the chances of complications or death are minuscule. But a staggering 25 million women (6) resort to unsafe abortions each year risking their health and lives. This alarming number is an indicator that countries with restrictive abortion policies are not reducing abortions, they are increasing unsafe abortions at least four times more than in countries with liberal policies (7). It was with an aim to expand awareness about safe abortion services that the 1994 International Conference on Population and Development's (ICPD) Programme of Action was released. It became the first international consensus document wherein states recognised reproductive rights as human rights. It also highlighted the effect that reduced numbers of unsafe abortions have on maternal mortality rates and in the severity of maternal morbidity.

Further, it advised that abortion should not be promoted as a method of family planning and that every woman who has had recourse to abortion should be treated humanely and given support and counselling.

But the landmark incident which uplifted the rights of women and their bodily autonomy was the United Nations General Comment on Article 6, Right to life of the International Covenant on Civil and Political Rights (ICCPR) (8). It reaffirmed the fundamental principle that human rights apply only after birth.

It clarified that criminalisation of abortion and of medical service providers who conduct abortions could be considered a violation of women or girls right to life- it is the fundamental reason they have to resort to unsafe abortion. Thus, the position of abortion in international human rights law is crystal clear; it is the right of each and every woman to have access to safe and legal methods of abortion.

## INDIA'S ABORTION LAWS

In 2009, the Supreme court in its Suchita Srivastava (9) judgement stated that 'There is no doubt that a woman's right to make a reproductive choice is also a dimension of 'personal liberty' as understood under Article 21 of the Constitution of India.' An intrinsic part of a woman's reproductive freedom is the right to choose whether or not to bear a child and this decision can be influenced by her health, her economic prospects and many other factors. But in India's case, more than often this decision has been wrested from her by the patriarchal society. Yet, almost 50 years since India decriminalised abortion partially in 1971, we are still a long way from our goals. The Medical Termination of Pregnancy Act, 1971 (10) (MTP) was a very liberal act when it was passed, with very few countries having similar laws at the time. Until the MTP act, abortion was a criminal offence in India. This act carved an exception in Sections 312 and 313 of the Indian Penal Code (IPC) (11), making abortion performed by a registered medical practitioner till the 20th week of gestation legal. But beyond the 12th week, abortions were to be allowed only for women whose pregnancy resulted from rape, was due to failure of contraceptives used in a marriage or whose physical and mental health was at risk. But all abortions are to take place only after a doctor opines it is necessary and for pregnancies beyond 12 weeks, the opinions of two doctors are required. Time is of the essence in cases of abortions, but our legal provisions have made the process lengthy and cumbersome; giving only an illusion of reproductive autonomy to women.

In March 2020, the Lok Sabha passed the MTP(Amendment) Bill, which was the result of an increasing number of petitions received by the courts for allowing abortions at later stages of pregnancy (12). Extending the period of legal abortion from 20 to 24 weeks, the bill aims to aid vulnerable women including survivors of rape, incest, differently-abled women and minors. In the case of 'substantial' foetal abnormalities diagnosed by a medical board, there is no upper limit to when a woman can resort to abortion. Yet again, the final decision of the procedure is in the hands of a medical board, which makes the decision a long drawn and at times skewed one. The amendment yet again fails to include the right of all women to choose to have an abortion and rather propagates that only women who have 'socially undesirable' pregnancies should.

The amendment also replaces parts of Section 3(2) of MTP act which states that pregnancy due to the failure of any device or method used by "any married woman or her husband" to limit children can cause grave injury to the woman and thus is a valid ground for abortion. The present bill modifies this as "any woman or partner" which is a positive step. But this neglects the fact that the term 'partnership' is undefined and can exclude from its purview sex workers and transgender or gender-diverse people. In the United States, Planned Parenthood which provides abortion services, is also the nation's largest provider of transgender healthcare and banning abortions will therefore directly affect their healthcare too (13). Women are not the only people who need abortions, trans men and others across the gender spectrum need to be included in these provisions.

While there are many improvements from past versions of this bill, there are several lacunae as we have briefly discussed. The bill doesn't decriminalise abortion completely and even in the 24-month period, the woman can resort to abortion only under certain conditions and not on request. We are yet to create equal access to legal abortion services in rural areas or aid women who are struggling financially. Only after we ensure that unsafe abortions do not take place and that all women can resort to abortion if need be, can we say that this basic human right of women is protected in India.



## CONCLUSION

Abortion laws around the world have changed, for the good and for the worse. Since 2000 at least 52 countries have expanded the legal grounds in which a woman can resort to abortion in some cases even moving away from complete bans(14). Yet, countries like the US which had progressive laws are now slowly regressing to a more conservative stance(15). While laws regarding abortion become more accommodative, it is equally important to ensure that safe services ensured can also be accessed by all and that women and girls are educated about their rights. Countries like Canada, Australia and South Korea where laws regulating abortion are unconstitutional should serve as models for India to improve upon our existing laws(16). While the MTP (Amendment) Bill is a step in the right direction for India, it still has to improve upon and expand the right to reproductive autonomy for all who should require it. Each country has its own set of unique dynamics that are to be addressed while creating and implementing abortion laws, but at the centre of these laws should always be the woman.



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# IMAGE SOURCES

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## RECOMMENDED READINGS ON HUMAN RIGHTS LAW

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[CONTACT TRACING APPS: AN INFRINGEMENT OF HUMAN RIGHTS?](#)

[SECTION 124A OF THE INDIAN PENAL CODE- REVISITING THE DEBATE WITH HUMAN RIGHTS](#)

[ABORTION, EVERY WOMAN'S IRREVOCABLE RIGHT](#)

[TRANSGENDER ACT 2019: ONE STEP FORWARD, TWO STEPS BACKWARD!](#)

[CUSTODIAL DEATHS IN INDIA: TIME FOR A HOLISTIC TORTURE PROHIBITION LAW](#)

[CSR IN LEGAL AID: AMELIORATING LEGAL AID SERVICES IN INDIA](#)

[A RAINBOW SHROUDED IN DARKNESS: HUNGARY ENDS LEGAL RECOGNITION FOR TRANSGENDER PERSONS](#)

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## ABORTION, EVERY WOMEN'S IRREVOCABLE RIGHT.

*by Soumya S.*



# Dropbox

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\*Blogs

\*Opinions

\*Case Notes

We want to hear from you what topics you want us to pick next

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